

Written testimony on SB24-131, Safe Zones for Mass Shooters and Other Violent Criminals

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Senate Bill 24-131 proposes to criminalize licensed carry in many locations. Section 6 of the bill, the “safety clause,” “declares that this act is necessary for the immediate preservation of the public peace, health, or safety.” The opposite is true. The bill is an immediate threat to public safety.

- Five out of six mass shooters choose “gun-free zones,” and the bill creates many more of them.
- Even the leading anti-gun expert witness nationally states that the 2003 Concealed Carry Act reduced violent crime in Colorado by 1.2%. The bill creates many safe zones where criminals can attack without risk of armed citizens being able to fight back.
- The bill is ridiculously overbroad. For example, it bans licensed carry from the entire parking lot of a shopping mall, if the mall contains one small branch bank.
- The bill does not advance public safety but instead is an expression of culture war malice.
- Coloradans with licensed carry permits are far more law-abiding than the general population. They are 39 times less likely to be arrested than someone without a carry permit.
- Data from other states are similar: persons with a license to carry are very highly law-abiding compared to persons without permits.
- The Violence Policy Center’s claims against licensed carry are bogus.

Mass shooters prefer gun-free zones

A *Washington Post* fact-check examined claims about mass public shootings in “gun-free zones.” According to the *Post*, “we found that about 86 percent of mass public shootings took place in gun-free zones from 2009 to 2016.”¹

Because 5 out of 6 mass public shooters prefer “gun-free zones,” it is almost inevitable that the drastic expansion of “gun-free zones” in SB24-131 will result in more mass public shootings.

The 2003 Concealed Carry Act reduced Colorado violent crime by 1.2%

Stanford professor John J. Donahue is a prolific researcher and advocate for gun control. He testifies often as an expert court witness in support of gun control, for his studies always find that gun control is beneficial. He is a vigorous opponent of the right to carry, which, based on national data, he says is harmful. He cannot be accused of having a “pro-gun” bias. Yet even professor Donahue, in his research regarding the effects of Colorado’s 2003 Concealed Carry Act, found that the Act resulted in a 1.2% *decrease* in violent crime in Colorado.²

Perhaps one reason for Colorado’s superior performance compared to some other states in prof. Donahue’s study is that Colorado law allows sheriffs to make discretionary denials and revocations — if the discretion is properly applied. The sheriff may deny a carry-permit application if the sheriff “has a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to self or others.”³ In case of a

¹ Meg Kelly, *Do 98 percent of mass public shootings happen in gun-free zones?*, Washington Post, May 10, 2018. As the article explains, the 86% figure is based on the following definitions: a “mass shooting” involves four or people, other than the attacker, being killed; “public” does not include private residences; shootings that are part of drug or gang activity or some other crime (e.g., a robbery) are excluded; “gun-free zone” means a place where ordinary citizens are forbidden to carry.

² To quote the Colorado table from his paper: “Colorado: Violent crime rate. Effect of 2003 RTC Law 10 Years After Adoption: -1.2%.” John J. Donohue, Abhay Aneja, & Kyle D. Weber, *Right-To-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Control Analysis*, National Bureau of Economic Research, Working Paper 23510, p. 86, figure I4 (June 2017, revised Nov. 2018), <http://www.nber.org/papers/w23510>.

³ C.R.S. § 18-12-203.

denial, the applicant can appeal to a court, and the burden of proof is on the sheriff.⁴

This provision is informally called “the naked man rule,” meaning that the sheriff can deny a permit to the man who sits naked in his front yard, muttering about the Martians, but who has a clean record. The County Sheriffs of Colorado deemed it essential that the Concealed Carry Act include the naked-man rule.

In Colorado in 2023, there were 29,984 violent crimes.⁵ Thus, if Colorado’s Concealed Carry Act were repealed, violent crime would be expected to rise by about 1.2%. This would mean 360 more violent crimes annually, or about one per day.

SB24-131 does not completely repeal the Concealed Carry Act, but it partially repeals the ability of people to protect themselves in many of the places where they are most vulnerable. For example, woman who goes jogging or walking in parks in early mornings would be prevented from defending herself.⁶

SB24-131 guarantees that violent attackers will be safe from the danger of being shot by armed citizens, as long as the attackers choose to attack in the locations specified in the bill.

The breadth of areas banned for licensed carry is contrary to public safety.

Suppose a strip mall has a dozen businesses, one of which is a tavern. Under SB24-131, then all the patrons of any business at the strip mall would be prohibited from carrying a firearm for protection in the shared parking lot.⁷ The same is true for mall parking lots if one of the businesses in the mall is a branch bank.⁸

⁴ C.R.S. § 18-12-207.

