Compromise is hard to come by in debate over weapons laws

by Tim Anderson

When it comes to political drama, few issues this year have been more intense or compelling than the rancorous showdowns in Midwestern legislatures over proposed gun laws.

Illinois lawmakers squabbled for months over whether the charge of unlawful possession of a weapon should be a felony or misdemeanor. In Ohio, debate over a firearms safe storage bill climaxed when Republican Gov. Bob Taft made a rare appearance in front of a House committee, marking only the second time he has personally testified for legislation.

And in Michigan, the already heated issues of gun control and firearms safety intensified even further after the Feb. 29 death of a 6-year-old girl at the hands of a first-grade classmate.

In some cases, the standoffs finally were followed by compromises, but the difficulty in finding common ground illustrates just how controversial gun laws are and will continue to be.

“The more serious something becomes, the more we have to siphon off the emotion and rhetoric and get to the essence of the controversy,” says Illinois Republican Sen. Chris Lauzen of Aurora. “You would think all of us agree on the goal. We all want to be safe. You would think we all want to protect our liberties. But unfortunately, the posturing and the rhetoric get in the way.”

The Illinois controversy began in December, when Republican Gov. George Ryan called the Legislature into special session a week before Christmas to approve the Safe Neighborhoods Act. One provision stood in the way of passage. The Republican-controlled Senate refused to agree on making unlawful possession and transportation of a weapon a felony, claiming that hunters would face unreasonable prosecution for failing to store their guns properly.

Police in Chicago and other large Illinois cities argued that the felony charge would curb crime by locking up criminals caught with loaded guns. After the unsuccessful special session, months passed and compromise measures were floated before an agreement could be reached. The enacted legislation creates two separate offenses, one a misdemeanor and one a felony.

Known gang members and people caught with a loaded, accessible gun or without a valid firearms owner identification card will face felony charges. First-time, non-violent offenders likely will be charged with a misdemeanor.

“The punishment fits the crime,” says Lauzen, who had proposed another compromise on the issue. “A normally law-abiding citizen might make an error, a dangerous error, but we shouldn’t make felons out of them.”

Real philosophical differences in gun laws, though, sometimes stand in the way of compromises like the one in Illinois. Such was the case in Ohio. The state’s House Judiciary Committee rejected a proposal that would have held gun owners criminally liable if their gun was not stored properly and the weapon ended up in the hands of a child.

Proponents called Republican Rep. Ann Womer Benjamin of Aurora’s legislation a safe storage bill, while critics such as the National Rifle Association derisively dubbed it the Taft Burglar Protection Bill. Efforts were made to appease gun-rights activists, including a provision that would have required safe storage only when an adult was not at home. But in the end, neither Taft nor Womer Benjamin could muster enough votes for the legislation to pass through the committee.
Michigan legislators consider statewide Project Exile program

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Under the proposal, people whose improperly stored guns ended up in the hands of children would face a misdemeanor charge punishable by 60 days in jail. If someone was injured as a result of the child’s access to the firearm, the gun owner could be charged with a fifth-degree felony.

“I support the rights of individuals to hunt, collect firearms, enjoy the sport of shooting and protect their families,” Taft told the House Judiciary Committee.

“With every right comes a responsibility.”

A majority of committee members, though, decided that by requiring gun storage, the legislation would hamper citizens’ abilities to protect their homes and families from burglars.

In Kansas, a safe storage bill proposed by Rep. Cindy Hermes stalled this year in committee.

“I looked at it as a child safety bill rather than a gun control bill,” the Republican from Topeka says. “We tried to make it as non-offensive as many people as we could, but some people who have been supporters of the NRA said it as a threat.”

The bill would only apply to parents and others who have children either living with them or visiting. Like the Ohio legislation, under Hermes’ measure, the offense for improper storage of a firearm would be upgraded to a felony charge if someone was injured as a result of a child gaining access to the weapon.

