

## **`GUN CONTROL' ISN'T A NASTY PHRASE IN UTAH ANYMORE**

Jerry Spangler and Lisa Riley Roche

*The Deseret News*. Salt Lake City, Utah: Sept 29, 1993. pg. A.1

*Copyright The Deseret News Sept. 29, 1993*

There are certain values many Utahns hold near and dear to their hearts: family, religion, private property. And guns.

Especially guns. "You can't imagine how seriously people take their constitutional right to keep and bear arms," said Sen. Robert Steiner, D-Salt Lake. "It is a part of the Utah culture." During the 1993 general session, lawmakers vehemently defeated several proposals - some sponsored by Steiner - aimed at promoting gun safety, particularly among children. Their argument? Any laws restricting firearms would be an insidious step toward more gun control.

Like abortion and tax hikes, gun control has traditionally been a nasty word on Utah's Capitol Hill. Until now.

When the Legislature convenes Oct. 11 in special session, lawmakers will consider a smorgasbord of gun-control bills - all part of a growing war on gang violence. And unlike previous years, many of the bills are expected to pass with little opposition.

Even from the National Rifle Association. Brian Judy, the NRA's state liaison for Utah, likes what's being discussed. "Conceptually, we are on board with what the governor is doing," Judy said from his Sacramento, Calif., office.

"Many people perceive the NRA believes the right to keep and bear arms is absolute and there should be absolutely no exceptions. That is not the case," he said. "There should be some limitations . . . on criminals, convicted felons, people who are mentally incompetent - and children."

And Utah's most conservative lawmakers are also pledging support. "We'll do whatever we can to help the Wasatch Front on this issue," promised Rep. Met Johnson, R-New Harmony and leader of the rural Cowboy Caucus, which helped quash several gun-safety bills in the past session.

The get-tough-on-gangs bandwagon has been racing for weeks now with Republicans and Democrats alike jumping aboard. Republican Gov. Mike Leavitt has proposed his

own anti-gang bills, including a bill that would toughen penalties on juveniles in possession of handguns.

A state law on the books since 1973 prohibits anyone under 18 years old from having a dangerous weapon without the permission of a parent or guardian. It also requires those younger than 14 to be accompanied by a responsible adult when in possession of a dangerous weapon. There is no penalty, however, for violating that law.

The governor has yet to decide just how tough he wants to be on kids who are caught with handguns. While Colorado's Legislature made a repeat offense a felony, Leavitt may not go that far. The NRA supported Colorado's decision to impose tough penalties that can include prison time. "Absolutely. Put them away," Judy said.

What won't be proposed by Utah's governor is a waiting period for the purchase of handguns. Salt Lake Mayor Deedee Corradini has suggested a city ordinance mandating a seven-day waiting period for gun buyers under 25.

Some lawmakers want to confiscate the cars of those involved in drive-by shootings. Others want a five-year revocation of drivers' licenses for those involved in drive-by shootings.

One even wants all juveniles ages 16 to 18 automatically charged as adults if the crime involves a firearm.

"We're not suggesting all-out gun control," Steiner said. "We're talking about getting the guns out of the hands of teenagers. And in that respect, we've received little opposition."

Most surprising, perhaps, is the support for limited gun control coming from the staunchly conservative rural lawmakers. Johnson, who opposes gun control in any form, admits the Wasatch Front has a problem with gangs and the cities there need to be given the tools to deal with the problem.

"It's an important and deadly issue to them (Wasatch Front lawmakers)," Johnson said. "And given their support for us on rural issues, we're going to support them on this."

But, he cautioned, "Of course, we will try to keep protections for gun ownership in rural Utah. A lot of people here, including teenagers, carry guns to hunt rabbits and coyotes. It's a way of life down here."

The governor's legal counsel, Robin Riggs, said exemptions will be made for minors in rural areas. Still, Riggs said, "most kids don't go out and hunt rabbits with a handgun or a sawed-off shotgun."

Kathryn Kendall, staff attorney for the ACLU, said typically the organization stays away from gun-control issues.

"Our position is, given the size of the societal threat, that some measured restrictions are appropriate," she said. "Societal interests are pretty strong when you've got a 17-year-old with a gun on the street in the dead of night."