⁵ Colo. Dept. of Public Safety, Violent Crime - Colorado - 2023, <https://coloradocrimestats.state.co.us/tops/report/violent-crimes/colorado/2023>.

⁶ SB24-131, proposed CRS § 18-12-105.2(1)(a).

⁷ *Id.* § 18-12-105.2(1) (“in any of the following locations , including their adjacent parking areas”); (j) (“an establishment licensed pursuant to article 3 of title 44 to sell alcohol beverages to customers for consumption on the premises and that is not required have meals available for consumption”).

⁸ *Id.* § 18-12-105.2(1)(f).

Banks, like all other private businesses, have always had the right to prohibit licensed carry on their premises, and some do. The California Attorney General is currently litigating a challenge to California SB2, on which Colorado SB24-131 is modeled. In that litigation, Attorney General Rob Bonta has admitted that California cannot provide “evidence of ‘a single bank robbery or other crime at a bank committed by a CCW permit holder.’”⁹

Given that in the entire history of the United States, there is no instance of a licensed handgun carrier committing a crime at a bank, what is the logic of SB24-131 imposing a prohibition, over-riding the decisions of many banks? What is the logic of prohibiting self-defense in every inch of a shopping mall parking lot just because the mall includes one small branch bank?

The “logic” is animus, not safety. SB24-131 is pleasing to aggressive culture war bigots who agree with the head of the Giffords organization: “No More Guns. Gone.”¹⁰

While SB24-131 delivers psychic satisfaction to people who oppose civil rights, the price of their satisfaction will be paid by the increased numbers of victims of homicides, rapes, robberies, and assaults. SB24-131 turns vast areas of public spaces into the types of spaces preferred by 5 out of 6 mass shooters, and (if Professor Donahue is correct) will lead to more violent crime in general.

Contrary to the malicious premise of SB24-131, data about concealed carry licensees in Colorado and other states shows that licensees are exceptionally law-abiding compared to the non-licensed population, as will be detailed in the remainder of this testimony.

A Colorado resident with a concealed handgun permit is 39 times less likely to be arrested than a person without a permit.

In Colorado, a concealed handgun permit (CHP) is issued only to persons 21 and over. Roughly speaking, among the Colorado population 21 and over, an adult with a concealed handgun permit is about 39 times less likely to be arrested than an adult without a CHP. The data are as follows.

⁹ Cal. Attorney General reply brief, at 28 in *Carralero v. Bonta*, Nos. 23-4354 and 23-4356 (9th Cir., Mar. 8, 2024). California is appealing from a U.S. District Court decision holding most of SB2 to be unconstitutional.

¹⁰ Philip Elliott, *No More Guns. Gone: Why Gabby Giffords Isn't Giving Up*, Time, Apr. 26, 2023, <https://time.com/6274979/gabby-giffords-gun-control/>.

The 2003 statute creating Colorado's current system of licensed carry required sheriffs to make annual reports to the legislature.¹¹ For 2020, the statewide total was 37,909 new permits issued, and 23,141 renewals. (Permits are valid for 5 years.) In that same period, there were 348 revocations. The majority (196) were for arrests. In Denver, there were 1,685 permits issued and 470 renewals. There was one revocation of a Denver permit in 2020, under the category "mental illness or addiction."¹²

The figures for 2019 are similar: statewide 23,250 new licenses; 24,473 renewals; and 377 revocations. There were two revocations in Denver, both for arrest.¹³ Likewise in 2018: 25,643 new licenses; 35,141 renewals; and 537 revocations. Seven revocations in Denver, six for arrest, and one for restraining order.¹⁴ An arrest that leads to a revocation does not necessarily involve misuse of a firearm; anything that, if leading to a conviction, would make the person ineligible for a carry permit would be sufficient.

The FBI annually publishes the report *Crime in the United States*.¹⁵ In Colorado in 2019 there were 178,985 arrests of persons over 18.¹⁶ Nationally, about 8.6% of adult crimes are perpetrated by persons ages 18 to 20. So to estimate Colorado arrests for adults 21 and over, we reduce the 179,985 arrests for persons 18 and older by 8.6%.¹⁷ The resulting figure is 163,592 Colorado arrests of persons 21 and older in 2019.

