



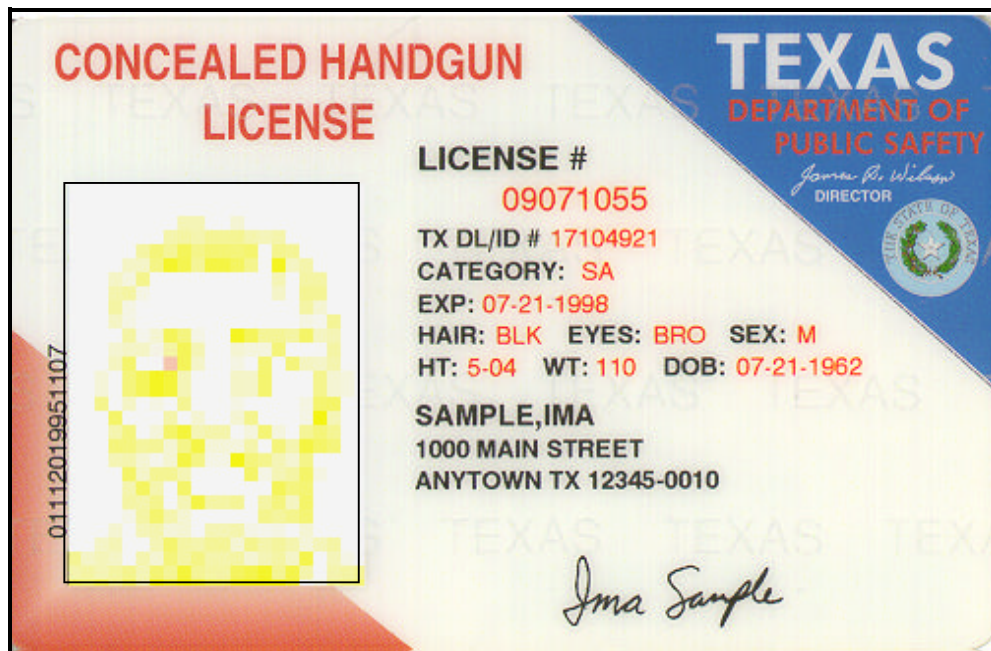
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# License to Kill III

## The Texas Concealed Handgun Law's Legacy of Crime and Violence



August 2000

**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 Center on Crime, Communities & Culture of the Open Society Institute, The George Gund Foundation, The Joyce Foundation, and The John D. and Catherine T. MacArthur Foundation.

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- *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)
- *Kids Shooting Kids: Stories From Across the Nation of Unintentional Shootings Among Children and Youth* (March 1997)

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## Introduction

In 1995 the Texas legislature passed a “shall-issue” concealed weapons 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 \$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 more 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 incidents involving license holders to the Department of Public Safety. Under the law, such reports are required to be made only where 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. Discerning the details of such incidents, however, is extremely difficult because of broad confidentiality provisions contained in the law.<sup>1</sup> Yet research conducted by the Violence Policy Center (VPC) reveals that many Texas license holders have been arrested for a wide range of crimes.

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<sup>1</sup> The Texas law’s broad confidentiality provision severely limits the department’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.

According to the Texas Department of Public Safety (DPS),<sup>2</sup> Texas concealed handgun license holders<sup>3</sup> were arrested for a total of 3,370 crimes from January 1, 1996 to April 30, 2000. Crimes for which license holders were arrested include: murder/attempted murder, kidnapping, rape/sexual assault, assault, weapon-related offenses, drug-related offenses, burglary, and theft. Texas DPS identified an additional 568 non-arrest incidents involving concealed handgun license holders including: delinquent child support, protective orders, non-payment of taxes, medical/mental diagnoses, and suicide.

In January 1998 the Violence Policy Center (VPC) released *License to Kill: Arrests Involving Texas Concealed Handgun License Holders*. That study analyzed the DPS' 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. Since the VPC's 1999 study, Texas concealed handgun license holders have been arrested for nearly 1,300 additional crimes. This study is an update of the March 1999 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) head 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." The NRA has made recent statements in the press that its agenda for next Congress will include a national concealed-weapons law similar to the one in Texas.

