



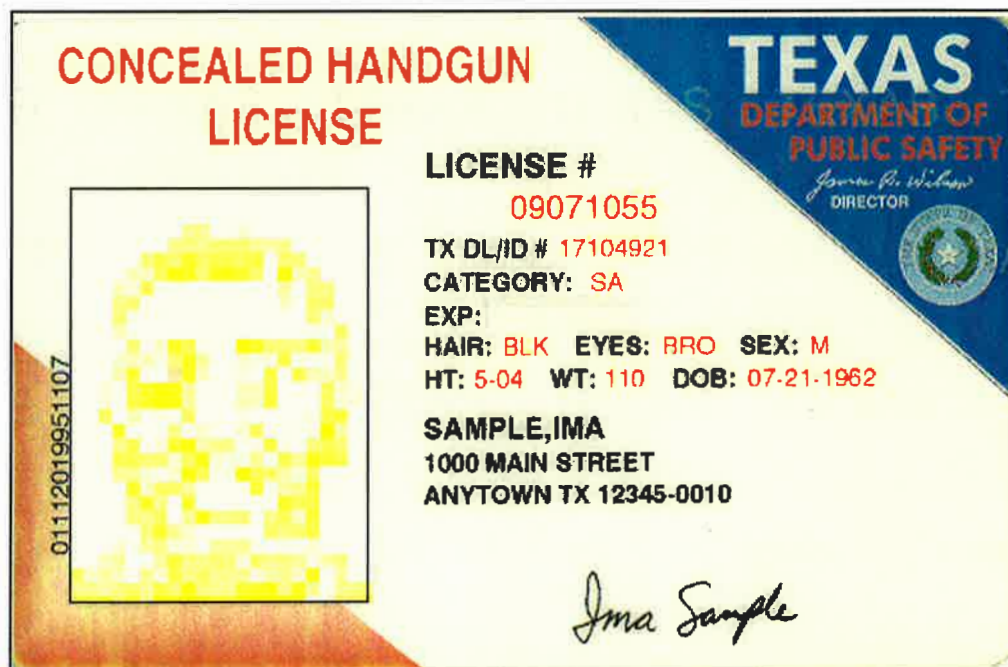
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License to Kill IV

More Guns, More Crime



June 2002

The Violence Policy Center is a national non-profit educational organization that conducts research and public education on firearms violence and provides information and analysis to policymakers, journalists, grassroots advocates, and the general public. The Center examines the role of firearms in America, analyzes trends and patterns in firearms violence, and works to develop policies to reduce gun-related death and injury.

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This report was funded with the support of The David Bohnett Foundation, The George Gund Foundation, The Joyce Foundation, and The John D. and Catherine T. MacArthur Foundation. Past studies released by the Violence Policy Center include:

- *American Roulette: The Untold Story of Murder-Suicide in the United States* (April 2002)
- *The U.S. Gun Industry and Others Unknown—Evidence Debunking the Gun Industry's Claim that Osama Bin Laden Got His 50 Caliber Sniper Rifles from the U.S. Afghan-Aid Program* (February 2002)
- *John Ashcroft: Year One* (January 2002)
- *"A .22 for Christmas"—How the Gun Industry Designs and Markets Firearms for Children and Youth* (December 2001)
- *Kids in the Line of Fire: Children, Handguns, and Homicide* (November 2001)
- *Firearms Training for Jihad in America* (November 2001)
- *Unintended Consequences: Pro-Handgun Experts Prove That Handguns Are a Dangerous Choice For Self-Defense* (November 2001)
- *When Men Murder Women: An Analysis of 1999 Homicide Data* (October 2001)
- *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* (October 2001)
- *Shot Full of Holes: Deconstructing John Ashcroft's Second Amendment* (July 2001)
- *Hispanics and Firearms Violence* (May 2001)
- *Poisonous Pastime: The Health Risks of Target Ranges and Lead to Children, Families, and the Environment* (May 2001)
- *Where'd They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001* (April 2001)
- *Every Handgun Is Aimed at You: The Case for Banning Handguns* (March 2001)
- *License to Kill III: The Texas Concealed Handgun Law's Legacy of Crime and Violence* (August 2000)
- *Where Did You Get That Statistic?—A Bibliography and Resource Guide For Advocates Working To Reduce Gun Death and Injury* (January 2000)
- *Cashing in on the New Millennium: How the Firearms Industry Exploits Y2K Fears to Sell More Guns* (December 1999)
- *Making a Killing: The Business of Guns in America* (January 1999)
- *Joe Camel with Feathers: How the NRA with Gun and Tobacco Industry Dollars Uses Its Eddie Eagle Program to Market Guns to Kids* (November 1997)
- *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)

