

Concealed Handguns: Danger or Asset to Texas?

By Howard Nemerov

VPC analysis of data from the Texas Department of Public Safety suggests that concealed carry licensees may be more prone to firearm-related violations than the general public. The VPC calculated that Texas concealed carry license holders were arrested for weapon-related offenses at rates significantly higher than that of the general population of Texans aged 21 and over. – Violence Policy Center¹

The gun lobby claims that only law-abiding citizens get CCW permits. But an August 2000 study by the Violence Policy Center revealed that, from January 1996 through April 2000, the arrest rate for weapon-related offenses among Texas concealed handgun license holders was 66% higher than that of the general adult population of Texas. – Brady Campaign²

Gun control organizations claim that shall-issue concealed carry laws are a menace to society, that concealed carry licensees are less law abiding than the general public, and that violent crime increases after right-to-carry (RTC) laws are enacted.

The purpose of this study is to determine the truth of these allegations by examining the relative criminality of concealed carry licensees versus the general population of Texas. In order to do this, we will compare conviction rates for concealed handgun licensees to that of the rest of the adult population.

Texas recently published conviction reports for the years 2002-2005. Previously, arrests within the general population were compared to the number of concealed carry license suspensions and revocations, attempting to create an indicator of how licensees behaved compared to the rest of the adult population. Violence Policy Center used CHL arrest records to “prove” that Texas CHLs were more violent than the general population. Unfortunately, Brady and VPC choose to ignore that our justice system is based upon the principle of “innocent until proven guilty.” Convictions are a more accurate data source for this purpose because they are based upon identical criminal justice system outcomes for each population group.

These conviction reports are helpful in that they already separate out conviction data for those 21 years of age or older.³ This enables an “apples-to-apples” comparison between conviction rates for Concealed Handgun License holders (CHLs) and the non-CHL population, as a Texan must be 21 years of age or older to obtain this license.⁴ In this study, conviction data will be used as an indicator to determine relative criminality between the two population groups.

The next section contains tables based upon data from the Texas Department of Public Safety (DPS) reporting years of 2002-2005, and follows with another section discussing the data.

Table Data

<i>Year</i>	<i>CHL Licensees</i>			<i>Non-CHL Population Over 21</i>		
	<i>Convictions</i>	<i>Pop.</i>	<i>Percent of CHLs</i>	<i>Convictions</i>	<i>Pop.⁵</i>	<i>Percent of Pop.</i>
2002⁶	14	224,172 ⁷	0.0062	8,383	14,463,249	0.0580
2003⁸	7	239,863 ⁹	0.0031	9,241	14,735,247	0.0627
2004¹⁰	11	239,940 ¹¹	0.0049	10,310	15,035,475	0.0686
2005¹²	35	248,874 ¹³	0.0156	9,879	15,319,721	0.0645
Ave.	17	238,212	0.0075	9,453	14,877,046	0.0635

	<i>Murder</i>	<i>Rape</i>	<i>Robbery</i>	<i>Aggravated Assault</i>	<i>Burglary</i>
In 1993 dollars¹⁴	\$2,940,000	\$87,000	\$8,000	\$24,000	\$1,400
2002 Cost¹⁵	3,660,249	108,313	9,960	29,880	1,743
2003 Cost	3,743,668	110,782	10,187	30,561	1,783
2004 Cost	3,843,363	113,732	10,458	31,374	1,830
2005 Cost	3,973,578	117,585	10,812	32,437	1,892

<i>Year</i>	<i>FBI Violence</i>	<i>Burglary (FBI)</i>	<i>Total FBI</i>	<i>All Convictions</i>
2002	8.14	11.34	9.28	10.56
2003	11.30	100.00*	20.08	8.56
2004	9.43	34.43	13.97	6.51
2005	2.53	16.54	4.13	3.93
Average	7.86	40.58	11.87	7.40

* CHLs had no burglary convictions in 2003. A value of 100 was assigned in order to remove a divide-by-zero error and calculate a reasonable three year average ratio.

