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May Issue vs. Shall Issue Concealed Carry Laws: an Exploration of the Breakdown of Crime, Victim Relationship and Location

By: Christopher Carey, Patrick Mazzella

Abstract

This thesis takes an exploratory look at *shall* issue and *may* issue concealed carry laws using a comparative study with a sample of *may* issue states and *shall* issue states. The comparison is done over 3 sections: general crime rate, location of incidents and victim relationship to the offender. While the study found some patterns significant within the data, the lack of sufficient sample size severely limits the weight of anything found. Within the data, however, the study found a possible relationship between *shall* issue states and a higher percentage of romantic partner offenders, and a higher percentage of offenses in shops in stores. The study also found a potential relationship between *may* issue states and a higher percentage of offenders who were strangers to the victim and a higher percentage of incidents out in the street or alleys or inside a house/domicile.

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Introduction

As of the time of writing, the United States debates over gun rights and laws, with party lines and political beliefs dividing the opinions of Americans. This divide also extends to academia, with scholarship often arguing in favor or in disfavor of the free armament of the general populace (La Valle 2013). However, much of this scholarship uses biased methodology, overstates their results, or fails to establish conditions of causality or causal order (Kleck, 2015). Kleck found that of 90 studies done within the discourse community, only 4 contained validated measures of gun prevalence, established causal order, and controlled for significant variables.

This divide in research has also resulted in the majority of public and scholarly focus for study being on violence rates vs gun prevalence and/or laws surrounding firearms and armed populaces. As a result, extra focus has been shown the specific study of concealed carry laws, and their effect on crime rates. This specific subsection of study also tends to focus primarily on violent crime rates and exclude other types of crime, to the exclusion of other elements of crime, and demographics.

Shall and *may* issue concealed carry laws have been a point of study within the community, due to the movement of state legislature towards *shall* issue concealed carry, and away from *may* issue (Grossman & Lee, 2008). Grossman and Lee (2008) provide a consistent method for determining the concealed carry law status of a jurisdictional area. Concealed carry laws are divided into four sections, no-issue, no permit/ no requirements, *shall* issue and *may* issue. No-issue states are states that have no laws in place allowing for citizens to carry a weapon concealed. No permit states are states that have no legislation requiring citizens to possess a permit in order to carry a weapon concealed. *Shall* issue states require citizens to meet certain requirements and if the citizen does, they are issued a concealed carry permit. Lastly, *may* issue states have requirements that must be met, like *shall* issue states, but they also have the citizen state good cause, or a reason they wish to possess a concealed carry permit, and the state authority has the agency to deny issuing a permit even if all the requirements have been met.

This thesis will focus on exploring differences in crime rate, victim-offender relationship and location of incident, comparing *shall* issue and *may* issue states. As this study is exploratory, with a limited sample the data and conclusions of this thesis are highly limited. Significantly, this study is NOT

showing or attempting to find causality, only looking for potential correlation. However, even potential correlation is limited, as the sample size is limited by there only being two *may* issue states (Delaware and Rhode Island) using the coding and reporting system that the data was gained from.

Methods

For the analysis, the NIBRS (National Incident-Based Reporting System) was chosen as the resource data was gained from (data directly downloaded from <https://crime-data-explorer.fr.cloud.gov/downloads-and-docs>). The NIBRS possesses several elements that make it suited for this form of exploratory comparative research. Chief among them are the scope of the NIBRS, and the consistency of coding. The NIBRS comes from the FBI Uniform Crime Report (UCR) and is an upgrade from the older summary reporting system (SRS). The NIBRS contains information about potential multiple offenses per incident, types and worth of property involved, drug use, victim-offender relationship, location, time of day and many more variables useful for an exploratory study such as this. Furthermore, all the data uses one coding scheme across the nation, allowing for less complicated and more accurate comparative data analysis.

At the inception of this study, the initial plan was to use California and/or New York as samples for *may* issue states. However, it was found that all *may* issue states (barring Rhode Island and Delaware) were in the testing phase of the NIBRS or had no plans of using the NIBRS. Regardless, Only Rhode Island and Delaware had released NIBRS reports. An attempt was made to gain local data from California and re-code it into an NIBRS format, however disparity in coding scheme between agencies, lack of consistent data fields and the huge number of localities and incidents, made further attempts non-feasible considering time constraints and comparability of data. This severely limits the generalizability of the *may* issue sample, seeing as the *may* issue sample states only consist of 2, small, new england states. Choosing *may* issue states was more involved with care paid to the variability of permissibility between the *shall* issue states and the location with respect to culture. Texas was chosen as a permissive *shall* issue state, Illinois was chosen as a more restrictive *shall* issue state and Connecticut and Pennsylvania was due to their status as New England *shall* issue states.

Each state's data was compiled into workbooks containing their data on individual sheets. Specific sheets were then moved to a master workbook, combined and then analyzed. Analysis consisted of combining the data, adding new columns with calculations specific to the question being answered, and putting the data into a pivot chart, allowing the data to be quickly observed.

