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Gun Felons and Gun Regulation

Offenders' Views About and Reactions to "Shall-Issue" Policies for Carrying Concealed Weapons

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Many states have recently adopted "shall-issue" gun laws making it easier for applicants to receive permits for carrying concealed weapons. The policy shift is based on assumptions regarding criminal behavior and positive consequences of the change (e.g., reducing crime). Because Colorado had enacted a shall-issue law recently, the authors interviewed a sample of violent offenders there regarding their views on this policy change. Although some supported the new law, the majority were opposed. Reasons inmates viewed the law positively include arguments that it would deter crime and help protect people. Reasons inmates viewed the law negatively focused mostly on increased crime while also mentioning other objections such as more gang members (especially those without previous felony convictions) possessing guns, and the possible negative interaction of more guns and alcohol/drug use and mental states. The behavioral and policy implications of the findings are discussed.

Keywords: *carrying; concealed; weapons*

Firearms and the freedom or regulation surrounding their possession and use have always been controversial issues in the United States (Roth, 2002). Gun-related issues have a high degree of salience in elections and at the ballot box (see Joslyn & Haider-Markel, 2000). Arguments for increased gun regulation often cite the greater involvement of guns in homicides and suicides, with public health researchers being particularly vocal in this regard (see Vizzard, 2000). Countering the gun control arguments mentioned above, others bring up the importance of allowing individuals

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the ultimate self-protection against criminal attacks that guns accord those who possess them. Kleck and Gertz (1998) show, for example, that 8.8% of American adults carried guns the previous year, either on their person or in a vehicle, and that very few (less than one in a thousand) of these carrying situations result in violent gun crimes. Similarly, Tark and Kleck (2004) cite many studies, and also find, based on National Crime Victimization data, that the defensive use of guns is likely to reduce victimization. Into this welter of passionate claims and counterclaims (Kohn, 2004), the issue of regulations that affect the carrying of concealed weapons has introduced another element.

Utter (2000, p. 67) defines "concealed carry" gun laws as providing "for the issuance of carrying concealed weapons licenses, which allow individuals to bear loaded, hidden weapons on their persons." The controversy regarding this particular issue encapsulates the larger gun control versus gun rights debate neatly. Advocates of gun control argue that states should not permit an individual to hide firearms that he or she carrying on his or her person. They express the fear that such weapons could be used in situations where there is no objective threat to the person carrying the concealed weapon, and where the weapon is used merely to intimidate and harass others. Those opposed to gun regulation see such laws as infringing on the rights of citizens, guaranteed in the Second Amendment to the U.S. Constitution, to keep and bear arms, concealed or otherwise, if they so wish. The main reason given is that noncriminals should have the right to defend themselves in an effective (i.e., by using deadly force, if needed, to repel a criminal attack) way. Furthermore, proponents of concealed carry suggest that the suspicion that the individuals one confronts may be armed makes for greater civility and safety in difficult interactions (e.g., in a roadside argument or minor brawl). In other words, it will reduce the possibility of such situations spiraling out of control from minor to major crimes.

Concealed-carry laws themselves can be divided into three major forms. First, two states (Wisconsin and Illinois) do not allow anyone under any circumstances to carry hidden firearms (i.e., if any such weapons can be transported legally, they are to be displayed openly). Second, other states (e.g., California, Maryland, and Massachusetts) give local law enforcement agencies (usually a county sheriff) the power to decide whether an individual who makes an application should be given a concealed-carry permit based on qualifying criteria. These criteria (i.e., documenting self-protection need for access to a firearm, completing a course in weapon safety successfully, etc.) are set by the legislature or by the local police agency, but are interpreted by the latter when an application is received. The law underlying this process is described as involving "may-issue" provisions. Depending on the state and locality these may-issue policies are subject to interpretative variations, in that concerned officials may be restrictive or expansive in how they treat individual applications for carrying concealed weapons.

However, the focus of recent concern and advocacy, both positive and negative, has been on statewide legislative thrusts to change the two forms mentioned above

to “shall-issue” provisions. As Utter (2000, p. 67) explains, these are “laws that direct law enforcement officials to issue concealed-carry weapons licenses to anyone who applies, unless the person is disqualified for some designated reason, such as having been convicted of a felony.” Other restrictions may include minimum age, mental health history, and required training. A total of 37 states (or 74 % of the U.S.) currently have undisputed shall-issue laws, with most of them extending the right to nonresidents as well. In this last category are several states that shifted to these laws, such as Colorado, Utah, Virginia, and Kansas (where the legislature overrode a gubernatorial veto in 2006 to do so). Finally, Vermont carries freedom to transport guns to its logical extreme by not requiring any kind of permission or license to carry a concealed weapon; Alaska has a mostly similar provision.¹

The basis for shall-issue laws draws primarily from deterrence theory, couched in terms of the risks and rewards or the costs and benefits of concealed carry as opposed to “open carry” of guns. Lott (2006, p. 271) puts it bluntly:

The case for allowing concealed handguns—as opposed to openly carried handguns—relies on this argument. When guns are concealed, criminals are unable to tell whether the victim is armed before striking, which raises the risk to criminals committing many types of crimes. On the other hand, with open-carry handgun laws, a potential victim’s defensive ability is readily identified which makes it easier for criminals to choose the most vulnerable prey.