Table 4: Cost/Savings If Non-CHL Population As Law Abiding as Licensees¹⁶				
<i>2002</i>	<i>Recorded Crimes</i>	<i>Total Cost of Crimes</i>	<i>CHL Crime Reduction</i>	<i>CHL "Savings"</i>
Homicide	1,302	4,765,644,198	1,302	4,765,644,198
Rape	8,508	921,527,004	5,338	578,136,745
Robbery	37,580	374,296,800	36,116	359,714,022
Aggravated Assault	78,628	2,349,404,640	75,518	2,256,467,705
Burglary	212,602	370,565,286	193,848	337,876,841
2002 Totals:		\$8,781,437,928		\$8,297,839,511
<i>2003</i>	<i>Recorded Crimes</i>	<i>Total Cost of Crimes</i>	<i>CHL Crime Reduction</i>	<i>CHL "Savings"</i>
Homicide	1,418	5,308,521,224	1,086	4,066,745,139
Rape	8,012	887,585,384	6,771	750,092,872
Robbery	37,018	377,102,366	35,727	363,952,420
Aggravated Assault	75,753	2,315,087,433	70,095	2,142,161,241
Burglary	219,785	391,876,655	219,785	391,876,655
2003 Totals:		\$9,280,173,062		\$7,714,828,327
<i>2004</i>	<i>Recorded Crimes</i>	<i>Total Cost of Crimes</i>	<i>CHL Crime Reduction</i>	<i>CHL "Savings"</i>
Homicide	1,364	5,242,347,132	1,364	5,242,347,132
Rape	8,388	953,984,016	7,165	814,886,603
Robbery	35,817	374,574,186	34,678	362,667,492
Aggravated Assault	75,985	2,383,953,390	62,502	1,960,952,047
Burglary	220,118	402,815,940	213,724	391,115,061
2004 Totals:		\$9,357,674,664		\$8,771,968,335
<i>2005</i>	<i>Recorded Crimes</i>	<i>Total Cost of Crimes</i>	<i>CHL Crime Reduction</i>	<i>CHL "Savings"</i>
Homicide	1,407	5,590,824,246	533	2,117,441,486
Rape	8,511	1,000,765,935	880	103,501,617
Robbery	35,790	386,961,480	30,710	332,040,164
Aggravated Assault	75,383	2,445,198,371	57,516	1,865,651,274
Burglary	219,828	415,914,576	206,536	390,766,827
2005 Totals:		\$9,839,664,608		\$4,809,401,368
Four-Year Totals:		\$37,258,950,262		\$29,595,559,108

Analysis of Table Data

The cost of each incident is provided by referencing 1996 United States Department of Justice report entitled *Victim Costs and Consequences: A New Look*, where they calculated how much each type of FBI crime victimization cost society in terms of medical, emotional, social, and work-related costs. Their cost estimates were based upon 1993 dollars, so Table 2 recalculates each crime category to reflect dollar values for each reporting year.

(The FBI tracks two additional property crime categories: larceny/theft and motor vehicle theft. The DPS conviction reports do not track these, so they are not noted in this paper.)

Table 3 derives its ratios from Table 1, and details the relative lawfulness of both population groups. The non-CHL adult population (age 21 and older) during these reporting years averaged over seven times more convictions than CHLs. Non-CHLs were nearly eight times as likely to be convicted of FBI violent crime—murder, rape, robbery, and aggravated assault—and over 40 times more likely to be convicted of burglary. Of all recorded FBI crime categories, the non-CHL population was convicted nearly 12 times as often.

The year 2005 recorded the lowest ratios of the four reporting years. Even so, using conviction data as an indicator, the non-CHL population committed FBI violent crime over 2.5 times the rate of CHLs, and committed burglary over 16 times as often. Overall, the non-CHL public was convicted nearly four times as often as CHLs.

