
Allegheny County Sportsmen's League Legislative Committee Report

January 2005 • Issue 122

ALLEGHENY COUNTY SPORTSMEN LEAGUE ON THE INTERNET <http://www.acslpa.org>

Email Address: acsl@nauticom.net

Legislation to be introduced to Overturn Supreme Court Ruling

Last year's Pennsylvania Supreme Court Ruling narrowly upholding the right of the Pennsylvania State Police to continue to maintain it's database of law-abiding gun owners may be overturned if a proposal, drafted by the ACSL, wins approval in the Pennsylvania General Assembly.

The 3-2 vote saw Justices Ronald Castille, Ralph Cappy and Michael Eakin voting that the database was a registry of sort, but not prohibited by Section 6111.4 because it was not a complete registry, because it did not contain all firearms owned by Pennsylvanians.

The court seized on the fact that the words "registry" and "ownership" were not defined in the law. This gave them the opportunity to apply their own definitions. First the court defined the word "registry" as "an official record or list". They then agreed that the common definition of the word "ownership" is "the state of fact of being an owner; legal right of possession". Most reasonable persons would agree that these definitions fit the State Police's database. Since the court decided that; **"In examining the contents of the Pennsylvania State Police's database, although the database may be a registry, it is not a registry of firearm ownership."** Their reasoning; **"The database does not maintain a record of all firearms owned by Pennsylvanians"**. Some examples are; long guns and guns purchased between spouses, parents and children. Firearms brought into the state when people transfer after changing jobs.

The Court never cited any provision in state law that gives any authority to establish the current

database. By their ruling they establish law were none existed.

What the ACSL's legislation is attempting to do is, to take the opinion and insert in state law the very definitions that the Supremes provided, with the understanding that they apply to any and all lists of law-abiding gun owners regardless of whether the list is complete or incomplete.

Place explicit language in the legislation clearly prohibiting any registry of firearms ownership.

The Supreme Court's ruling helps us by clearly showing that the list being maintained by the state police is not a law enforcement tool. The court acknowledged that the State Police Database;

1. Does not contain records of all guns owned and purchased in Pennsylvania.
2. Acknowledged that the records only contain information on handgun sales, and not long guns.
3. Acknowledged that there is no provision in state law to record into the database any firearms brought into the state by person changing their place of residence.
4. Admitted that that database contains only information on the original purchaser, and does not track private sales on long guns, and handguns that do not go through a dealer.

So as not to confuse anyone we are providing exemptions to clearly show that we do not intend to prohibit list on persons with criminal backgrounds that are used to conduct criminal background checks on firearms purchases.

Legislation to be introduced in PA to Reform Statue on Reciprocity of Concealed Carry

In the last session the General Assembly agreed to legislation offered by Rep. Scott Hutchinson of Venango County to remove from the license to carry the display of the Social Security Number. That legislation received overwhelming support in the House.

In the Senate the bill was amended in Judiciary Committee with language similar to S 914 introduced by Sen. Oriole on behalf of the ACSL. Unfortunately the bill died with the end of the session.

The ACSL, using the language adopted by the Senate Judiciary Committee, and making some minor modification that would insure that the State Police does not maintain a registry of persons with concealed carry licenses, has reached an agreement with Rep. Hutchinson to have the bill re-introduced in the House this session.

National News

National Academies of Science Releases Report on Gun Control.

A major [new report](#) by National Academies of Science concludes that there is not enough empirical data to determine whether gun control enhances public safety, or whether gun ownership deters crime. The report calls for further data-gathering on firearms injuries

According to the Academy's News Release;

"Some of today's most pressing policy issues in this area cannot be tackled with existing data and research methods, which are weak, the report says. For example:

-- There is no credible evidence that "right-to-carry" laws, which allow qualified adults to carry concealed handguns, either decrease or increase violent crime. To date, 34 states have enacted these laws.

-- There is almost no evidence that violence-prevention programs intended to steer children away from guns have had any effects on their behavior, knowledge, or attitudes regarding firearms. More than 80 such programs exist.

-- Research has found associations between gun

availability and suicide with guns, but it does not show whether such associations reveal genuine patterns of cause and effect."

The report, **Firearms and Violence: A Critical Review**, concludes by calling for additional research.

Justice Report Shows Fallacy Of Gun Sales Law

The study noted that the number of criminals who obtained guns from retail outlets was dwarfed by the number of those who picked up their arms through means other than legal purchases. The report was the result of interviews with more than 18,000 state and federal inmates conducted nationwide. It found that nearly 80 percent of those interviewed got their guns from friends or family members, or on the street through illegal purchases.

Less than 9 percent were bought at retail outlets and only seven-tenths of 1 percent came from gun shows. So much for the much-ballyhooed dosing of the "gun-show loophole."

The Justice Department's interviews also showed the falseness of the notion that so-called assault weapons in private hands decrease the safety of police officers and citizens.

Among those who carried a firearm during the offense for which they were sent to prison, about 8 percent of the state and federal prisoners carried a military-style, semiautomatic weapon. These firearms included the UZI, Tec-9, and MAC-10 handguns, the AR-15, and AK-47 rifles and the "StreetSweeper" shotguns. Possession of these models which meet certain criteria as contained in the Federal statute can be unlawful. **The firearm most favored by the inmates was a handgun, which was carried by more than 80 percent of the armed inmates.**

Inmates serving time in state prisons said they obtained their guns from the following sources in percentages:

Purchased from a retail store 8.3%
Purchased at a pawn shop 3.8%
Purchased at a flea market 1.0%
Purchased at a gun show 0.7%
Obtained from friends or family 39.6%
Obtained on the street/illegal source 39.2%

The percentage of inmates who bought their guns from a

retail store fell from 21 percent in 1991, when the last such survey was conducted to 14 percent. At the same time the percentage who obtained their firearms from family or friends rose from 34 percent in 1991 to 40 percent.