In addition to reasons based on philosophical or political predilections (Kopel, 1996) and legalistic arguments (Lenzen, 1995), the above contention, which forms the crux of the argument for shall-issue concealed carrying of guns, should be verified by direct questioning of those who have been involved as offenders in violent events involving guns. That is to say, we should test the central behavioral supposition underlying this policy by asking violent gun offenders about their own thinking. The perspectives of gun offenders have direct relevance to the debate about a policy that allows law-abiding citizens greater access to these weapons. This article examines the viewpoints and thoughts of offenders who have used guns for committing crimes in connection with a policy that makes it easier for citizens to carry concealed weapons.

Previous Research

Previous research on the issue of carrying concealed weapons has dealt with several topics. First, public opinion surveys have assessed attitudes toward gun carrying. Hemenway, Azrael, and Miller (2001) found that 59% of the respondents in a national survey said they “would feel less safe as more people in their community began to carry guns” when responding to a question concerning changes in state laws regarding gun carrying. This finding is consistent with results from public opinion surveys conducted by media organizations (see Hemenway et al., 2001, for a review).

On the specific issue of shall-issue concealed carrying, the National Opinion Research Center (Smith, 2002, p.158) reported that “a narrow plurality of Americans, some 45% believe that shall-issue concealed-carry laws make communities less safe, whereas 44% feel that these laws make communities safer.”

The most contentious debate in the literature has been on whether shall-issue concealed-carry policies result in a decrease or an increase in criminal violence. This question is often examined by considering shifts in aggregated crime rates, generally at state and county levels. The controversial work of John Lott (1998, 2000; Lott & Mustard, 1997) belongs in this genre, arguing, in general, that greater access to firearms and more lenient shall-issue laws would lead to less likelihood of gun crime occurring. In contrast, Ludwig (1998, p. 239), whose study incorporates minimum-age requirements, finds that in states where liberal concealed-carry policies have been enacted, the “shall issue laws have resulted, if anything, in an increase in adult homicide rates.” Stolzenberg and D’Alessio (2000), using data from the National Incident Based Reporting System (and a distinction between legal guns and illegal guns) show a robust positive association between illegal gun availability and violent crime, gun crime, and juvenile gun crime. At the same time, they find minor to no effects between the availability of legal guns and crime. Kovandzic and Marvell (2003) provide a comprehensive review of the concealed-carry violent crime debate. Based on their evaluation of Florida’s shall-issue law and its effect on violent crime, they assert:

The main policy implication of this research is that there appears to be little gained in the way of crime prevention, by converting restrictive gun carrying laws to “shall issue” laws, although the laws might still prove beneficial by (1) eliminating arbitrary decisions on gun permit applications (2) encouraging gun safety (3) making permit holders feel safer in public (4) providing permit holders with a more effective form of self-defense, and (5) reducing the costs to police departments of enforcing laws prohibiting unlicensed gun carrying. (Kovandzic & Marvell, 2003, p. 363)

Wilcox (2002) argues that carrying weapons increases the likelihood of subsequent violent victimization. Furthermore, Wilcox, May, and Roberts (2006, p. 502), based on a study of 4,000 public school students, find “little support for the idea that fear and victimization increase weapon carrying” but that weapon carrying “increased fear of school crime, perceived risk, and actual victimization.” They explain their findings by noting, “Weapon carrying may allow or even embolden youths to become involved in risk-generating situations and victimization experiences that they would not have beforehand.” Although these studies are based on school students,² this “emboldening effect” has implications for policies allowing easier means to gun carrying in the general population and offender perceptions of the same.

Other research has focused on describing and analyzing the politics of concealed-weapons policy—for example, in Louisiana (Hawley, 1993). Dahl (1996) has documented the possible impact of shall-issue gun laws on workplace violence, the rights of employers (where employees have concealed-carry permits), and the importance

of background checks. Attention has also been paid to why citizens may decide to carry concealed weapons, suggesting that this may have to do with prior victimization experience and racial threat (May, 2001; Northwood, Westgard, & Barb, 1978) as well as the heavy use of alcohol (Schwaner, Furr, & Negrey, 1999).