This study<sup>4</sup> details 3,370 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: 23 charges of murder or

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<sup>2</sup> 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.

<sup>3</sup> As of May 2, 2000, there were 211,769 individuals with active concealed handgun licenses—1.6 percent of the state's 1999 adult population aged 21 and older (13,360,321 according to the U.S. Census Bureau in 1999, the most recent year available).

<sup>4</sup> In June 2000, the Violence Policy Center (VPC) acquired a list of arrest incidents involving Texas concealed handgun license holders from the DPS. These records list incidents from January 1, 1996 to April 30, 2000.

attempted murder, 11 alleged kidnapping/false imprisonment incidents, 60 arrests for rape/sexual assault, 183 cases of alleged assault/aggravated assault with a deadly weapon, 752 individuals charged with driving while intoxicated, 41 arrests for indecency with children, 227 alleged drug-related incidents, 100 individuals charged with sexual misconduct, 34 allegations of trespassing/criminal trespassing, eight arrests for arson, and five incidents of suicide or attempted suicide.

VPC analysis of the DPS information reveals that—

- o Texas concealed handgun license holders have been arrested for *more than two crimes a day* since the law went into effect.
- o Texas concealed handgun license holders have been arrested for *nearly two serious violent crimes per month* since the law went into effect including: murder/attempted murder, manslaughter/negligent homicide, kidnapping,<sup>5</sup> 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 three drunk driving offenses per week* since the law went into effect.
- o Family violence was identified in *one in 20 incidents* involving concealed handgun license holders.<sup>6</sup>
- o Texas concealed handgun license holders have been arrested for *nearly two weapon-related offenses per day* since the law went into effect.
- o From 1996 to 1999, Texas concealed handgun license holders were arrested for weapon-related offenses *at a rate 66 percent higher than that of the general population of Texas, aged 21 and older.*<sup>7</sup>

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<sup>5</sup> Includes two arrests for false imprisonment and one arrest for unlawful restraint.

<sup>6</sup> There were 547 incidents involving concealed handgun license holders in which DPS could not identify whether or not family violence occurred.

<sup>7</sup> From 1996 to 1999, according to the DPS's Crime Records/Crime Information Bureau/UCR, 32,304 persons aged 21 and older were arrested for weapon-related offenses (illegal

This report consists of four 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 April 30, 2000.
- o *Section Two: Non-Arrest Incidents of Concealed Handgun License Holders in Texas* lists non-arrest incidents involving concealed handgun license holders from January 1, 1996 to April 30, 2000. Non-arrest incidents are events—such as unintentional shootings, attempted suicides, or substance abuse—that do not result in an arrest, but result in the revocation or suspension of a concealed handgun license.
- o *Section Three: Details of Specific Arrest Incidents Involving Concealed Handgun License Holders* offers detailed information gathered through VPC research on eight arrests of concealed handgun license holders—seven for murder or attempted murder and one for aggravated kidnapping.
- o *Section Four: 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.

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carrying, possession, etc.) in Texas. According to the U.S. Census, in 1999 there were an estimated 13,360,321 adults aged 21 and older in Texas. The weapon-related arrest rate among all Texans aged 21 and older from 1996 to 1999 was 241.8 per 100,000. Arrest records from the DPS list 852 weapon-related arrests among concealed handgun license holders from 1996 to 1999. The weapon-related arrest rate among Texas concealed handgun license holders from 1996 to 1999 was 402.3 per 100,000.

