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## Concealed gun law in spotlight

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ASHEVILLE – Some just stood and stared. But dozens of other parents and children who saw a gun come out during a fight at a crowded family amusement center couldn't find cover fast enough amid the lines of video and arcade games.

The off-duty law enforcement officer who pulled out the handgun had every legal right to be carrying a concealed weapon, even on a recreational trip to Fun Depot with his family.

The same would have been true for more than 10,000 other people holding concealed handgun permits in Western North Carolina.

State law allows permit holders to carry the concealed guns in a wide range of businesses and public places, something that Fun Depot owner David Day had ever thought would be needed.

"If you have a permit, you could have a gun, and we don't want any guns in our building," Day said. He said the Oct. 11 incident was the only such altercation in the five years the arcade has been open.

Concealed guns are not allowed on state or federal property, educational property, in areas of assemblies, parades, funerals or demonstrations, financial institutions or any premises with signs posted prohibiting them. They are legal in most other places.

In the Fun Depot case, the Buncombe County Sheriff's Office planned to investigate whether Officer Jason Ratcliff of the county's Pretrial Release Services office acted appropriately.

Ratcliff confronted two men using profanity and they turned on him, with one punching him in the face, Day said. The officer pulled out the gun to keep it from his attackers, authorities said.

Ratcliff is a county employee and also a sworn deputy. He could not be reached for comment on this story, and authorities have declined to discuss specific details of what happened because of the investigation.

An arrest warrant for one of two men charged in the fight says Ratcliff identified himself as an officer.

## Debate, but little controversy

There's been debate over the past decade about whether concealed carry permits have reduced crime by serving as a deterrent.

The advocacy group North Carolinians Against Gun Violence say the state's concealed carry law has worked well, though it is not clear that concealed weapons have brought crime down.

"We have one of the strongest carry concealed laws and it seems to be working," said Gail Neely, assistant director of the Chapel-Hill based group, which has about 1,100 members. "I wish they had the same guidelines for all guns."

Getting a concealed handgun permit requires training. Legal possession of long guns, including semi-automatic assault rifles, requires no special training in North Carolina.

Gun rights groups, like the National Rifle Association, say concealed weapons do make a difference in deterring crime. The NRA says violent crime in states with concealed carry laws dropped 24 percent last year.

But there is some evidence that carrying a gun could lead to snap aggressive decisions or embolden people to confront others.

A Harvard School of Public Health study of 2,400 drivers in 2005 found people who travel with a gun in the car are more likely to be involved in road rage incidents.

Advocates on both sides of the gun control debate – and law enforcement officials – say problems involving concealed handguns are rare in North Carolina because of a permitting system that requires training and criminal background checks.

“We haven't had any serious situations involving anyone with a concealed handgun permit using a weapon,” Macon County Sheriff Robert Holland said.

## **N.C.'s law**

The record of few problems stretches back for more than a decade.

North Carolina passed what's known as a “shall-issue” law in 1995 after Republicans took control of the state House, according to North Carolinians Against Gun Violence.

The shift in power gave gun lobbyists the votes they needed to change North Carolina's 116-year-old law prohibiting carrying concealed weapons.

The new law meant the government must grant permits to residents who qualified, as opposed to a “may-issue” law that would have given broader discretion to state or local leaders despite the qualifications of an applicant.

Many other states in the 1990s were moving to allow concealed carry permits.

Forty states now have “shall-issue” laws based on an application process, according to the NRA. Eight follow a “may-issue” process and two, Illinois and Wisconsin, don't allow concealed weapons at all.

The change to the law in North Carolina came after the 1994 passage of the federal Brady Handgun Violence Prevention Act. The new federal law required an instant national criminal background check for anyone buying a handgun.

But states were allowed to set up their own systems as long as the federal Bureau of Alcohol Tobacco and Firearms agreed they were suitable alternatives to the Brady law. North Carolina uses its own system, which incorporates federal requirements.

## **Gun training**

Deputy Tony Carver of the Macon County Sheriff's Office is certified to teach the state's concealed carry class.

He does it for free for small groups a few times a year.

Like his boss, he's seen no problems with permit holders inappropriately using their weapons in his 16 years in law enforcement.

One reason for that is the class itself, Carver said. At eight hours, it is not particularly short and it comes with a test at the end.

The class, he said, is not designed to teach someone how to shoot. Students should already know how to fire their weapons.

But it is designed to teach someone the responsibly that comes with carrying a concealed handgun, he said.

