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Concealed-Carry Law Wouldn't be Remedy

By William J. Muldoon, Guest Column

The news story, "Guns a part of life for state senator" in the April 10 Sunday World-Herald, told an interesting story about State Sen. Jeanne Combs' battle with gangs and crime. But it should not sell us that the solution for all Nebraskans is passing Legislative Bill 454, the concealed-carry bill currently up for debate in the Legislature.

The argument that a citizen armed with a concealed weapon is better able to protect himself and his family from criminal attack does not tell the full story.

In my 27 years of law enforcement experience, I have seen far too many instances where a firearm in the home was not used for self-defense as intended but instead was used in a domestic assault, on a family member in a tragic accident or by a family member to commit suicide.

Enabling concealed-carry may have the effect of making unlocked, concealable firearms even more prevalent and accessible to family members of average citizens who choose this avenue of perceived self- defense.

A second concern is the unrealistic expectations placed on the Nebraska State Patrol for issuing these permits and training citizens. It is difficult enough to train police officers in the nuances of self-defense vs. what could be a manslaughter charge and to enumerate all the situations that might arise.

In addition, oversight of who carries a concealed weapon would be removed from local authorities.

In the latest version of the proposed statute, the State Patrol would not be exempt from liability in issuing a concealed carry permit. Nor would trainers or the state in general be exempt from liability for failure to adequately train average citizens in how to make these complex decisions and safely operate the firearm.

We can only hope that it will not take a tragic death to raise the issue that a citizen was not properly trained. The state subsequently could be held liable for a death, and all taxpayers could share in funding future liability in these tragic events.

Also not discussed is that the difference between an average citizen armed for self-protection and an average citizen committing criminal assault can be a simple provocation.

With complexities in our society including domestic violence, road rage, school violence, violence against co-workers and violence against elected officials and judges, this bill would take Nebraska backward in an era where we should be de-escalating situations rather than adding the fuel of concealed-carry.

Sen. Combs said in the story that police were slow to arrive when her California home was burglarized in a property crime, albeit one that is frightening. Would legislation authorizing citizens to take matters into their own hands be sound public policy? The better advice would be that she wait at a neighbor's until police arrived and checked the house.

Slow police response times are a reason to increase funding of public safety, not to authorize one to take matters into one's own hands.

The 130-member Police Chiefs Association of Nebraska and I oppose this legislation and believe the current state statute (28-1202) adequately offers an affirmative defense that would justify "a prudent person in carrying a weapon or weapons for the defense of his or her life, property or family."

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