

LEGISLATIVE UPDATE

It's that time of year again, the Kentucky General Assembly has convened and there are bills that are being considered by the legislature that could affect Kentucky gun owners. KC3 has carefully gone over these bills to determine which of them will promote the right to keep and bear arms and which will hinder that right. The position of the organization toward each fire-arms related legislative item, based on the most up-to-date information available at the time of publication, is listed below. We invite you to contact your representatives in the General Assembly in order to promote or oppose each bill as necessary.

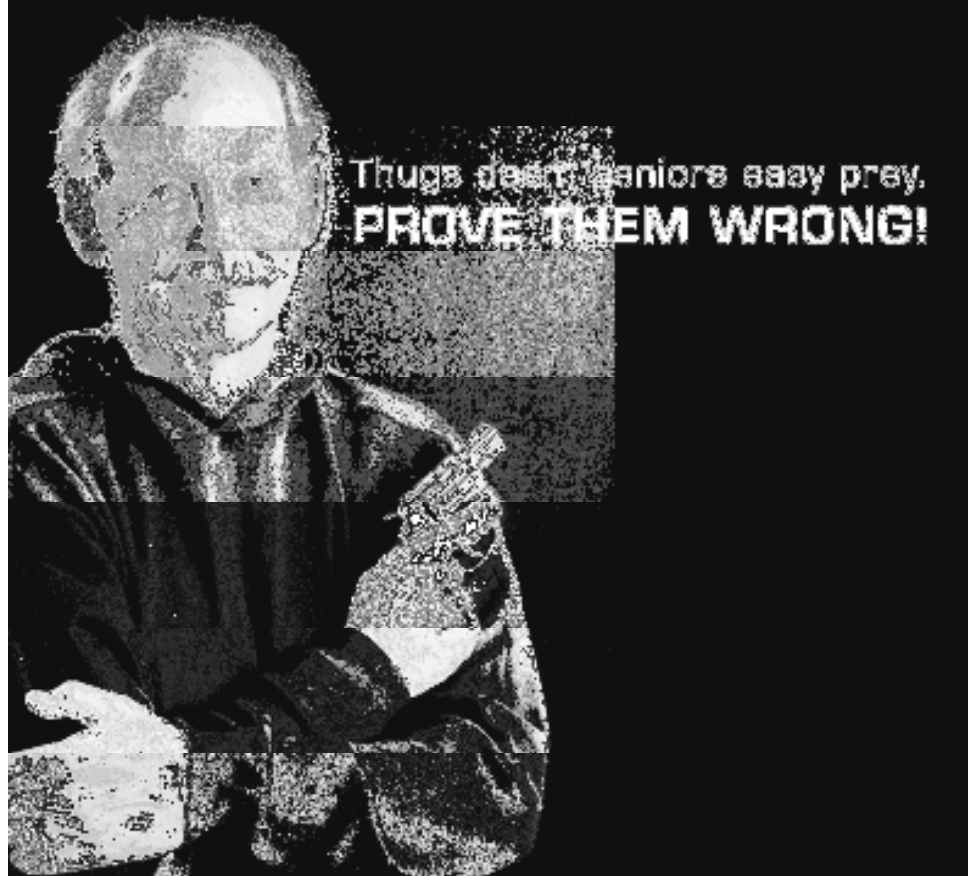
SUPPORT SB 151

AN ACT relating to carrying concealed deadly weapons.

Sponsor: Senator R. Roeding
Feb 10 - to Senate Judiciary Com.

This bill seeks to amend KRS 237.110, which regulates concealed deadly weapon licenses, to reduce the residency requirement to obtain a license from 6 months to 30 days. KC3 proposed this bill to Senator Roeding in an effort to correct a paradox arising out of the residency provisions in the current law. We very much appreciate the Senator introducing this much needed legislation. As it stands, KY rightfully recognizes all VALID state issued CCDW licenses. Unfortunately,

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PRESIDENT'S MESSAGE

By Kraig Keller

Once again Thanksgiving and Christmas have passed. We indeed have many reasons to be thankful! Freedom to live, worship, and engage in commerce as we wish are among the most important of our freedoms. All freedoms are made possible by those who have gone before us, especially those who fought in wars to free us from tyrants. Also, those who worked at home to support the troops in the many wars our nation has fought to preserve freedom deserve our thanks.