Arguments for and against policies that deal with concealed carrying of weapons in general, and shall-issue provisions in particular, turn on assumptions about behavior, specifically, criminal behavior. Further, such discussions focus on how particular individuals (criminals, victims) think about crime and the functions of guns in such situations. Questions related to this include, but are not limited to, the following: the general views of criminals regarding concealed-carry laws, whether shall-issue concealed-carry provisions make it easier for those contemplating criminal actions to acquire weapons, and whether those who may commit crimes are likely to be deterred by the possibility that those they confront are likely to be carrying concealed weapons.

In contemplating such questions it would be useful to examine the views of those who have gone through the process of thinking about and carrying through with violent criminal behavior. Wright and Rossi (1986) were the first to study the larger topic of felons (drawn from various prisons) and guns by asking them whether they had used guns in committing their offenses, but did not delve into their thought processes regarding calculations, if any, that led up to the violent event, and their views on the role of guns in such events. The views of gun offenders on shall-issue gun policies are particularly important for two reasons. First, the policy is based on assumptions regarding the thinking and behavior of these individuals, their viewpoints, and projected reactions. Second, after such laws are passed, it is these individuals who will interpret the actions of others who may or may not be carrying concealed weapons and align their subsequent actions accordingly. Unfortunately, previous research on the topic of carrying concealed weapons has not focused on those who have such personal knowledge.

Method and Data

This examination of the views and reactions of gun offenders was carried out in the context of a Colorado law, enacted in 2003, that codified a shall-issue policy regarding the issuance of permits for carrying concealed weapons by its county sheriffs. The bill (Colorado Senate Bill 03-024, 2003) that led to the new law noted that inconsistencies existed among jurisdictions within Colorado, and that this led to public uncertainty about varying rules and their application. This resulted in the state having to impose its definitions and criteria for issuing such permits on local jurisdictions, because the state had an interest in no citizen being denied a permit (given the importance of self-defense), and in ensuring statewide consistency. The new law requires county sheriffs to issue such a permit to any applicant who meets the following criteria (some minor criteria have been omitted). He or she must be a Colorado resident, 21 years of age

or more, not a chronic alcohol abuser, not a user of or addicted to drugs, not a convicted criminal, not the subject of a restraining order placed against him or her, and able to demonstrate (through documentary evidence) competence in the use of a handgun. In addition, the new law allows individuals to carry guns without concealed-carry permits in an automobile and for hunting purposes; requires sheriffs to maintain a confidential database of those issued permits; and provides for judicial review of permit denials, suspensions, and revocations. The new law effectively repealed the may-issue provisions under which Colorado previously operated.

Our original sample consisted of 119 convicted offenders who used a firearm in the commission of their crime. We obtained the sample by pulling the files of violent offenders from the Colorado Department of Corrections (DOC) headquarters located in Colorado Springs. We then checked each file to determine whether a firearm was used in the commission of the violent crime. If a firearm was used, we then recorded the name and inmate DOC number, and later determined the location of the inmates to be interviewed. We used the information obtained from DOC to conduct interviews with inmates located at several prisons across Colorado. Not all inmates agreed to be interviewed and some inmates had security restrictions that prevented us from conducting interviews. We conducted a total of 73 interviews. Most interviews lasted between 60 and 120 min. Inmates who agreed to participate in the interview were asked a series of questions about their perceptions about guns and those responses were tape recorded with the participant's consent. The interview tapes were then transcribed for qualitative analysis. Interviews described in this study were conducted during the summer of 2003, a few months after the bill described above passed the legislature and was signed into law by the governor of Colorado.

We asked inmates about their attitudes and opinions in the course of a larger study of gun-use patterns using a common set of questions. Here we should mention that a query about perceptions regarding Colorado's shall-issue law was not asked initially of every inmate. In fact, interviewers became aware of the importance of this issue when several inmates brought it up on their own. At that point, the researchers investigated Colorado's shall-issue law and from then on began to ask all subsequent inmate interviewees their opinion of the new law (if it was not already brought up by the inmate during the course of the discussion). Here is an example that typifies how interviewers asked this question, if an inmate did not bring it up on his or her own:

Interviewer: You've heard about that new concealed weapon law that the Colorado legislature passed?

Respondent: Yes, I've heard about that.

Interviewer: What do you think about it?

Variations of the last question (e.g., "What are your thoughts about the new law?" or "Do you support or oppose the new law? Tell us why") were used depending on the conversational context, interviewer, and respondent. We then listened to answers that the inmates gave regarding their opinions of the new law and probed for further

explanations as needed (e.g., “Why do you think so?” “Why does carrying a concealed gun increase your feeling of protection?” or “How is the new law going to increase/reduce crime?”).³