¹¹ C.R.S. § 18-12-206(4). The annual reports are available at: https://www.coloradosheriffs.org/index.php?option=com_content&view=article&id=46:concealed-handgun-permits&catid=20:site-content&Itemid=137

¹² <https://www.coloradosheriffs.org/assets/docs/2020%20CHP%20Report%20.pdf>

¹³ <https://www.coloradosheriffs.org/assets/docs/2019%20CHP%20Report%20.pdf>

¹⁴ <https://www.coloradosheriffs.org/assets/docs/2018%20CHP%20Report.pdf>

¹⁵ <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019>

¹⁶ <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-69>. There were 195,870 total arrests, from which I subtracted the 16,885 arrests of persons under 18.

¹⁷ The FBI Colorado data do not break down arrests into smaller age bands. So I used national data to estimate the number of arrests of persons 18-20, and remove them from the figures. The following data are based on the *Statistical Briefing Book* published by the U.S. Department of Justice Office of Juvenile Justice and Delinquency. https://www.ojjdp.gov/ojstatbb/crime/ucr.asp?table_in=1. In 2019, there were 9,388,590 offenses by person 18 or older. Of these, 807,210 were perpetrated by persons ages 18 to 20. So persons 18 to 20 perpetrated about 8.6% of all adult offenses.

According to the Census Bureau, Colorado's population in 2019 was 5,758,736. Of these, 4,205,643 were age 20 or older.¹⁸ Subtracting the approximately 75,553 persons of age 20 gives us 4,130,090 persons aged 21 and older.¹⁹

Thus, the figures for 2019 are: Coloradans aged 21 and older: 4,130,090. Arrests in this group: 163,592. Result: one arrest per 25 persons

Coloradans with concealed handgun permits, for which the minimum age is 21: 233,606 CHP holders.²⁰ Permit revocations based on arrest: 237. Result: one arrest per 986 persons.

That means that Coloradans *without* a concealed handgun permit are about 39 times more likely to be arrested than persons who have a CHP. There is one arrest per 25 persons for the general population, versus one arrest per 986 persons for CHP holders.²¹

The reason is obvious: concealed carry is, by its nature, virtually impossible to detect, unless a person walks through a metal detector or is frisked by the police. Obtaining a concealed carry permit requires hundreds of dollars in fees and expenses, including for training, as well as the post-training hours necessary to go through the permitting process. In Denver, applicants often must go through long waits even to schedule appointments for fingerprinting and filing an application. The only people who bother to go through the onerous

¹⁸ Go to <https://www.census.gov/data/datasets/time-series/demo/popest/2010s-state-detail.html>. Click "Colorado." This will open an Excel spreadsheet with the data. The age data are divided into 5-year bands. I subtracted all age categories for persons younger than "20 to 24 years."

¹⁹ The Census Bureau showed 377,765 persons in Colorado ages 20 to 24. Assuming that 20-year-olds constitute about one-fifth of this five-year age group, there were about 75,553 Coloradans age 20 in 2019.

²⁰ According to the County Sheriffs of Colorado reports, the 2018-20 average for renewals was 27,585 annually. The average of new permits for 2018 and 2019 was 24,446. (For figuring extant permits in 2019, I did not include the 2020 figures in the average, because new permits increased in 2020, due to heightened concerns about public safety that year.) For 2019, I estimated the total number of permits extant permits as follows: Older permits in the five-year renewal cycle $27,585 \times 5 \text{ years} = 137,925$. Plus new permits issued in 2016, 2017, 2018, and 2019: $24,446 \times 4 = 97,784$. Total = 235,709. From this we subtract the revocations, which in 2018-20 averaged 420.6 per year. Or 2,103 in the five-year cycle concluding with 2019. So as of 2019, there about 233,606 extant permits.

²¹ It is possible for a person to be arrested more than once in a single year. The data from the FBI and the County Sheriffs do not indicate whether a person was arrested more than once.

Of course not all persons arrested are ultimately found guilty, so permits that were revoked because of a mistaken arrest would presumably be reissued later. The data do not indicate how often this happens.

process are people who are so concerned about legal compliance that they spend significant resources just to obtain a card from the government allowing them to legally do what they could done anyway for free, and with very low risk of being caught. It is no wonder that Colorado’s concealed carry permittees are much more law-abiding than the general population.

Data from other states are similar, as described next, based on how each state reports its data.

Florida

From October 1, 1987, when Florida’s Shall Issue law went into effect, through February 2024, the State issued 6,001,550 concealed weapon licenses. As of February 2024, there were 2,493,237 active permits.²²

In the 36-year period, only 19,740 permits have been permanently revoked.²³ That is 0.329% of the total issued, about 1 in 300.