The new year often brings hope for a better future and prosperity. Of course the new year also brought us a new session of the Kentucky General Assembly. Again this new year we are seeking improvements in the concealed carry statute and KY gun laws in general. People opposed to gun freedoms will likely resort to common myths about gun control, which is the title of an excellent book published by the National Center for Policy Analysis.

The Myths about Gun Control is an excellent study of 15 widely believed untruths about gun control laws. Most likely these very myths will be repeatedly quoted by our

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 many states, KY included, invalidate a license immediately upon the licensee moving outside the state's borders. This has the effect of penalizing people when they move to the Commonwealth. Their current license, good in KY just the day before they got here, is suddenly useless and they cannot apply for a KY license for six months.

We do WANT people to move here don't we? Simply put, if they were decent lawful people as Tennesseans, why does becoming a Kentuckian instantaneously make them disreputable?

KC3 isn't after non-resident licensing but we would prefer the shortest period possible to prove KY residency. Thirty days seems a fair compromise as that allows for the billing cycle to begin on rental agreements, mortgages and most utility payments.

Please join us in welcoming the people who have discovered what a fine state we have and have taken the steps to come here and enjoy it. Contact your Senator and ask him or her to support SB 151 as it was introduced.

SUPPORT SB 149

AN ACT relating to carrying concealed deadly weapons.

Sponsor: Senator R. Roeding
 Feb 10 - to Senate Judiciary Com.

This is another bill that Senator Roeding graciously introduced to the Senate at the request of KC3. If passed, this legislation will amend KRS 244.125, which relates to the carrying of loaded weapons in places where alcohol is sold. Currently it is illegal to possess a loaded firearm "while actually within the room where alcoholic beverages are being sold by the

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Hear Ye All!

The 2005 Annual Meeting of the Membership

for the
Kentucky Coalition to Carry Concealed, Inc.

will be held on
Saturday, May 14, 2005

at the
**Kentucky Department of Fish & Wildlife Resources
 Salato Wildlife
 Education Center**

located just west of Frankfort on US 60 1.7 miles west of US 127

Look for us in the classroom building across the parking lot from the Gift Shop and Museum

The meeting will begin promptly at 10 AM.

Refreshments will be served.

We look forward to seeing everyone there for our 10th Anniversary!

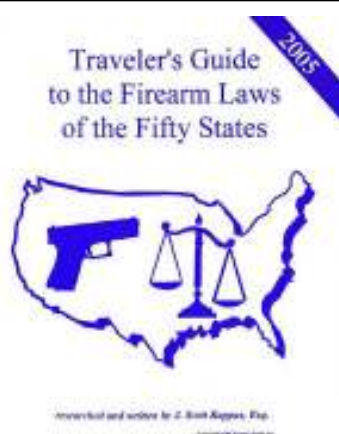
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drink of a building on premises licensed to sell distilled spirits". An exception is provided that distinguishes between a "bar" and a "restaurant". As long as it seats fifty people and at least fifty percent of the gross income is from food, then it is a restaurant and the prohibition is not applied.

KC3 feels that the fifty person provision is simply an arbitrarily applied restriction on the right to bear arms. We had hoped to eliminate the restaurant seating requirement entirely but to reduce it from 50 to 25 seats is a step in the right direction. Please contact your Representative or Senator and ask them to support this effort.

SUPPORT HB 220

AN ACT relating to carrying concealed deadly weapons.

Sponsors: Representatives D. Keene, J. Carr, P. Clark, R. Damron, J. Gray, J. Higdon, J. Jenkins, P. Marcotte, J. Reinhardt, A. Wuchner
Feb 17 - 2nd reading, to Rules

Mostly, this bill is aimed at providing for the implementation of the Law Enforcement Officers Safety Act of 2004 by setting forth the procedures for qualifying retired law enforcement officers in order that they can take advantage of the ability to carry concealed nationwide. It also provides for the revocation of licenses obtained by an applicant that had never taken the proper training class as directed by KRS 237 (the CCDW licensing law). In addition, the 30 days that a student has to return a class information form to the KY DOCJT would be expanded to 45 days. Best of all for our instructor friends, the legislation would repeal the requirement of instructors or trainers to provide prior notification to the

KY DOCJT for every class they present.

Much of this bill provides for the expansion of concealed carry privileges for only a limited class of individuals and would not directly benefit most people except for the added presence of a few more armed citizens. However, there are those provisions in the law that would make it easier for both the instructor and applicant to complete the training required for a license as well as the portion that helps to impede those who have cheated to get their license.

