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Representative Jim Runestad
House District 44
Chair, House Judiciary Committee

Dear Honorable Representative Runestad and Committee Members:

I would like to express how pleased I am that you and your committee are hearing legislation to eliminate the need to obtain a license to legally carry a handgun in the State of Michigan, either concealed or openly, specifically House Bills 4416 to 4419. There can be no greater calling for an elected representative to expand freedom for the citizens in a responsible approach to creating good public policy.

As one of the most prolific and well respected CPL Instructors in this state, I wanted to reach out to you and express my opinion on this matter. At my facility, Freedom Firearms and Southside Sportsman Club in Battle Creek, MI, my staff and I have trained over 12,000 CPL Students from 59 of Michigan's 83 counties and 118 Instructors since the establishment of our business in April of 2002. I am a Life member of the National Rifle Association, the Second Amendment Foundation, Michigan Open Carry, Michigan Coalition of Responsible Gun Owners, and a member of Michigan Gun Owners. Most recently we ran into each other on the Capitol Steps at the Annual Second Amendment March as I was Emceeding the event. I appreciated your speech and your commitment to our State Constitution.

In addition to this experience, it has been my pleasure to voluntarily serve Attorney General Mike Cox and subsequently Attorney General Bill Schuette on the specific project of establishing reciprocity for Michigan's CPL with the several other states in our union. It gave me great pleasure to be awarded and recognized in January of 2015 by Attorney General Bill Schuette recognizing that our efforts had resulted in maximum reciprocity for the State of Michigan's CPL as well as making Michigan's CPL the most recognized concealed handgun license in the nation. Michigan's license is recognized in 40 of the 50 U.S. States. During the course of this project, I personally reviewed the laws of the states for which we were seeking to gain reciprocity. Many of these states, such as our neighboring State of Indiana, have no training requirement to obtain a license to carry a handgun. In addition to not having a training requirement, for the fee of \$125 Indiana will issue a lifetime permit to an individual 18 years of age who, based on Michigan's honoring of all other states' concealed carry permits, can then legally carry into Michigan. Interestingly enough, because of the way our disclosure law is written (see MCL 28.425f), someone from outside our state carrying on the authority their state's concealed carry permit is not required to disclose their armed status to our law enforcement when stopped. The requirement does not apply to them. So, an 18 year old with a lifetime permit from Indiana with no training and no duty to

disclose can travel into Michigan at any time they choose, and to date there is no trail of dead police bodies up and down I-69.

Furthermore, there are now thirteen states that have no requirement to obtain a license to carry a handgun as long as you are legally able to possess a firearm. Indiana's long history with no training requirement cannot be shown to have any higher incidence of criminal activity or problems with people who carry a handgun for personal protection simply because they received no mandated training. In addition to the 13 constitutional carry states (Alaska, Arizona, Arkansas, Idaho, Kansas, Maine, Mississippi, Missouri, New Hampshire, North Dakota, Vermont, West Virginia, and Wyoming), another 9 states have no mandatory training requirement before obtaining a permit to carry (Alabama, Georgia, Hawaii, Indiana, New Jersey, New York, Pennsylvania, South Dakota, and Washington), including the U.S. Territories of Puerto Rico and the Virgin Islands. The truth is, people who are unfamiliar with firearms want training and seek it out voluntarily without being mandated. Many will self-educate based on the availability of information widely available regarding the laws and regulations of the jurisdictions in which they live (see www.handgunlaw.us).

While I can understand on the surface the comfort level of police officers wanting citizens to offer them the courtesy of letting them know they have a firearm present during a stop, it does seem to present several problems. First, only law abiding citizens are going to follow the law and disclose. Criminals are not only not required to disclose, they cannot be compelled to disclose because they would be giving up their constitutional right against self-incrimination. Which brings up the interesting point of local ordinances and policies of certain educational institutions. If you force citizens to disclose to law enforcement and one happens to be driving through Ann Arbor and ends up on University of Michigan Campus on what simply looks like any other public street and they are pulled over by campus police and they disclose in accordance with law, the officer can then arrest them for having a firearm on campus in violation of the University of Michigan ordinances. The same would be true for the various school districts in Michigan or for anyone from out of state with an out of state permit that might inadvertently find themselves within the 1,000 foot Federal Gun Free School Zone. Frankly, disclosure under these circumstances is constitutionally unenforceable.