The class teaches people all of the places they can't carry a gun and the places they can. It offers instruction on the legal use of a gun against an intruder at home.

Carver goes over proper equipment – such as special holsters – needed to safely carry a concealed weapon and the crucial ability to keep the weapon concealed.

He tells his students that even accidentally revealing a concealed gun in public could cause panic.

The class also goes over the situations when a permit holder may legally use a gun. Carver spends four hours – twice what the state requires – on the legal block of the course.

The bottom line is a gun must remain concealed unless there is an “imminent threat of death, serious injury or sexual assault,” he said.

The threat can be against the permit holder or another person.

The important point is that the permit holder must be able to clearly explain the threat after the incident is over, much like police have to do after a shooting involving an officer.

“You are taking on a tremendous responsibly when you apply for that permit and start carrying a gun,” he said. “I always point out to people that when you are carrying that gun, you really need to be the nicest person in the world. You need to be the bigger person.”

Carver said most people who take his class are getting a permit to keep a gun in their car. He said few people actually carry a concealed gun on the street.

Like the sheriff, he's not had any problems with people legally carrying concealed weapons. The times he has had to deal with them, they have always quickly informed him they were carrying a gun.

“I have seen personally no incident where a concealed carry person has violated laws or done something to endanger someone,” he said.

The Buncombe County Sheriff's Office also has not encountered any serious problems from permit holders, Lt. Ross Dillingham said.

## Obtaining a permit

Getting a concealed weapon permit can be a long, expensive process.

Applicants must fill out a detailed questionnaire, obtain releases for medical records from area hospitals, provide fingerprints for a federal and state criminal background check and complete an approved firearms training course.

The permit costs \$90 and takes 60-90 days to process.

But even with the current system of checks, it can be difficult to get a complete picture of an applicant's background, said Pat Freeman, director of the City-County Bureau of Identification in Asheville, the agency that processes all gun permits in Buncombe County.

Applicants are only required to obtain releases from a list of local hospitals, so officials have no way of verifying previous health records, Freeman said.

Unless the person has been fingerprinted for previous criminal activity, they will not show up in any law enforcement databases, she said.

"We're tasked with asking as much about an applicant as we can find out, but if they withhold information we could issue a permit and not know," Freeman said.

Some gun owners feel the cost and time involved in obtaining a permit is excessive.

"It's the same old junk, you have to spend all that money, and you have to send some of the hospitals \$25 to tell the state I'm not a mental case—it's ridiculous," said Asheville resident David Clark, who has maintained a permit since they became legal in North Carolina.

"I think it's an opportunity for the state to grab more money," the retired security guard said.

Howard Walter, an NRA board member who lives in Flat Rock, said some counties in North Carolina drag their feet in processing permits, taking up to 120 days to decide whether or not to issue them.

Walter generally approves of the state's concealed gun laws, which he lobbied for during the 1990s.

The retired Navy pilot has not applied for a carrying permit himself due to the cost and red tape involved in getting one.

But he said he's encountered dangerous situations where he has felt the need to have a firearm on hand, like the time he found two gunshot victims at a rest stop.

Walter said he was about to get out of his car at the stop between Raleigh and Greensboro when he saw two armed men rush outside.

"I was standing there helpless and as I walked in there were two dead bodies on the ground, they could have shot me just as easily," he said.

Police apprehended the gunmen nearby, but Walter said he feared he could easily have become one of their victims.

## Business restrictions

Clark, the retired security guard, said he is irritated by gun prohibitions at Asheville businesses and city facilities.

Rules against legal gun possession at places like Asheville Mall or the Civic Center make visitors vulnerable to crime, he said.

"It's all right to go in there and get mugged [at the mall] or get mugged in the parking lot—it's ridiculous the way it's limited," he said.

Clark said he probably hasn't carried his gun in public in over a year and he has never fired it, but having it nearby gives him a sense of security.

At the Grove Arcade downtown, there are notices banning weapons in the indoor market, but the warning isn't necessarily directed at people with gun permits, executive director Ruth Summers said.

"If someone has a permit to carry a weapon, we're not going to know it and we're not going to search them," Summers said.

If a security guard saw someone with a concealed gun on property, they would approach the person to

verify that they had the right to carry it, she said.

Walter said he thinks businesses ban firearms primarily to make patrons who don't use them feel more comfortable.

But the prohibition has an opposite effect on responsible gun owners, he said.

“One of the big things I hear a lot about is if a business posts a sign that says no guns allowed, either the person who's carrying won't go in there and shop or, if they do, they'll feel like they're not able to protect themselves,” he said.

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