The Committee Substitute (the bill's current form) adds the provision that the validity of a license is extended beyond the expiration date provided a proper renewal application has been filed with the sheriff. This will provide for "a lawful and valid extension of the license until such time as the Department of State Police either revokes the existing license, refuses to renew the existing license, or issues a new license." The reasoning behind the extension is to alleviate permit lapse problems some licensees are experiencing due to a backlog at the KY State Police.

KC3 supports this legislation and we recommend that you contact your representative and ask for their support of the bill as well.

SUPPORT HB 189

AN ACT relating to members of the United States Armed Forces.

Sponsors: J. Carr, R. Damron, H. Collins, M. Denham, J. Gooch Jr, J. Stacy, T. Thompson, M. Weaver
Feb 18 - floor amendment (1) filed to Committee Substitute

This legislation seeks to create a new section of KRS 335B.020 to 335B.070 to permit the extension of a professional license for a member

of the United States Armed Forces while that individual is deployed overseas.

This bill was brought to our attention late in the legislative process. While we supported the bill entirely, the definition provided in the statutes for "professional licenses" did not seem to apply to CCDW licenses. Our concerns were forwarded to Representative Damron and he offered Floor Amendment 1 which should provide that the extension will include CCDW licenses. With that addition to the legislation, KC3 will actively support passage of HB189. Please contact your legislators and urge them to vote for passage of HB189.

SUPPORT HB 74

AN ACT relating to criminal record expungement.

Sponsor: Representative J. R. Gray
Jan 6 - to House Judiciary Com.

This bill, if passed in its original form, would "allow a person convicted of one class D felony or a series of Class D felonies arising out of a single event to petition to have the record expunged; provide steps for... notification of victim... prohibit expungement if the offense was a felony... relating to criminal homicide or... assault... provide that a person convicted of a misdemeanor may petition for expungement of the record five years after adjudication... to exempt individuals who have had their records expunged from the statute of felon in possession of firearms."

The actual language provides that only one or a series resulting from a single incident and ONLY the lowest class of felonies committed against the Commonwealth of Kentucky may be expunged. Application cannot be made until 10

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Keep it Coming

Please Check Your Membership Expiration

Date

on the address label of this newsletter. If your membership has expired, this will be the last issue you will receive unless you renew.

LEGISLATIVE cont. from page 3

years have elapsed since adjudication of the offense. Other current charges or convictions since that time, even misdemeanor crimes, would preclude expungement. The Commonwealth's Attorney must notify any victims and seek their input and then he may recommend the application to the court. Felony assault could not be expunged nor could fetal homicide. All restitution must have been paid and any incarceration, probation or conditional release must have been completed. Only then would a judge be allowed to order an expungement.

KC3 contends that the right to self-defense, along with the right to bear arms, is an unalienable right and protected by the Commonwealth's Constitution. In addition we believe that when one violates the *Civil Compact* he should be removed from society for a term relative to the egregiousness of his transgression. But when he is returned to society, he must be able to defend himself and his family no less than he must be allowed to provide food and shelter. The only people who stand to gain from the passage of this bill are the individuals, along with their families, that have paid their debt and wish to join their fellow citizens in the pursuit of a safe and productive future. This, combined with the fact that a felon bent on further criminal activity will ignore the weapons prohibition and arm himself according to his own desire, prompts the lead-

ership of KC3 to recommend passage of this legislation as originally filed.

SUPPORT HCR 54

A CONCURRENT RESOLUTION urging the Congress of the United States to pass and present to the states for approval a constitutional amendment guaranteeing the rights of the citizenry to own and carry firearms.

Sponsor: Representative J. R. Gray
Feb 15 - posted in House Elections, Const. Amendments & Intergovernmental Affairs Com.

KC3 supports and encourages legislation, including a new amendment, that would clarify the sentiment expressed by the Second Amendment to the U.S. Constitution. Of course, it would be necessary to see the exact language before we would push for passage of the specific legislation or amendment, but we do indeed support the resolution to urge further protection of our right to keep and bear arms.



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anti-gun opposition as we attempt to improve gun laws in Kentucky this year. Below, each of the myths are illustrated along with a short response to each. The book has a much more detailed discussion of each myth. I highly recommend this book to anyone who wishes to engage in the gun debate.

Myth 1: Guns cause crimes.