By limiting children’s access to guns, Hermes believes, accidental shootings and violent school tragedies can be avoided.

Action in Michigan

Public interest and scrutiny over gun legislation has been particularly acute in Michigan. For months, Democrats in the Michigan House of Representatives chimed the Republican leadership for blocking votes on measures that would have required trigger locks on all new firearms sold in the state, held gun owners criminally and civilly liable for minors’ access to firearms, and closed gun show loopholes.

Democrat Rep. Laura Baird, a leading proponent of gun control in her state who proposed a safe storage bill, says nearly every weapons measure in Michigan faces stiff opposition from people she believes are misinterpreting the intent behind many of the laws.

“People think that the government is going to take their guns away, but none of these measures attempt to do that,” the Okemos representative states. “They just try to limit the possibility of tragedies because of guns.”

In April, Republican House Speaker Chuck Perricone of Kalamazoo introduced a proposal that appeared to indicate room for compromise on various legislation related to guns. The Family Safety Priorities plan included Democrat-supported measures on gun shows, safe storage and trigger locks. On the day of Perricone’s announcement, Democratic Minority Leader Michael Hanley declared victory.

“Today it feels like Democrats are running the House of Representatives again,” said the Democrat from Saginaw, adding that the Republicans’ package was a “step in the right direction.”

Previously, lawmakers agreed on a proposal by Republican Rep. Mike Green of Mayville that provides Michigan State Police with $500,000 to teach children in kindergarten through 12th grade about gun safety.

Sen. Chris Dingell, a Democrat from Trenton, believes a majority of state lawmakers also could agree on his desire to bring Project Exile to Michigan. Under the program — which was first implemented in Richmond, Va., and is now being considered by other municipalities and states — felons found in possession of a handgun are turned over to federal authorities by local police. Criminals face at least five years in prison under federal sentencing guidelines.

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“Under current Michigan law, a felon simply found in possession is not likely to see any time in jail,” says Dingell, a staunch gun-rights supporter. “Felons who are just possessing an illegal firearm have a high degree of certainty that they are not going to be prosecuted, which is an outrage to me. I want to see them prosecuted. In Richmond, this resulted in a 35 percent immediate reduction in the murder rate. The reason why is that the lowlifes didn’t have guns anymore. We can do a great deal of good just by enforcing the law that’s there now.

“I’ve yet to find anybody in opposition to it.”

Groups that don’t like firearms in civilian hands have endorsed it. Even people who generally are not in favor of locking up a lot of people agree that there’s nobody more deserving of filling the limited prison space we have than these people.”

As part of their Family Priorities Safety plan, Republicans call for the creation of a Project Exile Fund Commission within the Department of State Police.

“Under Project Exile, there will be more prosecutors on the job in Michigan, and violators will face tougher penalties,” Perricone says. “They will lend technical assistance to local law enforcement officials and prosecute firearm crimes in both state and federal court.”

While programs such as Project Exile may have the possibility of gaining bipartisan support in Michigan and other states, debate over gun laws will surely continue to be difficult and highly partisan.

In Michigan, for example, the House is waiting to act on a proposal by Green to change restrictions on the issuance of permits that residents need to carry a concealed weapon. “Studies show that in states with a more liberal concealed weapons process, crime actually has gone down,” Green states.

But Baird says such legislation only would exacerbate the problem of gun violence, and she believes lawmakers are simply waiting for the right time politically to pass the concealed weapons legislation on to Republican Gov. John Engler.

The legislator also believes that the gun control vs. gun rights issue will continue to be a major topic in statehouses for the foreseeable future.

“Eventually in our society, sadly, there will be another gun tragedy,” Baird adds. “That’s just inevitable, and when that happens, more and more people will be demanding that we pass legislation.”

Michigan Republican House Speaker Chuck Perricone of Kalamazoo announces in April his caucus’s Family Safety Priorities plan. (Photo: Michigan House of Representatives Republican Caucus)