The questions on concealed-carry law yielded a total of 40 usable responses. To help us determine if our usable responses might be distorted, we examined the makeup of this subsample in relation to the entire sample of inmates we interviewed and the general Colorado correctional population. The results of those comparisons are presented in Table 1. Our subsample of inmates in this research who used guns while committing a violent crime (e.g., homicide, robbery, rape, and assault) is fairly representative of the entire sample of inmates in terms of age, race, and sex. However, this subsample has more inmates convicted of homicide and fewer inmates convicted of robbery and assault. Table 1 also shows how the subsample of inmates we interviewed compares to our larger sample of violent firearm offenders and the population of all offenders incarcerated in Colorado prisons. Offenders in our entire sample are more likely to be African American than the general Colorado prison population (35.5% vs. 22.4%). Whites are thus underrepresented in our larger sample. In addition, the offenders in our larger sample are somewhat younger compared to the average age of all inmates (33.7 years old vs. 35.0 years old). The percentage of females in our entire sample is approximately equal to the percentage of females in the prison population (8.2% vs. 8.9%). Finally, and as expected, our entire sample contained more violent offenders than in the general prison population. The percentage of homicide offenders in our larger sample is 26.6 while the percentage in the general population is 9.5. Furthermore, our entire sample contained 33.1% robbery offenders, whereas in the general prison population there are only 6.4% such offenders. Given these differences, and the circumstances under which questions on the concealed-carrying law came into the interview (see above), we do not claim that our subsample of respondents is representative of all prison inmates in Colorado or of all convicted gun offenders. The final subsample of 40 respondents is closer to our entire sample of 73 gun users.

This analysis is qualitative in nature, although we do use simple percentages where needed. Qualitative data analysis involves searching for general statements about relationships among categories of observations. As Schatzman and Strauss (1973, p. 110) note, “The most fundamental operation in the analysis of qualitative data is that of discovering significant classes of things, persons and events and, the properties which characterize them.” We employed a form of grounded theory techniques advocated by Glaser and Strauss (1967) to categorize and describe inmate responses inductively into two conceptual domains: positive and negative views of the shall-issue law.

The responses to the questions on concealed-carry weapons policy are categorized as follows. We first consider the degree of positive and negative opinions on the new less restrictive concealed-carry policy enacted in Colorado among inmate gun felons, assess the reasons given for each viewpoint, and summarize the major themes that are presented underlying each viewpoint. For each of these themes, we provide

Table 1
Comparison of Entire Sample of Gun Offenders and Subsample
of Respondents to General Prison Population by
Selected Characteristics (in percentages)

	General Prison Population	Entire Sample of Gun Offenders (<i>n</i> = 73)	Subsample of Respondents/Gun Offenders (<i>n</i> = 40)
Race/ethnicity			
White	45.8	37.9	37.5
Hispanic	28.7	23.4	20.0
African American	22.4	35.5	40.0
Other	3.1	3.2	2.5
Age			
15–17	0.1	1.1	0.0
18–19	1.0	1.6	0.0
20–29	33.7	45.7	55.0
30–39	33.0	18.8	17.5
40–49	23.5	21.0	15.0
50–59	6.9	8.6	7.5
60+	1.9	2.7	5.0
Average age (in years)	35.0	33.7	32.8
Most serious conviction			
Homicide	9.5	26.6	47.5
Robbery	6.4	33.1	15.0
Kidnapping	1.8	4.0	00.0
Assault	8.1	25.7	15.0
Sex assault	6.0	2.4	0.0
Child sex assault	5.2	0.0	0.0
Property crime	48.5	0.0	0.0
Habitual	3.1	0.0	0.0
Other	11.4	9.2	22.5
Gender			
Male	91.8	91.1	90.0
Female	8.2	8.9	10.0

quotes from the inmates that exemplify and amplify the idea being illustrated. To maintain inmate confidentiality, fictitious names are used to identify participants.

Results

The Colorado legislature passed a bill that shifted concealed-carry weapons law from may issue to shall issue just before the interviews were to be conducted. We became interested in gauging inmate reactions to that change after some respondents brought the policy change to our attention and provided accounts of how this might

affect their motivations for possessing and using guns. Although our initial focus was on their support or opposition to the new less restrictive law, we were also interested in learning from the inmates about the behavioral and policy-related reasons that might underlie their opinions. Although all the respondents were in prison and therefore cut off from larger society, they were surprisingly well aware of the new policy. In fact, 37 out of the 40 inmates (or 92.5%) in this sample had heard of the new law, whereas only 3 (7.5%) had not. We asked all 40 for their opinions regarding the new shall-issue concealed-carry law (after explaining the change to the three inmates who had not heard about it). Fourteen inmates (35%) supported the new law and 22 (55%) were against it, and 4 (10%) were either not sure or had no opinion on the topic. This split with the majority opposed to easier gun carrying for most citizens is generally consistent with public opinion (see Hemenway et al., 2001; Smith, 2002).