Because this type of report is so new, we have only three years' worth of complete data, plus one year (2002) where the adult non-CHL population was estimated using available census data. While the percent reduction—the CHL Effect—of FBI crime categories has trended downwards the last three reporting years—from 97.5% in 2003 to 93.5% in 2004 to 86.9% in 2005—the limited number of data sets makes it difficult to identify a long-term trend. Even so, in 2005 the non-CHL population remained over four times as likely to commit an FBI crime. It should also be noted that the percent reduction for years 2003 and 2004 was higher than 2002 (92.2%), so these percentages may just be fluctuating from year to year.

As shown in Table 4, the total cost to the state of Texas—for the five FBI crime categories tracked—was over \$8.7 billion in 2002, \$9.2 billion in 2003, \$9.3 billion in 2004, and \$9.8 billion in 2005. The four-year total of over \$37.2 billion represents 1.12% of Texas Gross State Product.¹⁷ If the general population were as law-abiding as CHLs, the corresponding reduction in crime costs would have totaled \$8.3 billion in 2002, over \$7.7 billion in 2003, \$8.7 billion in 2004, and \$4.8 billion in 2005. The last two years' total crime cost is equivalent to about 10.6% of the 2004-2005 state government revenue.¹⁸ This amount also represents an estimated annual tax rebate of \$300 for every Texan man, woman, and child.

Commission of the recorded FBI crimes cost Texas over \$37.2 billion for the four reporting years. Had the general public been as law-abiding as CHLs, this cost would

have decreased by 79.4% to around \$7.7 billion, reducing the fiscal bleed to 0.23% of the Texas Gross State Product. These calculations do not include the additional savings we would have realized from all the non-FBI categories listed in the DPS reports, as there appear to be no cost estimates available for them.

It should not be surprising that concealed carry licensees are more law-abiding than the general population: they must undergo proper firearms safety training, and they must be certified via two criminal history background checks—FBI and state—that they are sufficiently law-abiding to be entrusted with such responsibility. Additionally, there are a number of additional requirements to qualify for a CHL. The applicant must:

- Be qualified to purchase handgun under state and federal regulations.
- Not be charged with or convicted of a felony or class A or B misdemeanor.
- Not be delinquent in child support payments.
- Not be in default on a student loan.
- Not be delinquent on tax payments.
- Not be under a restraining order.
- Not be suffering from a psychiatric disorder or chemical dependency.
- Be capable of “exercising sound judgment with respect to the proper use and storage of a handgun.”¹⁹

As Jerry Patterson, current Land Commissioner of Texas, notes:

Unlawful carry of a firearm is a class A misdemeanor. Is it logical to assume a person inclined to commit a crime with a firearm—such as a felony like capital murder—was even the least bit concerned about an unlawful carry misdemeanor? Is it not bizarre to conclude a violent offense punishable by death was facilitated by the concealed handgun license obtained to avoid a misdemeanor offense punishable by a fine and possibly a few days in jail?²⁰

Conclusion

Concealed carry licensees make a considered choice to conduct themselves a certain way in public, and have invested the time, money, and effort to certify that their level of commitment is worthy the public’s trust. They voluntarily undergo background checks normally reserved for sensitive jobs or criminal arrests, in order to certify that they rank among our most law-abiding citizens prior to receiving their license. These data prove that trust has not been in vain.

About the Author

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Endnotes

¹ *Why a Concealed Carry License Should Not Substitute for the Brady Background Check*, Violence Policy Center, copyright 1998. http://www.vpc.org/fact_sht/ccbrady.htm

² *Concealed Weapons, Concealed Risk*, Brady Campaign to Prevent Violence. <http://www.bradiycampaign.org/facts/issues/?page=ccw>

³ *Conviction Rates for Concealed Handgun License Holders, Reporting Period: 01/01/2003 – 12/31/2003*, Texas Department of Public Safety, February 15, 2007, page 4. http://www.txdps.state.tx.us/administration/crime_records/chl/ConvictionRatesReport2003.pdf

⁴ *Texas Concealed Handgun Laws and Selected Statutes, 2005-2006*, Texas Department of Public Safety, January, 2006, page 3. <http://www.txdps.state.tx.us/ftp/forms/ls-16.pdf>

⁵ Texas Population Estimates Program, Texas State Data Center and Office of the State Demographer. For years 2003-2005, select appropriate data set from Select from <http://txsdc.utsa.edu/tpepp/txpopest.php>

2002 non-CHL population estimated from available data: Table 2. Texas Population Estimates by Age and Sex: April 1, 2000 to July 1, 2002, U. S. Census Bureau, September 18, 2003. http://www.census.gov/popest/archives/2000s/vintage_2002/ST-EST2002/ST-EST2002-ASRO-02-48.xls Request Excel spreadsheet to see formulas used in calculation.