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Introduction

In 1995 the Texas legislature passed a “shall issue” concealed handgun law—creating a non-discretionary system under which state authorities *must* provide a concealed handgun license to any applicant who meets specific, objective criteria. Licenses issued under the new law became effective in January 1996.

To receive the standard four-year license, applicants must submit an application—with proficiency certificate, fingerprints, photographs, proof of age and residency, and a \$140 fee—to the Texas Department of Public Safety (DPS). An additional fee is required for the mandatory 10 hours of firearms proficiency training. The DPS then has 60 days in which to conduct a background check on the applicant. At the end of the 60 days, the agency must either grant or deny the license. (The law stipulates, however, that the DPS may suspend the 60-day “mandatory issuance” period for up to 180 days if an additional background investigation is warranted.)

Unlike “shall issue” laws passed by other states, the Texas law is unique in that it requires law enforcement agencies to report certain incidents involving license holders to the Department of Public Safety. Under the law, such reports are required to be made only when a violation regarding illegal carrying or discharge of a firearm has occurred and only when the license holder has been arrested. In practice, a majority of arrests appear to be reported by law enforcement agencies to the licensing authority. Information about these incidents is limited however, because of broad confidentiality provisions contained in the law.¹

As of September 1, 2001, public information about the arrests of Texas concealed handgun license holders became more limited than ever when a new state law took effect that redefined the record-keeping rules of the Texas Department of

¹ The Texas law’s broad confidentiality provision severely limits the Department of Public Safety’s ability to disclose virtually any information about concealed handgun license holders to the public. The law stipulates that the department may only identify whether an individual currently possesses a license. No information is provided about prior criminal histories, reasons for denial, suspension, or revocation—including crimes committed after licensure. The department does provide a list of arrest incidents involving license holders, but the only identifiers provided by the department are each licensee’s date of birth, sex, race, zip code of residence, incident date, arrest text description, and whether the incident involved family violence. The department may not disclose the name of the arrested licensee. Occasionally, news articles covering high-profile incidents will note whether the suspect has a concealed handgun license, but otherwise the public is not alerted to alleged crimes involving license holders. The law’s confidentiality provision—which in effect makes concealed handgun license holders a protected, privileged class—makes it extremely difficult to identify flaws in the law and the threat posed by license holders.

Public Safety. This new law authorized the DPS to “maintain statistics related to responses by law enforcement agencies on its website only in incidents in which persons licensed to carry concealed handguns are convicted of certain serious offenses.”²

Despite reporting obstacles and limitations, research conducted by the Violence Policy Center (VPC) reveals that many Texas license holders have been arrested for a wide range of crimes. Arrest data is regularly accepted as a valid measure of crime, reflecting law enforcement response to criminal activity. For example, arrest counts are used as a valid and reliable measure of law enforcement response to crime by the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting Program. Regardless of whether or not an arrest involving a concealed handgun license holder results in a dismissal or conviction in court, each arrest reflects time and resources spent by law enforcement. In addition, arrest data for the general population of Texas aged 21 years and older is also made available by the Department of Public Safety, allowing for comparison of weapon-related arrests of concealed handgun license holders to the general population of Texas aged 21 years and older.

According to the Texas Department of Public Safety,³ Texas concealed handgun license holders⁴ were arrested for a total of 5,314 crimes from January 1, 1996, to August 31, 2001. Crimes for which license holders were arrested include: murder/attempted murder (including attempted murder of police officer), kidnapping, rape/sexual assault, assault, weapon-related offenses, drug-related offenses, burglary, and theft. Non-arrest information, which includes delinquent child support, protective orders, non-payment of taxes, medical/mental diagnoses, and suicide, was available for the VPC’s first three *License to Kill* studies. However, non-arrest information for this current time period was not available from Texas DPS in a timely or complete manner, and is not included in this edition.