FBI data for 1990 show criminals used firearms in about 258,000 violent crimes out of 1.6 million, or only about 16%. Firearms were used in the majority of murders, for all other crimes, less than half used firearms.

Myth 2: Gun control laws reduce crime.

Cities and states with the most restrictive gun control laws have the highest crime rates. Washington DC has had a total ban on handguns since 1976 and for almost every year since has the highest murder rate. 20% of US murders have occurred in 4 cities - New York, Chicago, Detroit and Washington, DC., which together make up only 6% of the total population. Each has a very strict handgun control laws.

Myth 3: Guns are of little help in defending against criminals.

Armed civilians stop over 1 million crimes each year. (Some recent studies put that number at over 2 million.) Most times the gun is not fired. However, each year about 2500 felons are killed in self defense.

Myth 4: Killing someone is the only reason to buy a handgun.

Handguns are used in competitive sport shooting and hunting, as well as for self-defense. The vast majority of handguns are never used to kill anyone.


Myth 5: People who buy guns are more prone to violence and crime than other people.

There is little association between gun ownership and violence. Americans own over 200 million firearms. Less than 1% of all civilian owned firearms are ever used in crimes.

Myth 6: Criminals mainly have guns in order to commit crimes.

Studies of criminals show that they own guns mostly for self-defense.

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MARCH 12 & 13, 2005 The Center, Somerset - \$6
MARCH 26 & 27, 2005 Draw Bridge Inn, Fort Mitchell - \$7
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Myth 7: Killings and other violent crime were prevalent in the Old West because guns were so plentiful.

This idea is from movies and TV. Many western cities had fewer murders and violent crimes than eastern cities.

Myth 8: Gun control laws keep criminals from obtaining guns.

Most criminals buy guns from other criminals. Gun laws have very little impact on criminals who want a gun.

Myth 9: Waiting periods would prevent some of the most vicious crimes.

Not true. Several high profile crimes would not have been stopped. John Hinckley bought his gun 5 months before shooting President Reagan, and he had no criminal record to prevent him from buying it. Patrick Purdy waited the 15 day waiting period required in California before shooting kids in a schoolyard in Stockton. Mark Chapman waited the 7 days required to buy his gun before killing John Lennon.

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SHOOTERS SUPPLY

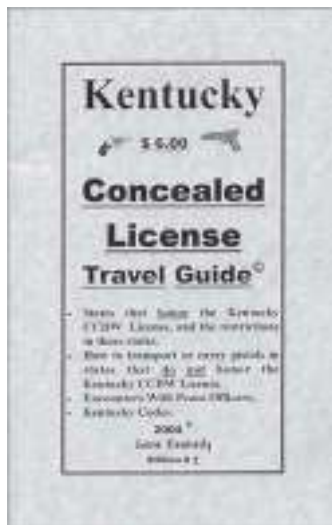
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Kentucky Concealed License Travel Guide



Written by Gene Kennedy, the guide includes an alphabetical list of all the states that honor the Kentucky Concealed Deadly Weapons License, and the restrictions in each of the states. Also, how transport in states that do not honor the Kentucky CCDW License, the restrictions when carrying in Kentucky, and how to properly advise a law enforcement officer that you are armed, during an official encounter.

Email the author: legallyarmed@legallyarmed.com

You can buy the book on Amazon.com through our link at <http://www.kc3.com/Links/sponsors.htm>

PRESIDENT'S cont. from Page 1

Myth 10: Most murder victims are friends or family members.

Over 80% of murder victims are killed by strangers and people to whom they were recently acquainted.

Myth 11: The availability of guns contributes to crimes of passion.

Most such crimes do not involve firearms.

Myth 12: Automatic rifles and assault weapons are too dangerous for civilians.

When this book was written, no civilian had used a legally owned machine gun to commit a crime. Even today, criminals using automatic rifles is extremely rare.

Myth 13: Gun laws are needed to prevent the purchase of "Saturday Night Specials."

Cheap handguns are owned by people who cannot afford more expensive guns for self-defense. Criminal rarely use such guns.

Myth 14: People don't need guns, the police will protect you!

There are not enough police to prevent crimes or stop criminals. Most criminals never spend any time in jail! The US Supreme Court ruled in 1856, and a federal appeals court ruled in 1982, that the police have no duty to protect any person. Their job is to preserve the general peace.

Myth 15: Gun ownership is not a constitutional right.

