

Responses to the Questions for the Record from Senator Dianne Feinstein

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Senator Feinstein expressed concern about the interplay between “Stand Your Ground” laws and permissive state concealed carry laws. Some states give concealed carry permits to individuals who, for example, have been convicted of a violent misdemeanor, such as a domestic violence crime against a dating partner. Other states impose minimal or no firearms training requirements to qualify for a concealed carry permit.

If an individual who is prone to violence and untrained in firearms is allowed to carry a concealed firearm and, in an altercation, to use that firearm without having to retreat or use lesser force, I believe we will see an increase in violence.

- Senator Feinstein: Do you agree that Stand Your Ground laws are particularly troubling when enacted by states that have permissive concealed carry laws?

David LaBahn: I agree with your premise that the dangers to public safety are magnified with the combination of permissive concealed carry laws and the presumption and immunity provisions of “Stand Your Ground Laws.” Studies have shown that states where there is strong enforcement of the restraining orders including the preclusion from owning or possession a firearm have lower rates of homicide.

In addition, your identification of individuals convicted of violent misdemeanors, many times related to dating violence or untrained permit holders, increases the likelihood of an escalation of violence. This may include the inappropriate use of the firearm and the taking of a life. But for the possession of the firearm, no killing would have occurred whether or not it was later determined to be legally justified.

- Senator Feinstein: Legislation has been introduced in Congress to force states to accept the concealed carry permits issued by other states, even if those other states' standards for issuance are significantly weaker. If this legislation were enacted, a person with a concealed carry permit from the most permissive state could carry a firearm into any other state, including into states that have enacted a Stand Your Ground law. I believe this will lead to an increase in violent confrontations. Do you agree?

David LaBahn: Yes, I agree. As I stated above, the increase in the number of individuals who have convictions for assault crimes coupled with a lack of training and the immunity provisions of "Stand Your Ground" will lead to an increase in violent confrontations. As prosecutors we are concerned that allowing reciprocity between all states, not between states that agree to the reciprocity as is the current state of concealed carry law, will lead to a situation that these laws will revert to the lowest common denominator. Meaning, whichever state has the "easiest" carry law will be the domicile of choice for those who live in close proximity and may have even been denied by their current state of residence. For example, someone living and working here in DC could move to Maryland, Virginia or even West Virginia and be legally permitted to carry a concealed weapon in the District. This individual may now feel emboldened to use the weapon in a deadly confrontation that today is a routine police matter to respond and resolve an argument.