² “HBA-JEK H.B. 2784 77(R) BILL ANALYSIS,” Office of House Bill Analysis (Texas Legislature Online), downloaded April 5, 2002, from www.capitol.state.tx.us/capitol.html; INTERNET. Original in files of Violence Policy Center.

³ The Department of Public Safety (DPS) is responsible for administering and reviewing concealed handgun license applications, providing statistical data on concealed handgun license holders, and directing the application and training process for the certified handgun instructors.

⁴ As of December 3, 2001, there were 218,661 individuals with active concealed handgun licenses—1.6 percent of the state’s 2000 adult population aged 21 and older (13,586,575 according to the U.S. Census Bureau in 2000, the most recent year available).

This study is the fourth version of *License to Kill*. In January 1998 the Violence Policy Center released its first study: *License to Kill: Arrests Involving Texas Concealed Handgun License Holders*. That study analyzed the DPS's concealed handgun license holder arrest data between January 1, 1996, and October 9, 1997, and found that concealed handgun license holders had been arrested for 946 crimes subsequent to licensure. In March 1999, a follow-up study, *License to Kill, and Kidnap, and Rape, and Drive Drunk...* analyzed arrest data between January 1, 1996, and December 31, 1998, and found that concealed handgun license holders had been arrested for more than 1,000 new crimes, for a total of 2,080 arrests. In August 2000, *License to Kill III: The Texas Concealed Handgun Law's Legacy of Crime and Violence* analyzed the data between January 1, 1996, and April 30, 2000, and found that Texas concealed handgun license holders had been arrested for nearly 1,300 additional crimes, for a total of 3,370 arrests. This edition is an update of the August 2000 report.

Supporters of "shall issue" concealed carry laws maintain that only "law-abiding citizens" apply for and receive concealed handgun licenses. At an April 18, 1996, press conference in Dallas, then-National Rifle Association (NRA) chief lobbyist Tanya Metaksa asserted, "As we get more information about right-to-carry, our point is made again and again....People who get permits in states which have fair right-to-carry laws are law-abiding, upstanding community leaders who merely seek to exercise their right to self-defense." Clearly this is not the case. As shown in news articles and in the VPC's *License to Kill* studies, concealed handgun license holders are arrested for a multitude of offenses, including violent crimes such as murder, kidnapping, and sexual assault. Most concealed carry states keep information on the crimes committed by their concealed carry license holders hidden. This does not mean that crimes do not occur. As illustrated by the few states that have "shall issue" concealed carry and have had their concealed carry programs (however briefly) examined, concealed carry license holders are not the "upstanding community leaders" that pro-gun advocates promised. Allowing the public access to the information necessary to evaluate a concealed carry program is the minimum that a state should do when overseeing a program that involves the use of lethal force.

The NRA has made repeated statements to the press that its current Congressional agenda includes a national concealed carry law similar to the one in Texas. As conservative activist, NRA Board member, and NRA Life Member Grover Norquist explained in *Rolling Stone* magazine last year:

Over the next five to ten years, gun activists will press for a federal law allowing people to carry concealed weapons across state lines. Already, several dozen states have enacted concealed carry laws, but a nationwide law would be something else. 'If we get that, we've won,' says Norquist. 'It's over.'⁵

More recently, at its annual meeting in April 2002, the NRA claimed that its efforts to expand concealed carry laws across the United States are on target. In a speech to members, NRA Executive Vice President Wayne LaPierre promised to capitalize on "increased momentum since Sept. 11"⁶ for such laws.

Currently, there are 33 "shall issue" states and 11 "may issue" states.⁷ Additionally, there are six states which have no, or very limited, concealed carry: Illinois, Kansas, Missouri, Nebraska, Ohio, and Wisconsin. In recent years, the Midwest states have been a battleground for the concealed carry issue. In a decisive defeat of NRA money, Missouri voters rejected concealed carry in a statewide referendum in 1998.

This study⁸ details 5,314 arrests of these "law-abiding" concealed handgun license holders subsequent to licensure, as reported to the Texas DPS. Incidents involving concealed handgun license holders include: 41 arrests for murder or attempted murder, 14 arrests for kidnapping/false imprisonment, 79 arrests for rape/sexual assault, 279 arrests for alleged assault/aggravated assault with a deadly weapon, 1,315 arrests for driving while intoxicated, 60 arrests for indecency with children, 404 drug-related arrests, 134 individual arrests for sexual misconduct, 19 arrests for impersonating a police officer or public servant, and eight arrests for arson.