⁶ *Conviction Rates for Concealed Handgun License Holders, Reporting Period: 01/01/2002 – 12/31/2002*, Texas Department of Public Safety, February 15, 2007. http://www.txdps.state.tx.us/administration/crime_records/chl/ConvictionRatesReport2002.pdf

⁷ Active License Holders and Certified Instructors as of 12/31/2002, Texas Department of Public Safety, downloaded March 28, 2007. http://www.txdps.state.tx.us/administration/crime_records/chl/PDF/ActLicAndInstr/ActiveLicandInstr2002.pdf

⁸ *Conviction Rates for Concealed Handgun License Holders, Reporting Period: 01/01/2003 – 12/31/2003*, Texas Department of Public Safety, February 15, 2007.

⁹ *Active License Holders and Certified Instructors as of 12/31/2003*, Texas Department of Public Safety, downloaded March 28, 2007. http://www.txdps.state.tx.us/administration/crime_records/chl/PDF/ActLicAndInstr/ActiveLicandInstr2003.pdf

¹⁰ *Conviction Rates for Concealed Handgun License Holders, Reporting Period: 01/01/2004 – 12/31/2004*, Texas Department of Public Safety, February 15, 2007. http://www.txdps.state.tx.us/administration/crime_records/chl/ConvictionRatesReport2004.pdf

¹¹ *Active License Holders and Certified Instructors as of 12/31/2004*, Texas Department of Public Safety, downloaded March 28, 2007.

http://www.txdps.state.tx.us/administration/crime_records/chl/PDF/ActLicAndInstr/ActiveLicandInstr2004.pdf

¹² *Conviction Rates for Concealed Handgun License Holders, Reporting Period: 01/01/2005 – 12/31/2005*, Texas Department of Public Safety, February 15, 2007.

http://www.txdps.state.tx.us/administration/crime_records/chl/ConvictionRatesReport2005.pdf

¹³ *Active License Holders and Certified Instructors as of 12/31/2005*, Texas Department of Public Safety, downloaded March 28, 2007.

http://www.txdps.state.tx.us/administration/crime_records/chl/PDF/ActLicAndInstr/ActiveLicandInstr2005.pdf

¹⁴ *Victim Costs and Consequences: A New Look*. Miller, Cohen, Wiersema. National Institute of Justice Research Report, US Department of Justice, January, 1996, Table 2, page 9. <http://www.ncjrs.org/pdffiles/victcost.pdf>

¹⁵ 2003-2005 incident costs calculated using year-end inflation rates at Bureau of Labor Statistics, Inflation Calculator. <http://data.bls.gov/cgi-bin/cpicalc.pl>

¹⁶ Tabulated from data derived from *Table 5: Crime in the United States by Volume State* for each year, Federal Bureau of Investigation. Email request for comprehensive Excel spreadsheet.

¹⁷ Carol Keeton Strayhorn, Comptroller, Texas Gross State Product Detail, Calendar Years 1990-2029, downloaded April 3, 2007.

http://www.window.state.tx.us/ecodata/fcst04fall/2gspreal_cal.xls

¹⁸ Legislative Budget Board, *Texas Fact Book, 2006*, 79th Texas Legislature, page 32.

http://www.ode.state.tx.us/legislator/misc/LSC_Redbook-ODE.pdf

¹⁹ *Texas Concealed Handgun Laws and Selected Statutes, 2005-2006*, Texas Department of Public Safety, January, 2006, pages 3-5.

²⁰ Email received from Jerry Patterson, Texas Land Commissioner, May 12, 2007, 6:04 PM.