United State Justice Department Release Identifies Second Amendment as an Individual Right

The United States Justice Department publicly released a [long document](#), signed by three deputy assistant attorneys general, spelling out in great detail the linguistic, historical, and case-law reasons why it officially considers the right to own guns an individual one, just like the rights protected by the First Amendment, and not merely a collective right or a guarantee that states could manage their own militias.

In doing so, the deputy AGs couldn't help but note that they were not stating any obvious conventional wisdom, or even an uncontroversial stance embraced by the American government in all its manifestations. "The Supreme Court," the Memorandum Opinion for the Attorney General dated August 24, 2004, (but apparently only [made public Friday](#)) declared, "has not decided among these three potential interpretations [only one of which sees gun possession as an individual right], and the federal circuits are split. The Executive Branch has taken different views over the years." And the Supreme Court just last year declined to consider a [Second Amendment-based challenge](#) to a California ban on semi-automatic weapons.

In South Africa, Licensing Law Poses Hurdles For Gun Buyers

Firearms dealers say that there is no way the government can hope to re-register the millions of legal guns in the country in the four years from January 1 that it has given itself.

Adding to the load will be the thousands of new gun license applications that will be made to the Central Firearms Registry this year.

Since Monday, the 2.8-million firearm owners

across the country could apply to renew licenses for their 4.5-million firearms.

The Firearms Control Act, implemented in July, makes it compulsory for applicants to have a training test to gain a proficiency certificate before applying for a competency certificate. People must have a competency certificate before they may apply for a license.

According to gun dealers, only one firearm license has been issued in the past six months.

Of concern is that gun owners who do not have their licenses renewed would be in possession of illegal firearms - a criminal offence.

Andrew Soutar, chairman of the South African Firearm Dealers Association, said that many gun dealers had gone into liquidation.

The Central Firearms Registry had processed 69 000 license applications a year until March last year under the old laws, which entailed less complicated procedures, he said.

At this rate, he calculated that it would take about 65 years to renew licenses.

Canadian Firearm Registry May Be Collapsing

Whitehorse Daily Star
By Chuck Tobin

The national gun control legislation is in flames, and more and more parliamentarians are starting to realize it, says a lobbyist opposed to the controversial Bill C-68.

Tony Bernardo of the Canadian Institute of Legislative Action said Thursday the legislation is so fraught with pitfalls that bureaucrats responsible for administering the bill are beside themselves trying to figure out what to do. He said the federal government is currently breaking the law in several areas with respect to what is required under C-68. But bureaucrats and supporting politicians know if they even go close to the House of Commons for the necessary amendments to make things right - to make things legal - the legislation might very well get booted into oblivion, he said.

Bernardo said if the necessary changes are sought, politicians will also have to face all the pitfalls in

the bill, and accept that if they want to make C-68 work again, it means starting over.

And with the public already breathing fire over the \$1 billion-plus cost of implementing the legislation, there'll be no stomach for starting over, he said, adding there is good evidence now to suggest the cost is closer to \$2 billion.

The highly controversial gun control legislation is dying a slow death, but Bernardo is convinced death is inevitable.

"Remember, it was sold to the Canadian public as a crime prevention measure," he said. "Well, it has done nothing to do that.

"So as far as cost effectiveness, it is probably the worst piece of legislation on the books right now."

Pittsburgh Post Gazette Analogy of the 2004 Election acknowledges changes in Electorate in Pennsylvania.

In a post-election article by James O' Toole in the Pittsburgh Post Gazette titled, "**Presidential race put focus on Pennsylvania**" Sunday, December 19, 2004, the Post Gazette revealed, what the ACSL already knew, that the changes in the electorate in the Southeast of Pennsylvania is going to be a challenge for Republican and Conservative candidates in the next statewide elections. O' toole wrote;

"State Rep. T.J. Rooney, chairman of the Pennsylvania Democratic Party, said that in the course of the presidential campaign, the party had captured the names of 100,000 people new to the process. "That's important and that information is going to be critically important to us in the future," he said.

Rooney said the third-party groups that assumed such a large role in this campaign, such as Americans Coming Together and MoveOn, would continue to be a powerful resource for Democratic causes and candidates. He pointed to one of most profound shifts seen in this campaign, the Internet-abetted mobilization of grass-roots energy pioneered and harnessed by groups, including the campaign of former Vermont Gov. Howard Dean and the various 527 organizations such as MoveOn, which can raise unlimited amounts of money as long as they don't

support particular candidates. Among the most important questions to come out of this campaign is how large a role such groups will continue to play in elections that lack the emotional stakes of a presidential contest.

Rooney said one challenge from the 2004 election was how to arrest the southwestern Pennsylvania's drift toward the GOP. Kerry's margin over Bush in Allegheny County was about the same as that of Vice President Al Gore four years earlier. In every other county in the southwest, however, Bush improved his showing compared with 2000. Another significant sign of that trend was the startling defeat of a Democratic veteran, state Sen. Allen Kukovich, D-Westmoreland, by Republican Bob Regola,

The countervailing challenge for Santorum and other Republicans is the need to counter GOP erosion in the populous counties surrounding Philadelphia, traditionally Republican communities that Bush lost in 2000, and, by even larger margins, again in 2004.

The future of Pennsylvania politics, whether it remains a swing state or assumes a permanent tinge of red or blue, will turn on which of those two trends proves stronger in the years to come."