⁵ Robert Dreyfuss, "Bush's Concealed Weapon," *Rolling Stone*, March 29, 2001, p. 36.

⁶ Steven Friess, "NRA counts on 9/11 momentum at convention," *USA Today*, April 25, 2002.

⁷ The "may issue" states are California, Colorado, Delaware, Hawaii, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, New York, and Rhode Island.

⁸ In November 2001, the Violence Policy Center acquired a list of arrest incidents involving Texas concealed handgun license holders from the DPS. These records list incidents from January 1, 1996, to August 31, 2001.

VPC analysis of the DPS information reveals that—

- o Texas concealed handgun license holders have been arrested for *two and one-half crimes a day* since the law went into effect.
- o Texas concealed handgun license holders have been arrested for *more than two serious violent crimes per month* since the law went into effect, including: murder/attempted murder, manslaughter/negligent homicide, kidnapping,⁹ rape, and sexual assault.
- o Texas concealed handgun license holders have been arrested for *more than two crimes against children per month* since the law went into effect, including: sexual assault/aggravated sexual assault on a child, injury to a child, indecency with a child, abandon/endanger a child, solicitation of a minor, and possession or promotion of child pornography.
- o Texas concealed handgun license holders have been arrested for *more than four drunk driving offenses per week* since the law went into effect.
- o Family violence was identified in *one in 23 incidents* involving concealed handgun license holders.¹⁰
- o Texas concealed handgun license holders have been arrested for *more than one weapon-related offense every other day* since the law went into effect.
- o From 1996 to 2000, Texas concealed handgun license holders were arrested for weapon-related offenses¹¹ *at a rate 81 percent higher than that of the general population of Texas, aged 21 and older*. These weapon-related offenses include arrests for 279 assaults or aggravated

⁹ Includes two arrests for false imprisonment, two arrests for harboring a runaway child, and one arrest for unlawful restraint.

¹⁰ There were 1,099 arrest incidents involving concealed handgun license holders in which DPS could not identify whether or not family violence occurred.

¹¹ Arrest data does not specifically separate gun-related arrests from weapon-related arrests. Thus, this category includes crimes with ALL types of weapons, not just firearms.

assaults with a deadly weapon, 671 unlawfully carrying a weapon, and 172 deadly conduct/discharge firearm.¹²

This report consists of three sections—

- o *Section One: Arrests of Concealed Handgun License Holders in Texas* lists all arrests of concealed handgun license holders from January 1, 1996, to August 31, 2001.
- o *Section Two: Details of Specific Arrest Incidents Involving Concealed Handgun License Holders* offers detailed information gathered through Violence Policy Center research on 11 arrests of concealed handgun license holders—10 for murder or attempted murder and one for aggravated kidnapping. For the entire study period, there were 41 arrests for murder or attempted murder, but these 10 are the only ones for which the VPC could find definitive information after extensive research. Of these 41 arrests, there was no final data on 13 (32 percent) of them.
- o *Section Three: Conclusion* offers a brief summary of the study's findings and policy recommendations for states that have passed or are considering "shall issue" concealed carry laws.

¹² From 1996 to 2000 (the latest year for which DPS UCR data is available), according to the DPS' Crime Records/Crime Information Bureau/UCR, 38,830 persons aged 21 and older were arrested for weapon-related offenses (illegal carrying, possession, etc.) in Texas. According to the U.S. Census, in 2000 there were an estimated 13,586,575 adults aged 21 and older in Texas. The weapon-related arrest rate among all Texans aged 21 and older from 1996 to 2000 was 285.8 per 100,000. Arrest records from the DPS list 1,131 weapon-related arrests among concealed handgun license holders from 1996 to 2000. The weapon-related arrest rate among Texas concealed handgun license holders from 1996 to 2000 was 417.2 per 100,000.

