



FREEDOM FIREARMS

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Chairman Senator Rick Jones
Michigan State Senate Judiciary Committee
Lansing, Michigan

Dear Chairman Sen. Jones and Committee Members:

I am here today in opposition to SB 442 for a couple of main reasons.

First, a quick historical legislative examination of how we got to the proposal of SB 442 and the supposed "problem" it is trying to fix. There is no open carry "loophole". Back in 2000, when this State's "shall issue" concealed carry law was being debated, it became very apparent that certain compromises and concessions were going to have to be made in order to get the legislation successfully signed into law. Previous to the passage of "shall issue" legislation, there were three types of concealed pistol licenses: Hunting and Target; Home, Bank, and Business; and a General Carry permit. Found within the laws of Michigan in MCL 750.234d, there is a list of places where open carrying of a firearm is prohibited. Within that same section of the law, there is an exception made for anyone in possession of a valid concealed pistol license making it so that the person could carry their firearm concealed or open. There were no off limits places for these folks to carry either open or concealed. After all, they had passed all of the required background checks and training. This is how the law had been in Michigan for years and years. Many legislators who were on the fence about "shall issue" legislation would not back the bills because it was going to allow "everyone" to carry "everywhere" and the anti-gun crowd was screaming that there would be blood running in the streets. To assuage their fears, the fence sitters proposed that the off limits for open carry found in MCL 750.234d now become off limits for concealed carry as well. Of course, since they were already operating out of irrational emotion, they did not think through what the results of their proposal would end up being. By demanding that concealed handguns not be carried in places they deemed sensitive because "blood would be running in the streets" upon passage of this legislation, the anti-gun crowd are the ones that created a situation where we could not carry concealed in areas they deemed as sensitive, but because we had a valid concealed pistol license, we could legally carry our firearms openly. The anti-gun crowd are the ones that forced us to have to carry openly and offend their sensibilities. When given the opportunity, the vast majority of us will carry concealed in socially "sensitive" places. If this proposed legislation simply eliminated pistol free zones, then I would be in favor of it. Unfortunately, it does not and in so doing it creates a huge problem for law abiding citizens who carry firearms.

So this leads into my second opposition. By not eliminating the pistol free zones and simply providing an exemption while at the same time banning open carry of firearms in those places, a situation is

created where there will be very severe penalties for inadvertent exposures of a concealed firearm. According to MCL 28.425o(6)(a)-(c), the first offense of carrying open in one of these newly defined zones is a state civil infraction and a possible fine up to \$500 and a suspension of one's Concealed Pistol License (CPL) for six months. The second offense is a misdemeanor and a fine not to exceed \$1000 and a revocation of one's CPL. The third offense is a felony punishable by up to 4 years in prison, or a fine not to exceed \$5000, or both, and permanent revocation of one's CPL and then as a result, the inability to ever own or possess firearms under Federal Law. The problem with the legislation as written is it does not adequately address issues such as "printing" or inadvertent exposures of one's concealed pistol. As a matter of fact, it would be impossible to address such issues as anyone who carries a firearm on a regular basis already knows. Carrying a firearm becomes just as second nature as wearing a wrist watch. Most of the time, it is no longer at the forefront of your mind. As one goes about daily activities, a shirt could easily ride up and a person may not even be aware that their firearm is exposed until someone else mentions it. Trying to address inadvertent exposures and define them by arbitrarily chosen time durations would be silly and impossible.

The stated goal of one gun rights organization, the Michigan Coalition of Responsible Gun Owners, of which I am a Life Member, is to encourage more people to carry in pistol free zones who may not be carrying now because they can only carry openly and they are not comfortable carrying in that manner. I would submit that with the severity of the penalties currently in law that most people will not be inclined to risk such punishment for innocent mistakes and there will then be fewer people carrying in pistol free zones, not more. But then, that would be the goal of people who are irrationally afraid of law abiding citizens with guns. Ironically, when violence occurs, the first thing these same people do is call people with guns.

It has been well over 14 years since the implementation of "shall issue" concealed carry here in Michigan and hundreds of thousands of Michiganders have exercised their right to carry. None of the "blood running in the streets" gloom and doom has occurred as was predicted. As a group, we have proven ourselves incredibly law abiding; not even police officers as a group are more law abiding than we are and police officers generally hold themselves to a very high standard. It's why we compare ourselves with them as a litmus test. By proposing legislation such as this, you are denying how well we have conducted ourselves over the last 14 years and somehow saying that we are the problem. We are not the problem. Those with irrational fears and prejudice are the problem. We have an individual right to keep and bear arms in this state, guaranteed by our State Constitution which you swore to uphold, and we have no intention of sitting in the back of the bus because that's what makes someone else feel good.

I have heard the argument of how will we know if it is a good guy with a gun or a bad guy with a gun. That's easy. If it is a good guy with a gun, it will be in a holster. If it is a bad guy with a gun, he will be pointing it in your direction and squeezing the trigger. I've heard the argument that we can't just let someone walk through the school with a gun without knowing if they are good guys or bad guys so someone has to approach the person with a gun and ask them for identification and that would put a staff member in danger. I ask, what's the difference one way or the other? If it is a bad guy he was already going to shoot you anyway and you will be no better or worse off than you were before. If it is a good guy with a gun, then all is well. By having good people with guns in your facility, an immediate response can be given to lethal threats rather than waiting a minimum of ten minutes for an armed police response. Having firearms present will save lives and act as a deterrent to those who would wreak havoc.

One final point I would make. I teach Junior Achievement in our local high school. I was in the classroom last week for the first time this semester. I also happen to be exempt from pistol free zones and so I was carrying concealed. I introduced myself to the young people (juniors and seniors), told them what I do for a living (I own and operate a gun shop and indoor pistol range), and then I informed them that until 5 minutes ago, this was a pistol free zone. It was 7:30 a.m. so I paused for a few seconds

so it could sink in. One student sat a little straighter and said, "You have a gun right now." I replied that I did and proceeded to tell them that for the next 8 weeks, if anything violent happens while I'm there, the emergency plan is to follow my every direction and I will get you out of here safely. We then continued with class and not one iota of concern. You see children do not know fear and prejudice. Children learn fear and prejudice because they are taught these things by adults. What educators should be teaching our children is critical thought based in logic and the principles of freedom found in our State and Federal Constitution.