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Panel says pull your gun if you feel endangered

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CAPITOL MEDIA SERVICES

PHOENIX — A House panel voted Thursday to let people pull out their guns without fear of winding up in jail if they believe they are in danger.

HB 2629 would provide immunity from prosecution for anyone engaged in "defensive display" of a firearm. That ranges from telling another person you are armed to showing off the weapon, as well as actually holding the gun, provided it is not pointed directly at another person.

The 5-4 vote came despite questions by several legislators as to whether that language would provide a legal defense for gang members caught waving their weapons, as they could say they were in fear a rival gang had threatened them.

And Bob Ticer, a lieutenant with the state Department of Public Safety, said he feared this kind of law could escalate a simple dispute into an outright gunbattle.

But Rep. Russell Pearce, R-Mesa, sponsor of the measure, dismissed their concerns as unrealistic.

Pearce told members of the House Judiciary Committee that sometimes people get intimidated. He said this measure ensures they can pull out a gun to show whoever is making the threats they are armed.

The legislation says the display of a firearm is justified "to the extent a reasonable person would believe that physical force is immediately necessary to protect himself against the other's use or attempted use of unlawful physical force."

Pearce said police officers "sometimes have not used the discretion or the good sense the Lord gave them."

"Some folks are capable of taking care of themselves and other folks are frightened or intimidated very easily," Pearce said. He said individuals should be able to "express their fear in a proper manner."

Ticer said all of that ignores the real problem in Arizona of "road rage," as motorists who believe they have been wronged in one way or another decide to display a gun.

"When that happens, dangerous things happen, such as shootings, people are killed, car crashes occur," he said. "People get scared when guns come out."

But John Wentling of the Arizona Citizens Defense League said that looks at the situation from only one perspective.

He cited an incident where some "gangbangers" were trying to run an elderly man off a highway.

"All he did is place his gun up on the dashboard as a message: 'Leave me alone, I'm armed,'" Wentling said. He said someone apparently called DPS, and the man was charged with aggravated assault.

Rep. Tom Chabin, D-Flagstaff, said he fears that the language in the bill easily could apply to a fight between two gangs, where one group is armed and the other pulls out its own guns. He questioned whether the measure could end up "escalating a bad situation into something worse."

On StarNet: Alan Korwin, author of "Gun Laws of America," took part in a live chat on StarNet Monday. Read a transcript of the chat at azstarnet.com/special/gunchat.

Pearce, however, said the immunity would be lost by anyone who points a weapon at someone else, discharges the gun at anyone else or "intentionally provokes" someone. "This would simply protect an honest citizen who is threatened and feels it's necessary to show that they have the ability to defend themselves," he said.

But Rep. Steve Gallardo, D-Phoenix, said he believes the legislation will only lead to more shootings.

"Whatever happened to running?" he asked. "If somebody came after me with a bat, I could tell you it would be the fastest run I would ever do."

And Gallardo said the legislation could create problems even if a person chose not to flee.

"We are escalating what could normally just be a fistfight into gun shooting," he said.

The measure now goes to the full House.

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