**Section One: Arrests of Concealed Handgun License Holders in Texas
January 1, 1996, to August 31, 2001**

| Charge | Number of Arrests |
|--|--------------------------|
| Murder/Attempted Murder | 41 |
| Kidnapping/False Imprisonment | 14 |
| <u>Rape/Sexual Assault</u> | 79 |
| Rape | 1 |
| Sexual Assault/Aggravated/Attempted | 28 |
| Sexual Assault/Aggravated on a Child | 39 |
| Sexual Assault on a Child | 11 |
| <u>Manslaughter/Negligent Homicide</u> | 6 |
| Manslaughter | 2 |
| Intoxicated Manslaughter with a Vehicle | 3 |
| Criminal Negligent Homicide | 1 |
| <u>Assault</u> | 833 |
| Assault/Aggravated Assault, Causing Bodily Injury or Involving Family Violence | 695 |
| Assault/Aggravated on a Public Servant | 19 |
| Intoxicated Assault w/Vehicle | 9 |
| Injury to a Child/Elder/Disabled Person | 41 |
| Terroristic Threat | 60 |
| Retaliation | 9 |
| <u>Weapon-Related Offenses</u> | 1,272 |
| Assault/Aggravated Assault w/Deadly Weapon | 279 |
| Unlawfully Carrying a Weapon | 671 |
| Deadly Conduct/Discharge Firearm | 172 |
| Discharge Firearm | 19 |
| Disorderly Conduct/Discharge or Display Firearm | 31 |
| Criminal Trespassing with Deadly Weapon | 3 |
| Weapons Law Violation | 4 |
| Disposing Firearm to Felon | 1 |
| Failure or Refusal to Display Handgun License | 62 |
| Theft of a Firearm | 8 |
| Unlawful Possession of Prohibited Weapon | 20 |
| Possession of Stolen Weapon | 1 |
| Making a Firearm Accessible to a Child | 1 |

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|--|--------------|
| <u>Automobile-Related Offenses</u> | 1,427 |
| Driving While Intoxicated | 1,315 |
| Driving While License Invalid/Suspended | 56 |
| Failure to Stop & Give Information/Render Aid | 17 |
| Failure to Give Notice for Striking Unattended Vehicle/Highway Fixture/Landscaping | 6 |
| Reckless Driving | 23 |
| Unauthorized Use of a Vehicle | 8 |
| Obstructing Highway Passage | 2 |
| Arson/Aggravated Arson | 8 |
| Indecency with a Child/Expose/Sexual Contact | 60 |
| <u>Child Custody Offenses</u> | 9 |
| Abandon/Endanger Child | 8 |
| Interfere with Custody | 1 |
| <u>Drug-Related Offense</u> | 404 |
| Dangerous Drugs | 12 |
| Delivery of Marijuana | 10 |
| Manufacture/Deliver Controlled Substance | 41 |
| Possession of Marijuana | 199 |
| Possession of Controlled Substance | 135 |
| Possession of Drug Paraphernalia | 4 |
| Trafficking in Drugs | 1 |
| Violation of Controlled Substances | 2 |
| Impersonating a Police Officer/Public Servant | 19 |

| | |
|--|------------|
| <u>Conduct-Related Offenses</u> | 143 |
| Aggravated Perjury | 2 |
| Abuse of Official Capacity | 3 |
| Interfere with Duties of a Public Servant | 15 |
| False Report to Police Officer | 10 |
| Contempt of Court | 3 |
| Cruelty to Animals | 19 |
| Disorderly Conduct/Family Violence | 9 |
| Stalking | 3 |
| Harassment | 49 |
| Intimidation | 2 |
| Reckless Conduct | 2 |
| Tampering w/Witness or Government Records | 22 |
| Official Oppression | 3 |
| Improper Influence | 1 |
| <u>Sexual Misconduct</u> | 134 |
| Prostitution | 64 |
| Promotion of Prostitution | 2 |
| Indecent Exposure | 36 |
| Lewd/Public Lewdness | 20 |
| Solicitation of Minor | 1 |
| Illegally Operating Sexually-Oriented Business | 2 |
| Possession or Promotion of Child Pornography | 5 |
| Sex Offender Registration | 4 |
| <u>Robbery/Burglary/Theft/Larceny</u> | 332 |
| Aggravated Robbery | 7 |
| Robbery | 3 |
| Burglary | 25 |
| Grand Larceny | 1 |
| Theft/Swindle | 296 |
| Organized Crime | 21 |
| Criminal Mischief | 72 |