Illinois

The *Chicago Tribune* in 2020 investigated all known uses of firearms by the 315,000 Illinoisians with permits. The investigation covered both lawful and unlawful uses; it included shooting a firearm and also displaying a firearm to make a legal or illegal threat. The newspaper found 71 such incidents from 2014 and 2020.²⁴

Even if we lived in a world where, as some anti-gun lobbyists would prefer, all defensive firearm use were illegal, the “crime rate” of licensed Illinoisians would be about 1 in 500.²⁵

²² Fla. Dep’t of Agric. & Consumer Servs., Div. of Lic., *Concealed Weapon or Firearm License Summary Report Oct. 1, 1987- Jun. 30, 2023*, at 1 (June 30, 2023), https://ccmedia.fdacs.gov/content/download/7499/file/cw_monthly.pdf. I would like thank attorney Kostas Moras, of the Long Beach, Calif., firm Michel & Associates, for his assistance with the multistate data.

²³ *Id.* Some permits were revoked based on preliminary information, and then reinstated based on more complete information.

²⁴ Katherine Rosenberg-Douglas, *Explore: Shootings by CCL Holders in Illinois Since Concealed Carry Law Went Into Effect in 2014*, *Chic. Trib.* (Mar. 1, 2020), <https://www.chicagotribune.com/news/breaking/ct-viz-illinois-ccl-shootings-tracker-20200227-ww4ldqwdjrd2ze63w3vzewioiy-htmlstory.html>.

²⁵ 71 divided by 315,000 = .0225%.

Minnesota

The Minnesota Department of Public Safety reports that there were 387,013 carry permits in 2021. That year, 80 permittees committed a crime involving a firearm; this includes nonviolent crimes, such as carrying a firearm into a sensitive place.²⁶ This is a rate of about 1 in 500.²⁷

Texas

In Texas as of 2020, there was 1,626,242 carry permits.²⁸ Carry permit holders were 5.6% of the state population, which was 29,145,505.²⁹ According to the Texas Department of Public Safety, licensees accounted for only 114 of the state's 26,304 convictions for serious crimes.³⁰

Thus, for the general Texas population that did *not* have a carry permit, about 1 in 1,000 were convicted of a serious crime in 2020. For permittees, the rate was under 1 in 10,000. A Texan with a concealed carry permit was 13.6 times less likely to be convicted of a serious crime than was a Texan without a carry permit.³¹

Most of the above convictions did not involve any misuse of a firearm. For firearms crimes, the licensee rate was even lower. In 2020 Texas, 1,441 persons

²⁶ Press Release, *BCA Releases 2021 Permit to Carry Annual Report, Data Provided to BCA by Minnesota Law Enforcement Agencies* (Mar. 1, 2022), <https://dps.mn.gov/divisions/ooc/news-releases/Pages/BCA-Releases-2021-Permit-to-Carry-Annual-Report.aspx>.

²⁷ 80 divided by 387,013 = .0207%. The Department reported 3,863 crimes committed that year by persons with permits, based on an expansive definition of "crime" that includes traffic violations and other misconduct that would not lead to a permit revocation.

²⁸ Tex. Dep't of Pub. Safety, *Active License/Certified Instructor Counts as of December 31, 2020*, at 1 (Dec. 31, 2020), <https://www.dps.texas.gov/sites/default/files/documents/rsd/ltr/reports/actlicandinstr/actvelicandinstr2020.pdf>.

²⁹ U.S. Census Bur., *Texas: 2020 Census, Texas Added Almost 4 Million People in Last Decade* (Aug. 25, 2021), <https://www.census.gov/library/stories/state-by-state/texas-population-change-between-census-decade.html>.

³⁰ Tex. Dep't of Pub. Safety, *Conviction Rates for Handgun License Holders, Reporting Period: 01/01/2020 - 12/31/2020*, at 5 (Feb. 11, 2021), <https://www.dps.texas.gov/sites/default/files/documents/rsd/ltr/reports/convictionratesreport2020.pdf>.

³¹ 29,145,505 total population minus 1,626,242 permit holders = 27,519,263 non-permit Texans. 26,304 convictions minus 114 permittee convictions = 26,190 nonpermittee convictions. 26,190 divided by 27,519,263 = .0952%. For permittees, 114 divided by 1,626,242 = .0070%. For the comparative rate, .0952% divided by .0070% = 13.6

were convicted of aggravated assault with a deadly weapon; of these, only 4 had a carry license.³² Thus, the rate of aggravated assault with a deadly weapon by Texas permittees is over 26 times lower than the rate for nonpermittees.³³

Wisconsin

As of 2021, 458,630 concealed carry permits had been issued.³⁴ Of those, 1,334 licenses were revoked.³⁵