That the majority here was against the new law should not be surprising in that, given their own convicted status, they will not be allowed to carry guns legally in the future and therefore gained nothing as a result of the change. On the other hand, it is surprising that some of them supported it. It thus becomes important to examine the reasons that inmates provide (i.e., how they explain, justify, or rationalize the position they took) for positively or negatively responding to the law. What follows is an in-depth description of these inmates' views about the shall-issue legislation.

Positive Views of “Shall Issue”

We found that inmates who agreed with the new, less restrictive laws on issuing concealed weapons permits represented a minority of our respondents. However, their reasons for supporting the shall-issue policy in Colorado fell into two general categories: (1) those inmates who believed that the policy would deter crime and therefore reduce the crime rate, and (2) those inmates who argued that the policy would help individuals protect themselves.

Deterrence. Roger, a 38-year-old male who was convicted of murder, gives his account of the possibility of a robbery victim possessing a gun during a robbery and argues that it would cause him to have doubts about selecting a potential crime target: “It’s pretty hard to rob somebody who’s armed.” In short, we find agreement by some inmates with the concealed-weapon law for its possible deterrent effect, but also on the importance of knowing how to handle the weapon. As Roger later explained, “If you’re properly educated about carrying a firearm, I have no problem. I am pretty much for it.”

Another inmate, Travis, who was recently convicted of armed robbery, argues that the shall-issue law will have a deterrent effect. Again, Travis emphasizes that being trained in the proper use and handling of guns is important. We found this theme (gun safety) to be somewhat of a contradiction, mainly because all of the inmates in our sample were convicted of a violent offense with a firearm. However, many of the offenders grew up with and around weapons, especially those from rural areas, such

as Travis, who had been exposed to gun safety precautions. Travis notes, “I think that, the more people that carry guns, people like you, just common people that carry weapons—that are educated about them, that know how to use them, will keep crime down.” Travis then goes on to explain that average citizens carrying concealed handguns under the shall-issue policy might have deterred him from committing his most recent robbery. For Travis, the chance that a potential victim may be in possession of a firearm would certainly affect his decision to commit a robbery.

It will keep crime down, because I wouldn't have gone into that A&W store if I had known there was a good chance that one in five people in that store would have been carrying a handgun. They probably would have shot me.

When probed further concerning the new gun law's deterrent capability, Travis goes on to think about a scenario in which someone shoots him in the act of a robbery. Here, he expresses his fear and uncertainty of not knowing whether the victim could be armed, resulting in harm to himself. This explains why he believed that the shall-issue policy is a deterrent for confrontational criminal activity.

I think it would deter . . . you know someone is shooting up the store, [Interviewer note: based on the movie *Zero Factor* he once saw] and somebody shoots them or attacks them while they are robbing the store. You know, if everybody has the right to carry a handgun and you know going into the store, you are going to think about that above anything. You might have your plans all set up, and you'll be like “well, what if I am standing there holding up the clerk and the guy behind me sitting in a chair shoots me in the back?”

Travis' views, then, echo many of the same ideas as policy makers and researchers, who argue that carrying guns will ultimately deter crime (Kopel, 1996).

Related to notions of deterrence, other inmates perceive the new law as influencing their interpersonal interactions with those that are seen as threatening to them physically. In this view, one's behavior toward others, in both offensive and defensive postures, is affected directly by the uncertainty of the targeted victim's probability of having a concealed weapon. For instance, Patrick, a 28-year-old convicted of robbing an individual at gunpoint, explains the danger to the perpetrator if the potential victim is carrying a gun.

It could have a good impact as far as people acting in society, 'cause you never know who is going to be packing and who is not, so, if you can't see a gun, you know, you're going to stay on your *Ps* and *Qs* you know. You're always going to be wondering, “I better keep in line,” 'cause you never know if a person might be carrying a weapon. You may try to rob a woman in a parking lot but she might be having a handgun.

This propensity of another to hide a gun on his or her person was a factor that some proponents of the concealed gun law perceived as a functional deterrent to physical altercations between conflicting parties. For example, a gang member who shot a

rival gang member for disrespecting him notes, “Nobody is going to pick on a person that has a gun. That’s the way I see it.”

Protection. Wright and Rossi (1994, pp. 14-15) found that self-protection and the possibility that intended victim might be armed were the main reasons that gun offenders obtained guns. In other words, some inmates expressed the desirability of the shall-issue policy in terms of their need for self-protection from those who pose a personal threat to their safety. Roger, for example, perceived that he could be victimized, and offers a defensive account for the need to carry concealed weapons.

I have applications for carrying a concealed weapon because of my employment. I had situations where I had terminated employees and I felt I would like to have the security of carrying a weapon because of the threats that were made on my life.