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|--|--------------|
| <u>Forgery/Fraud</u> | 93 |
| Credit Card Abuse | 4 |
| Make/Possess/Display Fictitious Inspection Certificate | 10 |
| False Tax Returns | 1 |
| Use/Alter/Transfer Food Stamps | 3 |
| Forgery | 16 |
| Fraud/Mail Fraud | 37 |
| Misappropriate Fiduciary/Trust | 9 |
| Money Launder | 3 |
| Insufficient Funds/Check | 9 |
| Pyramid Schemes | 1 |
| Violation of Protective Order | 17 |
| Trespassing/Criminal Trespassing | 47 |
| <u>Alcohol-Related Offenses</u> | 64 |
| Boating While Intoxicated | 10 |
| Importing Beer w/o License | 1 |
| Permit Intoxicated on License Premises | 3 |
| Public Intoxication | 2 |
| Selling Alcoholic Beverages to a Minor | 33 |
| Selling Alcoholic Beverages in a Dry Area | 2 |
| Serving Alcoholic Beverages to Intoxicated or Insane | 1 |
| Selling Alcoholic Beverages w/o a License | 3 |
| Violation of Alcohol and Beverage | 9 |
| <u>Arrest-Related Offenses</u> | 86 |
| Evading Arrest | 48 |
| Fleeing/Fleeing Police Officer/Escape | 7 |
| Resisting Arrest | 27 |
| Hinder Apprehension/Prosecution | 4 |
| Other¹³ | 133 |
| Total Number of Offenses | 5,314 |

¹³ Other includes: alien smuggling; arrest data not received; aids/calls meetings; bribery; civil rights violations; discharge waste; failure to appear/identify fugitive from justice; federal charges; felony failure to file income tax; graffiti; hunting with artificial light; manufacture/distribute decoding device; warrant offenses; possession of gambling device; and, unknown offenses.

Section Two: Details of Specific Arrest Incidents Involving Concealed Handgun License Holders

Using outside resources, such as newspaper accounts, law enforcement reports, and public data on criminal records, the Violence Policy Center was able to obtain additional information on 11 of the 5,314 arrests reported by the DPS— 10 for murder or attempted murder and one for aggravated kidnapping.

Murder

Murder—Kirby, Texas

- o On April 20, 2001, a fight broke out between graveyard shift employees of two food distribution companies. As the fight was ending, concealed handgun license holder Farhad George, 29, realized that his younger brother had been slashed in the face with a knife. The attacker was identified by someone in the crowd as Victor Casanova. George reached for his 40 caliber Glock pistol and began approaching the Chevy Camaro that Casanova and Glen Grantham had just gotten into. Grantham was shot in the chest and died in the driver's seat. Casanova ran for several hundred yards before the pursuing George shot him twice. He died four days later. During the trial, the defense claimed that George was trying to bring Casanova in on a citizen's arrest and that Grantham was killed inadvertently. George was found guilty of murder in February 2002 and sentenced to a 30-year prison term.

Attempted Murder of a Police Officer—Houston, Texas

- o On April 8, 2001, a friend of concealed handgun license holder Alberto Ruiz Fabila, 37, and another man were arguing outside a nightclub at closing time. Houston Police Department Officer D.A. Gamboa was working an extra job at the club and attempted to intervene. Fabila pulled a 45 caliber pistol from his waistband and pointed it at the officer. When Officer Gamboa grabbed the gun, Fabila fired once striking the officer's hand and then fled on foot. Fabila was caught by Officer Gamboa a few blocks away. The officer was then taken to the hospital for the injuries. In February 2002, Fabila was found guilty of aggravated assault on a public servant and sentenced to six years in prison.

Capital Murder—Austin, Texas

- o On October 21, 2000, cab driver and concealed handgun license holder Wayne Franklin Lambert, Jr. was driving home two passengers, Lance Hughes and Kevin MacDonald. During the drive, Lambert pulled over and at some point shot both passengers with his stainless steel Para-Ordance 45 caliber pistol. Hughes, shot three times in the back, died at the scene, while MacDonald died in surgery hours later. According to the *Austin American-Statesman*, Lambert told one passerby at the scene that the two men had tried to rob him, he then told two other passersby that the two men had tried to jump him, and he told a cab driver who later appeared at the scene that the two men had tried to flee his cab without paying the fare. At a press conference six weeks after his arrest, Lambert told reporters that he shot the “rich kids” in self-defense, that they were drunk, possibly drugged, attackers. According to the *Austin American-Statesman*, before he went into surgery, MacDonald stated that although Lambert and Hughes had argued, Hughes didn’t try and hit Lambert. MacDonald claimed that Lambert was offended by something they had said, challenged them to a fight, and threatened to call the police to accuse the two passengers of trying to rob him. On April 9, 2001, Lambert died in jail while awaiting trial.