**Section One: Arrests of Concealed Handgun License Holders in Texas**  
**January 1, 1996 to April 30, 2000**

Charge	Number of Arrests
<b>Murder/Attempted Murder</b>	<b>23</b>
<b>Kidnapping/False Imprisonment</b>	<b>11</b>
<b><u>Rape/Sexual Assault</u></b>	<b>60</b>
Rape	1
Sexual Assault/Aggravated/Attempted	22
Sexual Assault/Aggravated on a Child	37
<b><u>Manslaughter/Negligent Homicide</u></b>	<b>5</b>
Manslaughter	2
Intoxicated Manslaughter with a Vehicle	2
Criminal Negligent Homicide	1
<b><u>Assault</u></b>	<b>527</b>
Assault/Aggravated Assault	14
Assault/Aggravated Causing Bodily Injury or Involving Family Violence	424
Assault/Aggravated on a Public Servant	12
Intoxicated Assault w/Vehicle	7
Injury to a Child/Elder/Disabled Person	25
Terroristic Threat	37
Retaliation	7
Battery	1
<b><u>Weapon-Related Offenses</u></b>	<b>873</b>
Assault/Aggravated Assault w/Deadly Weapon	183
Unlawfully Carrying a Weapon	486
Deadly Conduct/Discharge Firearm	108
Discharge Firearm	10
Disorderly Conduct/Discharge or Display Firearm	24
Criminal Trespassing with Deadly Weapon	3
Weapons Law Violation	4
Disposing Firearm to Felon	1
Failure or Refusal to Display Handgun License	39
Theft of a Firearm	4
Unlawful Possession of Prohibited Weapon	9
Possession of Stolen Weapon	1
Making a Firearm Accessible to a Child	1

<b><u>Automobile-Related Offenses</u></b>	<b>814</b>
Driving While Intoxicated	752
Driving While License Invalid/Suspended	33
Failure to Stop & Give Information/Render Aid	11
Failure to Give Notice for Striking Unattended Vehicle	2
Reckless Driving	12
Unauthorized Use of a Vehicle	2
Obstructing Highway Passage	2
<b>Arson/Aggravated Arson</b>	<b>8</b>
<b>Indecency with a Child/Expose/Sexual Contact</b>	<b>41</b>
<b><u>Child Custody Offenses</u></b>	<b>5</b>
Abandon/Endanger Child	4
Interfere with Custody	1
<b><u>Drug-Related Offense</u></b>	<b>227</b>
Dangerous Drugs	8
Delivery of Marijuana	2
Manufacture/Deliver Controlled Substance	15
Possession of Marijuana	120
Possession of Controlled Substance	77
Possession of Drug Paraphernalia	2
Trafficking in Drugs	1
Violation of Controlled Substances	2
<b>Impersonating a Police Officer/Public Servant</b>	<b>15</b>
<b><u>Conduct-Related Offenses</u></b>	<b>93</b>
Aggravated Perjury	2
Abuse of Official Capacity	2
Interfere with Duties of a Public Servant	10
False Report to Police Officer	7
Contempt of Court	2
Cruelty to Animals	15
Disorderly Conduct/Family Violence	8
Stalking	1
Harassment	27
Intimidation	2
Reckless Conduct	1
Tampering w/Witness or Government Records	12
Official Oppression	3
Improper Influence	1
<b><u>Sexual Misconduct</u></b>	<b>100</b>
Prostitution	56
Promotion of Prostitution	1
Indecent Exposure	25
Lewd/Public Lewdness	10
Solicitation of Minor	1
Illegally Operating Sexually Oriented Business	2
Possession or Promotion of Child Pornography	3
Sex Offender Registration	2



<b><u>Robbery/Burglary/Theft/Larceny</u></b>	<b>207</b>
Aggravated Robbery	6
Robbery	2
Burglary	13
Grand Larceny	1
Theft	184
Swindle and Theft	1
<b>Organized Crime</b>	<b>21</b>
<b>Criminal Mischief</b>	<b>40</b>
<b><u>Forgery/Fraud</u></b>	<b>70</b>
Credit Card Abuse	3
Make/Possess/Display Fictitious Inspection Certificate	4
False Tax Returns	1
Use/Alter/Transfer Food Stamps	3
Forgery	13
Fraud/Mail Fraud	33
Misappropriate Fiduciary/Trust	6
Money Launder	1
Insufficient Funds/Check	5
Pyramid Schemes	1
<b>Violation of Protective Order</b>	<b>10</b>
<b>Trespassing/Criminal Trespassing</b>	<b>34</b>
<b><u>Alcohol-Related Offenses</u></b>	<b>34</b>
Boating While Intoxicated	5
Importing Beer w/o License	1
Permit Intoxicated on License Premises	1
Public Intoxication	2
Selling Alcoholic Beverages to a Minor	17
Selling Alcoholic Beverages in a Dry Area	1
Serving Alcoholic Beverages to Intoxicated or Insane	1
Selling Alcoholic Beverages w/o a License	3
Violation of Alcohol and Beverage	3
<b><u>Arrest-Related Offenses</u></b>	<b>59</b>
Evading Arrest	31
Fleeing/Fleeing Police Officer/Escape	6
Resisting Arrest	19
Hinder Apprehension/Prosecution	3
<b>Other<sup>8</sup></b>	<b>93</b>
<b>Total Number of Offenses</b>	<b>3,370</b>