Roger goes on to say that in his view the new shall-issue policy is a personal decision and that people should decide for themselves whether to carry guns. “But as far as concealed weapons for people to carry them, the qualifications to carry and the training that is required by the state, I think that is the individual’s choice.” Once again, we hear that citizens who wish to obtain a gun should possess knowledge regarding gun safety, and meet state-mandated qualifications for gun ownership. This subtheme was prevalent among those in our sample who supported the new law. What we find interesting is how these gun proponents express a genuine belief that it is important for a person to have knowledge about guns and the harm they can cause to others. Yet each study participant had caused serious injury or death to their victims by using a firearm in some altercation, thereby leading to their incarceration. This is not to imply that their desire for operational knowledge of proper gun possession and use is disingenuous, but rather to note the failure to reconcile their gun safety beliefs with their own violent gun behavior.

Negative Views of “Shall Issue”

The majority of interviewed inmates viewed the new state shall-issue law negatively, and thought that it was not going to have any deterrent effect on crime or interpersonal disputes involving guns. In fact, those with negative opinions were adamant in their statements regarding opposition to the new policy. Although their perceptions of what may occur in the future varied, all believed such a policy would have the opposite effect of that intended by this legislation. That is, allowing the average citizen to carry a concealed weapon would result in even more harm in the long run.

Increased crime. Some participants believed that the crime rate would increase as a result of more people carrying concealed weapons. For example, Alice, a 26-year-old convicted of several armed robberies, argues:

I believe that it [shall issue] is going to make gun crime and crime period increase due to the fact that if everyone has a gun now, at any moment anyone can use it. I mean even if you're never sure if this person is coming to harm you, you can turn around and use your gun when you're certified to have a gun. So, I do believe that it is going to make crime, especially with guns, increase.

The previous study participant perceives more interpersonal violence between conflicting parties if more people are carrying concealed weapons.

Hank, a 29-year-old who was convicted of aggravated assault for using a gun during an altercation with another person, believes that more people carrying guns leads to the increased use of them.

I think it will make more crimes because if a person *A* pulls out a gun on person *B* then person *B* will pull out his gun and that will just be worse. The person who is robbing doesn't intend to use it only to scare people into giving them their stuff. But the person with the certificate to carry a gun will use it to kill because that is their purpose.

For Hank, when both the criminal and the victim have a gun during an armed robbery, it could possibly turn into a murder, only because both parties were armed and willing to use their weapons when threatened. Thus, Hank believed that the new shall-issue law would increase the homicide rate. Similarly, Curt, a 27-year-old convicted of murder, argues that the shall-issue law is likely to increase the homicide rate.

I don't really know. It has been so long since I've been on the streets. The only thing I can really say is that they shouldn't legalize guns and concealed weapons. You can have them in your house but not carry them around, that's not a good thing, because the murder rate in Colorado is going to go up.

Lastly, the belief that concealed weapons will cause more crime, especially violent criminal activity, is presented below. Again, those who foresee an increase in crime rate see it as attributable directly to a simultaneous increase in community members purchasing and carrying concealed weapons. When asked specifically why the homicide rate would go up once the shall-issue law went into effect, many inmates argued that they would be more likely to use deadly force on the street. Fred sums up this position:

If I'm on the streets and I know people are carrying concealed weapons I'll just walk up right to you and shoot you in the head and then take what you have, that way you don't have a chance to take out your concealed weapon and shoot me. If I'm going to take a chance with my life I'm going to help my chance and shoot you. That's how some people will think.

But we should note that the majority of our interviewees find having a gun in the home acceptable. That a gun may be needed to protect one's family was a recurring theme throughout our interviews when addressing the shall-issue law. However, none of our

respondents when discussing this subject mentioned the problem of gun use in the home during domestic altercations, or accidental shootings by children who have access to guns within the homes. Dan, a 27-year-old convicted of murder, argues:

I'm fine with it in the home. Having that helps to protect your family and that type of thing. But as far as out in the streets and concealed and stuff like that, I don't think people should do it because there are many more chances that people will start pulling them out on other people.

Paul, a 43-year-old convicted of murder, sees more injuries with more guns in the hands of lawful citizens.

But I feel people getting hurt with guns is really gonna increase with the new law they just passed. You're gonna have more honest people buying guns. Now, you're gonna have more out there—guys like me. If I knew these good people, work hard, go to church, go on vacations, and I know they are gone with guns in the house I will get them [guns].

Paul perceives an increase in the theft of guns from households because of the increase in noncriminal ownership of firearms because of the shall-issue law. Curt had a similar outlook on the movement of guns from noncriminals to criminals, but presents a different rationale for being in opposition to the new gun policy. Curt predicts that noncriminal community members will sell guns more frequently. “You got people who can get guns legally and then can sell them on the streets to people doing felonies. They are going to put the guns right back on the street.” Our interviews suggest that several inmates, who could not purchase firearms legally because of state and federal background checks, have indeed purchased firearms with the knowledge and help of others who are able to pass the background checks (straw buys). We did not find any evidence that legitimate gun owners were selling their weapons on the street for a profit. However, this finding does not include gun show sales where some inmates reported that anyone could purchase a firearm without background checks. We should be clear, however, that only 0.7% of gun felons surveyed in 1997 report obtaining their weapons at gun shows, according to the Bureau of Justice Statistics (Harlow, 2001). Still, this perception is important at least in terms of where some felons are likely to attempt buying guns.