Murder—Del Rio, Texas

- o Concealed handgun license holder Patrick Glenn Bordelon was arrested and charged with the June 29, 1999, attempted murder of 16-year-old Ivan Misael Mendez Sepulveda. Sepulveda claimed that he was rounding up his dogs in the river when he was shot in the back three times, but Bordelon claimed that a Mexican man was standing on the American side of the river, outside his (Bordelon’s) chain-link fence and that “he knew his intentions.” At the trial Bordelon stated that the youth was clearly trespassing and testified that “I certainly didn’t have a sign outside that said, ‘Free tacos.’” In December 2001, Bordelon was cleared of the attempted murder charge but the jury found him guilty of two counts of aggravated assault with a deadly weapon, saying that Bordelon shot Sepulveda in the back and the ankle with two blasts of a shotgun, according to the *San Antonio Express-News*. Bordelon was sentenced to three and one-half years in jail.

Additionally, in May 2002, Bordelon pled guilty to shooting and killing a Mexican youth in November 1999. Bordelon was charged with murder for shooting 16-

year-old Luis Armando Chavez Vaquera. He plead down to manslaughter and was sentenced to seven years in prison. According to Chavez Vaquera's friends, they crossed the Rio Grande to burglarize Bordelon's home. Before they could break in, Bordelon arrived home, got a gun, and began shooting. According to the *San Antonio Express-News*, even after he pled guilty, Bordelon claimed, "I did not shoot anyone, and that's all I've got to say." Under terms of the plea agreement, Bordelon's seven-year manslaughter term will run concurrent with the aggravated assault conviction. He will be eligible for parole in three and a half years.

Murder/Suicide—Houston, Texas

- o On August 23, 1998, concealed handgun license holder Gene Hanson shot and killed his ex-girlfriend's new boyfriend, Tim Twain Gooch, and then himself. According to the *Houston Chronicle*, a neighbor reported that Hanson staked out his ex-girlfriend's home around 11:30 a.m. Another neighbor reported that about five hours later Hanson pulled his car behind his ex-girlfriend and her boyfriend as their car pulled into the driveway. Hanson reportedly got out of his car, said a few words, and then opened fire. He did not shoot his ex-girlfriend, but killed Gooch and then himself. Both Gooch and Hanson died in the woman's driveway. According to the Houston Police Department, Hanson had been harassing his girlfriend the month before the shooting.

Murder—Richardson, Texas

- o On April 1, 1999, concealed handgun license holder Randy Phil Allen II was arrested and charged with the 1988 murder of Alan Wayne Brunken. According to the *Dallas Morning News*, police believe that Allen and Brunken met for the first time the evening of February 28, 1988, at White Rock Lake, and the two men then went to Brunken's home. There, Brunken was shot with a handgun and stabbed several times, allegedly by Allen. The police believe that overtones of the crime suggest it was sexual in nature. Brunken's body was discovered on March 2, 1988, after he failed to show up for work.

Murder—Dallas, Texas

- o On June 5, 1998, concealed handgun license holder Jack Reynolds was charged with murder after he shot and killed his next-door neighbor, Julian Rioz. The Dallas Police reported that Rioz and several other people were at a party at Reynolds' home when a fight broke out over a woman. Police said Reynolds retrieved his handgun from his pocket and as Rioz was walking home shot his pistol in the air. Rioz taunted the man and told him if he was going to shoot him he should come closer and do it. Reynolds crossed the yard and at point-blank range shot his neighbor once in the chest. According to the Dallas Police Department, Reynolds had spent his pension check on beer and drugs for the party, and was drunk at the time of the shooting. Witnesses related that Reynolds was known for shooting his weapon into the air for no reason. At the time of the trial, Reynolds told the jury that he was too drunk and drugged to remember what happened. Reynolds was convicted of murder in January 1999 and sentenced to 10 years probation.