Please read the Second Amendment. The Founding Fathers believed the militia is the whole people. Most important: The Revolution stated when the British Army in Boston marched out to confiscate privately owned firearms!

Excerpts reprinted with permission.

Myths about Gun Control

by Morgan O. Reynolds & W. W. Caruth III,
published by the National Center for Policy Analysis,
12655 N. Central Expressway, Suite 720, Dallas, TX 75243



IMPORTANT INFORMATION REGARDING OHIO RECIPROCITY

Before carrying in Ohio, there are some things you MUST know!

First of all, Ohio does recognize a Kentucky concealed carry license but BEWARE the rather extreme consequences of carrying a weapon outside the provisions of their law. Certain infractions are FELONY crimes and will net you a TOTAL LOSS of your right to bear arms if you are convicted, not to mention some rather stiff minimum prison sentences. Other offenses, while lesser misdemeanors, can still net you jail time and possibly hefty fines. If you plan to carry in Ohio, read the following carefully but PLEASE keep in mind that this is for general informational purposes only and not intended as legal advice. **NO ATTORNEY WAS CONSULTED in the compilation of this information and WE RECOMMEND that you contact a competent practicing attorney in the actual jurisdiction of your intended travels if you wish specific legal advice.**

The worst offenses (netting the stiffest consequences) are classified as felonies of the first degree, 2nd down through 5th degree being lesser crimes. Likewise, misdemeanors run from the most extreme 1st degree to the least offensive 5th. Listed below are the major provisions of the law that you should be aware of when traveling to Ohio.

- Carrying a concealed firearm without a license **or with a license that is not recognized as valid in Ohio** is a FELONY of the 4th degree. (Remember, for a license to be valid in Ohio, it MUST first be valid in the state of issue. BEFORE you travel to Ohio, make SURE your license has not been invalidated for ANY reason!!!)
- Possession of a firearm on premises licensed to sell liquor, including an "open air arena", is a FELONY of the 5th degree.
- Possession of a firearm in a "school safety zone" (federal definitions apply) is a FELONY of the 5th degree. You should also note that, in a "school safety zone", possession of an "object that is indistinguishable from a firearm" or an object that one indicates is a firearm regardless that is NOT a firearm, is a misdemeanor of the 1st degree.
- Knowingly carrying while attempting to enter a "courthouse or into another structure or building in which a courtroom is located" is a FELONY of the 5th degree.
- A concealed carry license "does not authorize" one to carry into certain places. It appears that to enter the following places would be the offense of "carrying a concealed firearm" without the benefit of the licensee exception, in other words, a FELONY of the 4th degree:
 - ◊ A law enforcement or correctional facility
 - ◊ An airport passenger terminal
 - ◊ Post-secondary education facility
 - ◊ Church, mosque, synagogue or "other place of worship" unless such facility specifically permits otherwise
 - ◊ Day-care center
 - ◊ Aircraft (with limited exceptions)
 - ◊ Any government owned or leased building
- It would appear that regardless of the status of your concealed carry license in your home state, if any of the following apply, you are guilty of a felony of the 3rd degree if you are caught carrying concealed in Ohio:
 - ◊ If you are under indictment for a felony offense of violence or drug law violation.
 - ◊ If you are drug dependent or "in danger of drug dependence". (Your guess is as good as ours!)
 - ◊ If you are a chronic alcoholic. (KY requires two convictions within three years, Ohio apparently does not require such specific evidence of one's alcohol habit. Could you have a valid KY CCDW license and still be subject to felony arrest in OH for carrying concealed?)
 - ◊ If you have EVER been adjudicated as a mental defective. (KY allows you to apply for a license after three years have elapsed since having competency restored. Again, even with a valid KY license...?)
- If you are on the land of another that is conspicuously posted by signage or you were otherwise notified that firearms are not allowed on

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the premises and you are carrying, you are guilty of criminal trespass, a misdemeanor of the 4th degree.

- If you are found in possession of a concealed firearm and do NOT have on your person a valid license, but you CAN present a valid license within 10 days of the incident, you are guilty of a minor misdemeanor. If within 45 days you can show a license that had expired within 2 years previous to the incident AND you waive your right to a speedy trial on the more serious felony charge, you are guilty of a misdemeanor and shall also be fined \$500.
- If stopped by a law enforcement officer you must immediately notify the officer that you are in possession of a concealed firearm and that you have a license on your person. Failure to do so is a misdemeanor of the 4th degree.