Again, it must be emphasized that individuals from outside our state, who are carrying here under reciprocity, are not required to disclose at all to law enforcement because they are not licensed under MCL 28.425(b). Rather, they are exempt from licensure under MCL 28.432a(h), as recognized in sections such as MCL 28.425k and 28.425o. The relevant part of the disclosure section in MCL 28.425(f)(3) states:

(3) An individual licensed under this act to carry a concealed pistol and who is carrying a concealed pistol or a portable device that uses electro-muscular disruption technology and who is stopped by a peace officer shall immediately disclose to the peace officer that he or she is carrying a pistol or a portable device that uses electro-muscular disruption technology concealed upon his or her person or in his or her vehicle.

Michigan is in the minority when compared nationally. The other states that require disclosure in the same manner as Michigan are Ohio, Oklahoma and North Carolina. Alaska, South Carolina, and Louisiana requires disclosure if your firearm is concealed on your person but not for glove box carry. Maine only

requires one to disclose if they do NOT have a permit to carry. Nebraska requires disclosure only for concealed carry and includes disclosure to emergency medical personnel. Texas requires disclosure but has zero penalties for not disclosing. In all, only ten states have any form of disclosure in their laws and again, there are no problems in the states that do not require disclosure.

In addition, disclosure is based on a logical fallacy that has the potential effect of lulling officers into a false sense of security. Whether or not someone discloses to an officer, the officer should always be on alert and operating tactically in a manner that always maintains a position of advantage during every stop.

As to the question of how would law enforcement be informed if a citizen became statutorily disqualified from carrying concealed, you would know because the individual would no longer be able to legally possess firearms under the law. If they are convicted of any felony, are under indictment for a felony, are convicted of a misdemeanor crime of domestic violence, or they are subject to a personal protection order that prohibits their possession of firearms, then law enforcement will see and know this. These are exactly the same qualifications currently required of any law abiding citizen in Michigan 18 years or older who legally obtains a handgun and carries that firearm openly. This law would simply remove the \$115 "coat tax" and treat concealed carry the same as open carry. To obtain firearms, background checks will still be done and all the laws and penalties for illegally possessing firearms remain in place.

Removing the onerous fee for a license to citizens to exercise what is in our Michigan Constitution a right, makes that right accessible to all people, not just the rich and privileged. Instead of paying a \$115 fee to the state for the privilege of a license, those folks will be able to take that money and spend it on quality training.

My position on this legislation is that it should be supported by every representative and law enforcement officer based on their oath of office to the Constitution of the State of Michigan, specifically Article I, Section 6. Voting against this piece of legislation only serves to maintain the long established vestiges of racist gun control in this state which served to disarm the poor and minorities in particular. Since an individual in the state of Michigan who can legally possess firearms can already carry a handgun openly, then imposing a license for someone who desires to carry concealed is simply a "coat tax" for their desire to keep the firearm discreetly concealed and out of the view of the general public.

The concept of charging any fee, much less an onerous fee of \$115 plus the cost of mandated training, only serves to disadvantage people who are poorer, economically disadvantaged, and live in higher crime neighborhoods. In other words, this structure in our state serves to disarm the honest citizens who need the protection the most. The law changes nothing for those who are ineligible to carry a firearm under the current law. Those people are already breaking current laws by carrying firearms illegally and this change in the law would still leave them eligible to be punished appropriately.

I know there will be colleagues of mine who will oppose this legislation. Based on the reasons outlined above, I believe they have only one reason to be opposed and it is financially motivated. By having training mandated by law, they are guaranteed a constant stream of income even if their training is

inferior. A good instructor and firearms training facility will not fear this legislation because their training is sought out on the basis of the quality of their program. If I believed that this legislation would cause me to no longer have students, then I would have a \$250,000 per year motivation to oppose this legislation. However, I believe I can advertise my training classes and based on our reputation easily complete in the Free Market.

Let me be clear: ANY instructor or training facility or supposed gun rights organization that opposes "Constitutional Carry" is placing PROFIT BEFORE PRINCIPLE!!! Now, I implore you to uphold your oath and do the right thing for the good citizens of this great state and support this legislation.

In Liberty,

Joel E. Fulton