

Senate Bill 5 Constitutional Carry

ARTICLE 1

Op-Ed: Don't fear constitutional carry: it makes sense and promotes safer communities

<https://www.senatorward.com/2021/12/06/op-ed-dont-fear-constitutional-carry-it-makes-sense-and-promotes-safer-communities/>

By: Senator Kim Ward December 6, 2021

It's always the same predictions of doom and bloodshed from gun-control activists. They warn us of pending disaster if Pennsylvania becomes the 22nd state to adopt so-called constitutional carry rules that would allow law-abiding adults who legally own a handgun to conceal-carry it without a permit. Thirty-four states, including Pennsylvania, already allow open carry without a permit.

We heard the same predictions when states first adopted right-to-carry laws, which now exist in 43 states. None of the dire predictions came true after states adopted Constitutional carry. Not even one of these states has seen the need to reverse the laws. Indeed, none have even held a legislative hearing, let alone a vote, on undoing these laws.

A Constitutional carry bill passed both the Pennsylvania House and Senate with bi-partisan support. Regrettably, for law-abiding Pennsylvanians, Governor Wolf has already promised to veto it. The bill would only make two small changes to state laws, which is already a right-to-carry state. It would allow people to start carrying more quickly and for slightly less cost.

The fact remains, business and private property owners still have the right to exclude handguns. Prohibitions on carrying in sensitive places and regarding the misuse of guns are unchanged. Pennsylvanians are still required to pass a background check to buy a handgun.

The most significant change from constitutional carry is how quickly people can carry a gun if the need arises. Sheriff departments in Pennsylvania try to issue concealed handgun permits within 45 days after someone has met the requirements. If a woman is being stalked or threatened, she won't have to wait for a license. The threat may be over well before the 45 days are met.

To make matters worse, last year police in Philly, Montgomery, Allegheny, and at least five Pennsylvania other counties stopped issuing concealed handgun permits during coronavirus outbreak. And some were still slow to issue permits at the beginning of this year.

Philadelphia also regularly revokes permits for such trivial reasons as notifications to the sheriff's office by the permit holder that he is moving to another address in the city, parking tickets, if someone burglarizes your home, and a host of other, similar reasons.

And it will save Pennsylvanians the cost of obtaining their license. These costs matter; just compare the numbers in neighboring states, Illinois, and Indiana. In Illinois, a five-year permit costs \$450, there is no license fee in Indiana. While only 4% of Illinoisans have a concealed handgun permit, 22% of adults in Indiana already have one, the second-highest number of permits per capita.

More importantly, the people who benefit from carrying are those who are the most likely victims of violent crime, overwhelmingly who live in high crime urban areas. They are also the ones who are most sensitive to all the fees required to get a permit. In Illinois, wealthy white males who live in the suburbs are overwhelmingly the ones who get permits. In Indiana, there are many more permits issued to people living in urban, heavily minority zip codes.

Gun control advocates claimed there would be blood in the streets when then-Gov. Bob Casey signed Pennsylvania's concealed carry law in 1989. That didn't happen. The fact that several dozen peer-reviewed academic studies show there's no evidence of any uptick in gun crimes linked to concealed carry laws, and most show violent crime declines. Research also shows that murder rates fall even more when states move to Constitutional Carry laws.

When Police asked its 450,000 law enforcement members about the effects of private gun ownership, 76% of officers answered that legally armed citizens are either very or extremely important in reducing crime. Today, there are over 21.5 million concealed handgun permit holders nationwide. Permit holders nationwide are incredibly law-abiding. Police officers are extremely rarely convicted of firearms-related violations, but it still happens at a rate twelve times more often than for permit holders. In the 19 states with comprehensive permit revocation data, the average revocation rate is one-tenth of one percent. Usually, permit revocations occur because someone moved or died or forgot to bring their permit while carrying.

Gun control advocates keep trying to take advantage of people's fears of the unknown and claim that bad things will happen when people are allowed to defend themselves and their families. But Pennsylvanians don't have to guess about what will happen with Constitutional carry. Twenty-one states are proof that Constitutional carry is common sense.

ARTICLE 2

'The Constitutional Right to Carry Firearms in Public Will Harm Public Health'

<https://www.bu.edu/sph/news/articles/2022/the-constitutional-right-to-carry-firearms-in-public-will-harm-public-health/>

By: Jillian McKoy October 14, 2022

In a new commentary, Michael Ulrich explains the negative consequences of the Supreme Court's ruling this past June that declared the Constitution protects an individual's right to carry a gun in public.

In a landmark ruling last June, the US Supreme Court declared that Americans have a constitutional right to carry a firearm in public places, arguing that a century-old New York law

requiring a “proper cause” to carry a gun outside of the home is a violation of Second Amendment rights.

The New York State Rifle & Pistol Association, Inc. v. Bruen case stemmed from a lawsuit two New York men filed after they were denied licenses to carry a firearm because they could not prove that they had a particular need, beyond self-defense, to carry them in public. In the first major Supreme Court ruling on guns in more than a decade, the court declared that this denial was unconstitutional, putting into question the ability of other states to enforce similar public-carry laws—including those in California, Hawaii, Maryland, Massachusetts, New Jersey, and Washington, DC.

“Because the State of New York issues public-carry licenses only when an applicant demonstrates a special need for self-defense, we conclude that the State’s licensing regime violates the Constitution,” Justice Clarence Thomas wrote in the 6-3 majority opinion.

Reversing the long-held basis for gun licensing and public carry on sufficient reasoning (known as a “may-issue” framework) will harm public health, writes Michael Ulrich, assistant professor of health law, ethics & human rights, in a new commentary published in the New England Journal of Medicine.

“In striking down the law, the Court paid no attention to escalating gun homicides—which have reached rates this country has not seen in decades—or to the fact that the law was New York’s attempt to balance protection of Second Amendment rights with public safety,” Ulrich writes. “Ultimately, all that mattered was the right of ‘law-abiding citizens’—an ambiguous term not further defined—to decide they wanted to carry a gun to protect themselves.”

Comprehensive research has shown that lenient concealed carry policies often lead to an increase in gun violence, and also overlook the underlying causes of this violence, such as poverty and stable housing, Ulrich argues.

Increasing the number of firearms in public is also likely to exacerbate racial disparities in gun violence, racial injustice, and mental health conditions, he cautions. “We need only consider well-known cases such as those of Philando Castile, Tamir Rice, and John Crawford to recognize the high prevalence of racial biases and prejudice in law enforcement.”

In the opinion, Thomas also declared that courts need to consider the country’s “historical tradition” when determining whether a firearm law is constitutional. This position, Ulrich writes, is unnecessarily narrow and restrictive, which will ultimately reverse critical gun restrictions currently in place.

“Setting aside the problems with relying on policies that were in force at the country’s founding (such as legal slavery) and during Reconstruction (Black Codes and lynching), the notion that the policies available for addressing modern gun violence are limited to those that held sway hundreds of years ago is illogical,” he writes, adding that this standard also threatens restrictions on assault-style weapons such as the AR-15, as well as bans on large-capacity magazines.

“Work to stem gun violence can and will persist, including efforts currently under way in New York and California, but the Supreme Court’s elevation of history above all other concerns has undoubtedly created a much more difficult path forward to accomplish that goal,” Ulrich concludes.