\*\*\*\*\*

(Additional information)

Gov. Mike Leavitt's legislative package on gangs will include bills adding penalties to an existing law banning anyone age 18 and under from carrying handguns; increasing detention facilities; and hiring more juvenile probation officers.

Other proposed legislation that may be considered when the Utah Legislature meets in special session Oct. 11:

- Establishes penalties for handgun possession by anyone 18 and under. Exceptions would be made for hunting, competition shooting and when traveling to and from such activities. The first offense would be a misdemeanor and subsequent offenses would be felonies. Sponsor: Sen. Robert Steiner, D-Salt Lake.

- Making it unlawful for persons to provide a juvenile with a handgun if they knew there was a risk that the child would use the handgun unlawfully. It would also be illegal for parents to provide their child with a handgun if the child has previously been convicted of illegally possessing a handgun. No penalties have been suggested. Sponsor: Sen. Robert Steiner, D-Salt Lake.

- Allowing judges in the adult criminal system to be given knowledge of prior juvenile convictions involving handguns when sentencing for adult felonies. Sponsor: Sen. Robert Steiner, D-Salt Lake.

- Allowing police to confiscate vehicles used in drive-by shootings. It is possible the

bill could be expanded to include confiscation of vehicles used to transport individuals to and from gang activities. Sponsor: Rep. Ray Short, R-Salt Lake.

- Allowing the revocation of drivers licenses for five years of anyone involved in a drive-by shooting. Sponsor: Rep. Pete Suazo, D-Salt Lake.

- Automatically certifying juveniles ages 16 to 18 as adults if they use a firearm in the commission of a crime. The juveniles could petition the court for reinstatement as juveniles for criminal proceedings. Sponsor: Sen. Rex Black, D-Salt Lake.

- Boosting spending for the juvenile justice system, including bonding to build a detention facility in Davis County and funding more probation officers. Backer: Utah's American Civil Liberties Union chapter.

#### Gang Bills Passed During Special Session of the Colorado Legislature

Handgun Control Law: Makes it illegal for anyone under 18 to possess a handgun except for such activities as hunting, trapping, target shooting or gun safety instruction. Charges first-time violators with a misdemeanor and repeat offenders with a felony. Charges parents or adults who illegally furnish handguns to young people with a felony.

Youth Prison System: Establishes a youthful offender system for young people ages 14 through 18 who commit violent crimes. Offers the option to charge, try and sentence juveniles in adult court. Sets aside 97 prison beds for the new system and puts the program under the Colorado Department of Corrections, rather than the Colorado Division of Youth Services, which runs the juvenile justice system.

Other bills: Require parents and guardians to attend the court proceedings of their children; expand boot camps programs; add a surcharge to fines imposed on juveniles convicted of violent crimes and use proceeds to help pay for the youth offender system; give counties the power to pass ordinances prohibiting youth-related crimes including loitering and painting graffiti; and allow for more public access of juvenile court records including the names of a juvenile offender's parents or legal guardians.

The Utah Constitution expressly protects the rights of all citizens to keep and bear arms. Gun control laws currently on the books:

- Persons convicted of any violent crime under U.S. or state statute are prohibited from possessing a firearm. Penalty: Class A misdemeanor.

- Persons on probation or parole for any felony may not possess a firearm. Penalty: third-degree felony.

- Minors may not purchase firearms without the written permission of their parents or guardians. Penalty: none stated.

- It is illegal to possess a firearm on or about school premises. Penalty: Class B misdemeanor.

- It is illegal to carry a loaded firearm in a vehicle, on a public street or in an area expressly prohibited. Penalty: Class B misdemeanor.

- Possession of sawed-off shotguns and sawed-off rifles is illegal. Penalty: Not stated.

- It is illegal to brandish a firearm in the presence of two or more people in a threatening manner. Penalty: Class A misdemeanor.

- It is illegal to shoot a firearm from a vehicle or from a roadway. Penalty: Class B misdemeanor.

- Cities and counties may enact more restrictive laws than the state, but may not enact ordinances that directly conflict with state law.