Interaction of more guns with gangs, alcohol/drug use, and mental states. Several respondents provided other categories of answers regarding the behavioral implications of the new law. That is to say, we found multiple reasons why the new shall-issue law is faulty that were not based on the planned use of guns as crime facilitators. Here, we offer various perceptions of what this shall-issue law will produce when it intersects with gang membership, along with feelings, alcohol and drug use, and altered states of mind. Ed, a 25-year-old gang member convicted of aggravated assault with a gun, claims that the new law will lead to more gang members preemptively possessing guns, based on individual assessments of dispute situations.

Bad idea, everybody can use a gun. I was 18 when I got my first gun. A lot of situations start out as a dispute. What happens in between? For instance, another gang member comes up and wants to beat you up. You can't let things slide. The one way you are going to eliminate conflict is to kill people. You're going to shoot me, I going to shoot you first.

In this situation, Ed is implying that he assumes the other gang member (presumably one without a previous felony conviction because that would render the latter ineligible to carry a concealed weapon) with whom he is in conflict is carrying a handgun. Thus, Ed believes he must be violent in response and shoot his rival quickly. In sum, according to Ed, the more people who carry guns, the greater likelihood they will be used in gang conflicts.

Tom, a 60-year-old convicted of aggravated murder, used alcohol heavily and argued that it was a decisive factor for gun use. In Tom's opinion, the shall-issue law is likely to increase crime because many people who are likely to possess guns are also likely to abuse alcohol. Tom argued that the shall-issue law is "insanity." "You give a man a drink and a gun and tell him this is completely legal and we condone this. . . . I'm sorry but the thing coming out of the end of the gun is gonna kill you." Along with the distorted mental state that alcohol and drug use may cause, Tom argues that the emotional stability of the person abusing intoxicants plays havoc with reasoning. A situation where an individual, criminal or noncriminal, carries a concealed weapon while impaired from using a psychoactive substance and is in a heightened emotional state, can lead to disastrous consequences. Indeed, a large majority of violent offenders in this country are found to be using alcohol or drugs or both (Kuhns, 2005) around the time of their offense. This pattern was also observed in our sample when we examined their case files earlier. In fairness, it must be stated that the new law specifically prohibits those who abuse alcohol from receiving permits for concealed carrying.

Regarding drug and alcohol use, several inmates argued that violence might result when certain emotional states are combined with the possession of firearms. Fred, a 33-year-old convicted murderer, contends that people are more likely to use guns when experiencing multiple emotional problems.

Let's say there is an average guy like yourself, say like you get a permit to carry a gun and that you and your wife argue one day and then you get all crazy you might want to take out that gun and do something crazy. Or, let's just say have a really bad day, you come home, you lost your job and you feel like shooting somebody you could snap. I'm not saying you will, but it's possible.

Thus, Fred offers a logical consequence for the use of a firearm when anger from experiencing life's typical problems overtakes a person who has immediate access to a weapon. This point is also explained by John, a 22-year-old male, who argues that anger combined with the shall-issue law will lead to more illegal gun violence.

A gun is power and that's why a lot of people have them. Not everyone is running around with a gun, so if you have a gun you have an edge on anyone. So it's more of a power thing . . . when I didn't have a gun and something came up it gave me that much more time to think about what I was about to do, what I could have done. Reacting to my anger with a gun on you, and a situation occurs the natural reaction is to use it. With everyone in town running around with a gun, you know, that's going to limit your actions period.

In addition, the subject of youth and criminal activity coupled with the attitudinal state of invulnerability to physical harm led several inmates to argue that the shall-issue law will result in disastrous consequences. In a retrospective interpretation of his attitudes toward being harmed and harming others, Ron, a 33-year-old male convicted of attempted murder, provides an insightful view of what he was like as a youth. When asked if he would rob again taking into consideration the fact that many more people will be carrying weapons under shall-issue laws, Ron responded:

That's interesting. Would it make a difference if you say this guy could be carrying a gun? The way I was thinking about it back then I didn't care about anybody or myself for that matter. In the state of mind when I was younger someone carrying didn't mean a damned thing. It didn't matter. The mentality was that I was super-human—you're not going to kill me.

Related to Ron's feelings of youthful invulnerability are the responses of other interviewees when probed on the subject of potential harm they might suffer for just possessing a gun. Most of them resorted to a discussion of their unresponsive attitudes toward anyone attempting to change their criminal activities or attitudes when younger. Their position was that nothing could have changed their behavior at that time in their lives. Perhaps, there may be times during a youth's delinquent life history when any intervention may be ineffectual. According to our respondents, there were periods during adolescence when nothing could have persuaded them to stop carrying a gun or being ready and willing to engage in violent conflict resolution, not even a shall-issue law.