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<sup>8</sup> Other includes: arrest data not received; aids/calls meetings; complaint letter; civil rights violations; discharge waste; failure to appear/identify fugitive from justice; federal charges; unstated felony; hunting with artificial light; material misrepresentation; manufacture/distribute decoding device; warrant offenses; possession of gambling device; dishonorable discharge; several unstated offenses; and unknown offenses.

**Section Two: Non-Arrest Incidents of Concealed  
Handgun License Holders in Texas  
January 1, 1996 to April 30, 2000**

Non-Arrest Incident	Number of Incidents
Failure or Refusal to Display Handgun License <sup>9</sup>	118
Unlawfully Carrying a Weapon	1
Delinquent Child Support	16
Protective Order Issued	83
<b><u>Non-Payment of Taxes</u></b>	<b>224</b>
Comptroller Taxes	213
Local Taxes	11
<b>Delinquent Texas Guaranteed Student Loan</b>	<b>46</b>
<b>Failure to Change Address</b>	<b>17</b>
<b>Medical/Mental Disability</b>	<b>33</b>
<b>Substance Abuse/Dependency</b>	<b>3</b>
<b><u>Suicide</u></b>	<b>5</b>
Attempted Suicide	3
Threatened Suicide	1
Suicide	1
<b>Terroristic Threat</b>	<b>1</b>
<b>Discharge of Firearm</b>	<b>2</b>
<b>Accidental Shooting</b>	<b>1</b>
<b>Other<sup>10</sup></b>	<b>18</b>
<b>Total Number of Incidents</b>	<b>568</b>

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<sup>9</sup> According to *Texas Concealed Handgun Laws and Selected Statutes*, as of September 1, 1997 concealed handgun license holders who are stopped by law enforcement for Failure or Refusal to Display Handgun License are not arrested. Such individuals receive a 90-day concealed handgun license suspension.

<sup>10</sup> Other includes: complaint letter, attending/conducting inappropriate class, criminal solicitation, deportation proceedings, disorderly conduct, material misrepresentation, and unknown.

## **Section Three: 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 VPC was able to obtain additional information on eight of the 3,370 arrests reported by the DPS—seven for murder or attempted murder and one for aggravated kidnapping.

### **Murder**

#### ***Murder—Del Rio, Texas***

- o On June 29, 1999, concealed license holder Patrick Glenn Bordelon was arrested for the attempted murder of 16-year-old Ivan Mendez. On June 6, 1999, Bordelon allegedly shot Mendez three times. According to the *Dallas Morning News*, 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." According to the *San Antonio Express-News*, Mendez claimed that he was rounding up his dogs in the river when he was shot in the back three times. Bordelon was released on \$25,000 bond.

Four months later, Bordelon was arrested again, this time on a charge of murder. On November 1, 1999, Bordelon and his wife arrived at their home to find five young men clustered around their back door. According to the *Associated Press*, two of the teenagers reportedly said that they were attempting to break into the house when the two owners showed up unexpectedly. Witnesses claimed that the woman chased the teenagers into the river and that the man fired at them with a handgun. Bordelon has claimed that he chased them away without firing shots. One teenager, Luis Armando Chavez Vaquera, was shot in the back of the head and his decomposed body was discovered 12 days later. Bordelon is currently free on bond awaiting trial.

#### ***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 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 present at the party. 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 he was located Harrelson 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.

### ***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 Texas DPS Santos-Rojo was indicted for capital murder, his charge was subsequently reduced, and 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 Four: Conclusion**

While advocates of relaxed concealed weapons laws promise the public protection from crime, Texas DPS 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. In light of the findings of this study, and previous studies conducted by the Violence Policy Center of the Texas and Florida concealed weapons 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.