If you are traveling in a vehicle, special rules apply (with very limited exceptions that likely will not apply to you). For one thing, there is pretty much NO SUCH THING as legal CONCEALED carry while in a vehicle. Here is how it is stated in the Ohio Revised Code:

§ 2923.16. Improperly handling firearms in a motor vehicle.

(E) No person who has been issued a license or temporary emergency license to carry a concealed handgun... shall do any of the following:

(1) Knowingly transport or have a loaded handgun in a motor vehicle unless the loaded handgun either is in a holster and in plain sight on the person's person or it is securely encased by being stored in a closed, locked glove compartment or in a case that is in plain sight and that is locked;

You should note that there is no definition provided for "in plain sight". According to the Ohio Attorney General, in a pamphlet entitled *Ohio's Concealed Carry Law*, "So far, the Ohio Supreme Court has not defined the term "plain sight" precisely in the context of carrying a concealed handgun. However, in other contexts, courts have generally held that the term "plain sight" is a common sense term that means clearly visible or unobstructed." If the person properly carrying the firearm in a vehicle does the following, he

is guilty of a FELONY of the 5th degree:

"knowingly remove or attempt to remove the loaded firearm from the holster, glove compartment or case, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers while the motor vehicle is being operated on a street, highway or public property... [except] in accordance with directions given by a law enforcement officer."

If the person is NOT carrying in the manner specified above and the loaded "firearm is accessible to the operator or passenger without leaving the vehicle" then the offender is guilty of a misdemeanor of the 1st degree. If a person carrying a loaded firearm in a vehicle is "under the influence of alcohol, a drug of abuse, or a combination of them" OR (for some reason both these provisions are provided for) if he is over the legal limit for alcohol while driving as provided by the motor vehicle statutes, REGARDLESS if he is the OPERATOR or PASSENGER, he is guilty of a FELONY of the 5th degree.

If you are in a motor vehicle (operator or passenger), and you have in your possession a loaded firearm, and you do the following you are guilty of a misdemeanor of the 1st degree:

"knowingly disregard or fail to comply with any lawful order given by a law enforcement officer..., knowingly fail to remain in the motor vehicle..., or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person" except by the officer's direction.

Subjecting someone to a felony conviction for simply attempting to exercise a natural right is rather extreme. We are quite sure that our Ohio brethren will make it a top priority to make their law more user friendly and we wish them speedy success in rectifying this situation. In the meantime, we advise you to be VERY, VERY careful if you feel that you must carry into Ohio. For now it would seem the better option to find a way to avoid the trip altogether since leaving your protection at home would more than compromise your safety.

This information was gleaned from the version of Ohio House Bill 12 linked from the Ohio Attorney General's WebPages on 08 AUG 04. This information has since been updated with excerpts from the Ohio Revised Code linked from the Ohio General Assembly's web pages .

Kentucky Coalition to Carry Concealed (KC3) Membership Application
(Please print clearly - all information confidential and for KC3 use only)

Is this a RENEWAL? If so, what is your current membership number? _____

Name _____ Male/Female _____

Address _____

City _____ County _____ State _____ ZIP⁺4 _____ - _____

Home Phone Number (____) _____ Email Address _____

Are you a DOCJT Certified Instructor? _____ Trainer? _____ If yes, do you wish a listing on our web page? _____

Do you want to be on our email broadcast list for timely information and alerts? _____

How did you hear about us? _____

If a referral, by whom? _____

Please choose a membership option: _____ (Check one)

Single membership - \$10 for one year _____ or \$25 for three years _____

Household membership (2 voting members) - \$15 for one year _____ or \$40 for three years _____

List additional member's name for Household membership _____

Are you interested in becoming more actively involved in the campaign to further our firearms rights? _____

Please describe:

Signature _____ Date _____

The following information is optional and is not required for membership.

Date of Birth _____ Occupation _____ Party affiliation? _____

CCDW License from another state? _____ If so, which state(s)? _____

Membership in other pro-firearms organizations? _____

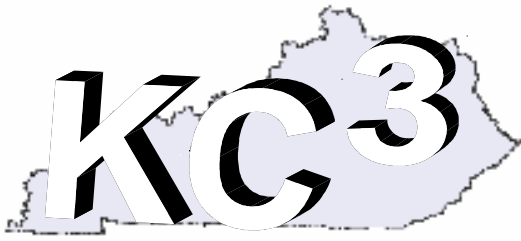
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