Conclusion

The voices represented in this study are distinctive for two reasons. First, gun offenders add validity to policy discussions by way of their own past violent experiences and projections of themselves in similar future situations. Second, the lived experiences of these individuals, although relevant to a policy that ostensibly targets the thinking and behavior of offenders (i.e., those who have actually used guns to commit crimes), have largely been ignored in earlier discussions.

As previously noted, several researchers have argued that that victimization might decrease because of the offender's perception that there exists a high probability of

potential victims being armed (Kopel, 1996; Lott, 1998). In other words, concealed weapons should prove a deterrent in face-to-face violent crime. It must be pointed out that this supposed deterrent effect was the logic, among other factors, cited as a major reason for the passage of this legislation. Whether concealed weapons laws deter overall crime or not was not the primary concern of this research. The views of convicted violent gun users toward their future gun use and the use of guns by non-criminal members of the community are, of course, of concern to us. Still, it must be noted that most of our sample of convicted gun felons disagreed with the deterrence premise and suggested shall-issue permits may embolden those carrying guns (Wilcox et al., 2006), and thereby provoke violence.

Given that we studied convicted gun offenders, our finding that the majority of individuals we spoke to view the change in Colorado concealed-carry gun permit law from may issue to shall issue negatively may not come as a surprise. Many of the inmates in our sample argued that more guns and greater gun availability would result in more violent crime. The laws themselves, most inmates argued, would have little impact on the thinking of potential offenders who are likely to be undeterred because they do not care or because they are already prepared for that eventuality. We were, however, surprised to learn that there were positive opinions regarding Colorado's new shall-issue law among several of these "experts" in violent crime. Support for the law was based on the perceived deterrent value of concealed weapons in various situations, and the recognition of the need for self-protection against possible attacks.

In one sense, the reactions of these inmates mirror the larger public split (Smith, 2002) and debates regarding shall-issue carrying of concealed weapons. Thus, several questions emerge from our research. Does a less restrictive gun permit issuance policy mean that potential offenders will be deterred, or is it likely to have no impact on their thinking when approaching a crime situation? Does the right to self-protection imply that society has to countenance the introduction of more guns into public places (particularly where gang activity and alcohol are also present)? How much potential lethality is deterrent enough in our communities and how will we know when that point has been reached? The inmates we interviewed were unexpectedly knowledgeable about these debates and enthusiastic about transmitting that knowledge to us.

Inmates in our sample advanced several behavioral and policy-related reasons for their positive and negative viewpoints toward the shall-issue law. If the accounts of these inmates' reactions to the shall-issue law find some reflection in the street, the law will have little effect on the violent crime rate (Kovandzic & Marvell, 2003). The dismissive reaction of several of the interviewed offenders to the law is likely to be offset by the law's potential deterrent value, which some other inmates have described. That is, in many situations, offenders will be more likely to react to potentially armed citizens with deadly force, whereas in other situations they will be deterred from such use.

However, we believe that there is also cause for us to question this conclusion that there will be essentially "no change." From the perspective of those who believe in

less restrictive gun policies, it could be argued that it is logical and to be expected that more of these inmates will oppose shall-issue laws and offer arguments consistent with their position because it is in their self-interest to do so. After all, objectively and as predicted by deterrence theory, the shall-issue law makes the job of robbing or murdering someone more of a risk to these very same offenders when there is a greater probability that victims possess the ultimate, lethal means of defending themselves.

So we might wonder why some of our convicted offenders would voice support for a shall-issue law if it makes their future criminal activity more difficult. There are two possibilities. First, it may be that individual offenders who have a positive opinion of the concealed-carrying law view the situation not through the lens of their identities as offenders, but through that of their own potential victimization. Second, it is possible that the supportive inmates think the shall-issue law is likely to have a potential deterrent effect on their own future criminal activity. Under the latter circumstances, the question becomes whether this potential benefit is offset by the lack of personally perceived deterrence expressed by the group of inmate opponents mentioned earlier (however self-interested such views may be deemed).

Notes

1. Although there is discussion in some of the literature about the impact of concealed carrying on those who may use other weapons to commit crimes, our study focuses only on guns, given that this is the most common weapon involved in crimes in the United States.

2. Other studies of youths have found that an important reason for routinely carrying a gun was the possibility that a potential victim may be armed (May & Jarjoura, 2006; Sheley & Wright, 1995). Here, we focus on the views of adult offenders on similar issues.

3. We acknowledge that minor variations in questioning may have resulted in slightly different responses from our interviewees, but our overall focus was always on determining their views about and reactions to the change in concealed-carrying policy.

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