Of the revocations, 463 were because the permit holder had moved out of state. There were 332 revocations for the permittee's unlawful use of a controlled substance without any other crime. The remaining 539 revocations included misdemeanors, felonies, involuntary commitments, and other reasons.³⁶ Excluding the revocations for moving to a new state, revocations for any reason having even a tenuous connection to public safety amounted to fewer than 1 in 500 permittees.³⁷

Violence Policy Center claims

The Violence Policy Center is an advocacy organization for prohibition of handguns and many other firearms. Its monograph *Concealed Carry Killers* claims that there were 2,512 “concealed carry killers” from May 2007 to

³² Tex. Dep't of Pub. Safety, *Conviction Rates for Handgun License Holders, Reporting Period: 01/01/2020 – 12/31/2020*, at 5 (Feb. 11, 2021), <https://www.dps.texas.gov/sites/default/files/documents/rsd/ltc/reports/convictionratesreport2020.pdf>.

³³ 1,433 convictions of the 27,519,263 Texans without a carry permit = .00533%. Four convictions of the 1,626,242 Texans with permits = .00025%. For the comparative rate, .00533% divided by .00025% = 21.32.

³⁴ Steven Walters, *The Legacy of Concealed Carry in Wisconsin*, Urban Milwaukee (Oct. 11, 2021), <https://urbanmilwaukee.com/2021/10/11/the-state-of-politics-the-legacy-of-concealed-carry-in-wisconsin/>.

³⁵ Wisc. Dep't of Just., *Department of Justice Concealed Carry Annual Report – 175.60(19) – January 1 – December 31, 2022*, at 3, n.8, <https://www.doj.state.wi.us/sites/default/files/dles/ccw/2022%20Annual%20CCW%20Statistical%20Report.pdf>.

³⁶ *Id.*

³⁷ 1,334 revocations minus 463 revocations for moving = 871. Dividing 871 by 458,630 permits = .1899%.

January 2024. Of these, 1,505 were suicide victims.³⁸ Suicide is a serious problem, but a suicide by firearm can be committed anywhere, and most take place in the home,³⁹ so the fact that a suicide victim had a carry permit appears to be of scant relevance. Calling suicide victims “killers” is cruel and disparages their memory.

As for the rest, the VPC chooses to omit the locations where the shooting took place. Crimes that take place in a home or other private spaces are irrelevant to legislation about public spaces. Among the “concealed carry killers” the VPC includes persons whose actions were determined to be lawful self-defense. Of the VPC’s claims about 2,512 “concealed carry killers,” approximately one-fifth (544) were criminally convicted. Over the 16-year period in the study, this is 34 per year.

Compare this to the University of Washington’s finding “in 2019 approximately 16 million adult handgun owners had carried a loaded handgun on their person in the past month.”⁴⁰

Homicide rates are typically calculated per 100,000 population. Thirty-four homicides out of a population of 16 million is an annual rate of .21 per 100,000 population. As of 2021, the overall national homicide rate was 7.8 per 100,000 people in 2021, according to the Centers for Disease Control.⁴¹

Conclusion

If enacted, SB24-131 will certainly be challenged in court, and supporters of the law will have a very difficult time arguing that the bill is necessary because of misconduct by Colorado’s overwhelmingly law-abiding concealed carry licensees. While psychically advantageous to gun prohibition lobbies, the bill is physically dangerous to public safety.

³⁸ Violence Policy Center, *Concealed Carry Killers Background*, <https://concealedcarrykillers.org/concealed-carry-killers-background/>; *see also* <https://concealedcarrykillers.org/> (last visited Mar. 6, 2024) (1,505 of the “concealed carry killers” died by suicide, distinct from the 64 that perpetrated a murder-suicide).

³⁹ “About three-quarters of suicide incidents occur at home.” Harvard University, T.H. Chan School of Public Health, *Basic Suicide Facts: Where Do Suicides Occur?*, <https://www.hsph.harvard.edu/means-matter/basic-suicide-facts/where/>.

⁴⁰ Kim Eckart, *More US Adults Carrying Loaded Handguns Daily, Study Finds*, U. of Wash. News (Nov. 16, 2022), <https://www.washington.edu/news/2022/11/16/more-u-s-adults-carrying-loaded-handguns-daily-study-finds/>.

⁴¹ Center for Disease Control and Prevention, National Center for Health Statistics, *Assault or Homicide*, <https://www.cdc.gov/nchs/fastats/homicide.htm> (last visited Nov. 9, 2023). The CDC figure includes lawful defensive homicides.