Attempted Murder—Midlothian, Texas

- o On July 9, 1997, the Midlothian Police Department arrested concealed handgun license holder Stephen Ray Harrelson for attempted murder. According to an article in *Midlothian Today*, Harrelson allegedly entered his estranged wife's home and forced her into a back room. There, he allegedly stuck a pistol to her head. The woman alerted her children in front of the home and they were able to summon the police by calling 911. A struggle broke out and the woman was able to get Harrelson to leave. A police pursuit of Harrelson—who still had his gun—ensued. According to police, when Harrelson was located he threatened to kill himself. He eventually laid down his handgun and surrendered. Harrelson was sentenced to 10 years probation.

Murder—Pinehurst, Texas

- o On May 19, 1997, concealed handgun license holder Daniel Meehan of Pinehurst, Texas, was arrested for the shooting death of Selma Pieruccini, who had been living with him. According to reports in the *Orange Leader*, Pieruccini was found dead in her home from a 9mm gunshot wound. According to the *Beaumont Enterprise*, Meehan originally reported the shooting as a suicide, but autopsy

reports showed Pieruccini had been shot in the back from a range of less than two feet. Meehan had reportedly consumed approximately 16 beers the night of the murder. Meehan was convicted of murder in February 1998 and was sentenced to 99 years in prison.

Attempted Capital Murder—Houston, Texas

- o On May 15, 1996, concealed handgun license holder Francisco Santos-Rojo was arrested for attempted capital murder in connection with the robbery-slaying of diamond broker Janos Szuc in Szuc's southwest Houston office on January 24, 1996. Houston police report that Santos-Rojo allegedly paid off a cleaning woman for security access into Szuc's office building and waited outside in a getaway car during the incident. According to the *Houston Chronicle*, brothers Alberto and Reinaldo Dennes allegedly shot and wounded a security guard in Szuc's building with a 9mm pistol fitted with a silencer, shot and killed Szuc, and then stole \$3.6 million in diamonds from Szuc's office safe before driving off with Santos-Rojo. The Dennes brothers were arrested and charged with capital murder in late February 1996, and Santos-Rojo was arrested in May. According to the Texas DPS, Santos-Rojo was indicted for capital murder, his charge was subsequently reduced, he was convicted of robbery, and sentenced to 10 years in prison.

Kidnapping

Aggravated Kidnapping—Seguin, Texas

- o On April 28, 1997, concealed handgun license holder Diane James was arrested by Seguin, Texas, police in the aggravated kidnapping of a young woman. According to the *San Antonio Express-News*, Diane James and her husband, David, abducted a San Antonio woman in her 30s off the street as she walked home. According to police reports, the woman was assaulted with a stun gun, pulled into the James' van, and then taken to their home, where she was kept naked and in chains. The woman reportedly told police that David James told her she was going to be "trained" as a sex slave. The woman escaped the next morning and ran to a neighbor's home. David James—armed with a Colt AR-15 assault rifle—followed the woman to the neighbor's home. When the police arrived at the scene a shootout ensued in which David James was killed. Diane James was convicted of aggravated kidnapping on November 21, 1997, and was sentenced to 15 years in the Texas Department of Criminal Justice Penitentiary.

Section Three: Conclusion

While advocates of relaxed concealed carry laws promise the public protection from crime, Texas Department of Public Safety data details the day-to-day, real-world effect of such laws: they arm criminals and threaten public safety. All too often, concealed carry license holders don't stop crimes, but commit them.

Yet, exactly how many and what types of crimes are being committed is becoming harder to ascertain. Texas, which allows information about the arrests of the concealed handgun license holders to be analyzed by the public, has taken the first step toward restricting information with the enactment of legislation, which took effect September 2001, restricting information posted on the Department of Public Safety's web site. Other states do not provide any information *at all* about the number and types of crimes committed by their concealed carry licensees. Allowing the public full access to this information on concealed carry holders is essential to a fair examination of the concealed carry licensing system.

In light of the findings of this study, and previous studies conducted by the Violence Policy Center of the Texas as well as Florida concealed carry laws, the VPC strongly recommends against the adoption of concealed carry licensing in any additional states and urges states that have passed such laws to repeal them.