For the crime rate, Offenses data was organized such that the coding system for the type of crime was translated into the non-coded equivalent with an additional column to detail whether it was a person crime, property crime, or crime against society. An example of this is the numerical code 27, which is translated to aggravated assault, which is a person crime. Each state had this data pivoted with the data being compiled into a count of each type of crime, with a calculation for crime rate per 100,000 using census data to calculate for the 2017 population of each state. Each states current pivot table had it's analyzed crime rate data compiled and averaged in a master pivot table comparing *may* issue states to *shall* issue ones, which was then sliced per type of crime (person, property, society). Another calculation was added to the pivot detailing percent change between *shall* issue and *may* issue states for each individual offense and whether the data was representing a *shall* issue or *may* issue state.

For location, Offense data (which includes location) was organized with the type of crime, and the location of incident was translated from the numerical code to the non-coded equivalent. This data individual state data was compiled onto a single sheet and additional calculations were added for the issuance status of the state. The data was then pivoted and examined, with the count of each incident involving a specific location was shown as a percentage of the issuance status being represented (*shall* and *may* issue).

Victim relationship to offender was done in much the same way as location, except with the specific victim relationship data being used. The data was compiled in much the same way, with calculations added for the issuance status of the state and translations from the numerical code to the non-coded equivalent. The data was then pivoted and examined, with the count of incidents involving a specific relationship to the offender, shown as a percentage of the issuance status being represented.

Results

The analysis begins with the crime rate data. This data is to be considered the weakest of the data set which can be explained by the large differences in population between the *may* issue and *shall* issue state, as well as there only being 2 *may* issue states to create an average. This has resulted in some large crime rates for the *may* issue state sample and accordingly, large percent changes between *shall* and *may* issue crime rates.

Beginning with Property crimes. While the data shows uncommonly high rates of change, the data that shows the largest rates of change are stolen property offenses (1033% higher in *may* issue states), False pretense/ swindle/ confidence game (991% higher in *may* issue states) Embezzlement (875% higher in *may* issue states) and theft from building (719% higher in *may* issue states). If these

<i>Property Crimes</i>	<i>Average Rate Per 100 Thousand</i>		
	<i>May-Issue</i>	<i>Shall-Issue</i>	<i>% Change</i>
Destruction/Damage/Vandalism of Property	937.76	151.89	517%
All Other Larceny	389.41	128.90	202%
Theft From Motor Vehicle	424.89	98.21	333%
Shoplifting	405.39	88.27	359%
Burglary/Breaking & Entering	360.12	70.84	408%
Theft From Building	352.04	43.00	719%
False Pretenses/Swindle/Confidence Game	275.39	25.23	991%
Motor Vehicle Theft	140.00	46.75	199%
Credit Card/Automated Teller Machine Fraud	99.98	29.51	239%
Identity Theft	81.00	11.07	632%
Impersonation	73.34	22.93	220%
Theft of Motor Vehicle Parts or Accessories	74.18	19.28	285%
Robbery	79.54	15.43	415%
Counterfeiting/Forgery	61.93	18.27	239%
Stolen Property Offenses	71.68	6.33	1033%
Wire Fraud	14.19	7.18	98%
Embezzlement	26.09	2.68	875%
Arson	13.47	1.74	672%
Theft From Coin-Operated Machine or Device	1.67	2.79	68%
Pocket-picking	2.49	1.66	50%
Purse-snatching	2.14	1.10	94%
Extortion/Blackmail	3.19	0.51	522%
Hacking/Computer Invasion	0.76	0.47	62%
Welfare Fraud	0.85	0.28	202%
Bribery	0.31	0.06	444%

crime rate changes were showing up in a data set, devoid of the sampling selection inhibitions of this data, an explanation for the percentage change could be attributed to these crimes nature as rational crimes. And concealed weapons sometimes act in a preventative manner when sufficient guardianship is in question (La Valle & Glover, 2011). Sufficient guardianship being one of the three-part formulae of routine activities theory (Cohen & Felson, 1979).

With society crimes, we see some high rates of change once again, however, due to the nature of concealed carry being very much a tool against crimes targeted against a person/ persons or their property, I tentatively find it unlikely that these laws will affect society crime rates. That being said, there is very little scholarship surrounding the effect of concealed carry, or even gun prevalence, on crimes against society, so more scholarship is needed to confirm or disprove that. However, this section holds consistently the highest rates of change, with many over 1000% and the highest of the entire data set, animal cruelty at a percent change of 24,505% higher in the *may* issue states.

<i>Society Crimes</i>	<i>Average Rate Per 100 Thousand</i>		
	<i>May-Issue</i>	<i>Shall-Issue</i>	<i>% Change</i>
Drug/Narcotic Violations	587.78	109.28	438%
Drug Equipment Violations	186.59	46.98	297%
Weapon Law Violations	152.21	19.86	666%
Animal Cruelty	96.65	0.39	24505%
Pornography/Obscene Material	23.40	2.04	1047%
Prostitution	7.12	0.88	713%
Operating/Promoting/Assisting Gambling	5.68	0.06	9675%
Betting/Wagering	3.55	0.23	1449%
Purchasing Prostitution	1.72	0.01	12071%
Assisting or Promoting Prostitution	1.20	0.39	206%
Gambling Equipment Violation	0.57	0.03	1682%
Sports Tampering	0.10		100%

Concerning person crimes, we once again must reiterate (as with all the crime rate data) that the lack of generalizability and internal validity due to the small and limited *may* issue sample makes conclusions of this data to be incredibly thin, if at all relevant. However, this data has one extremely interesting point of data. Justifiable homicide is the only offense on this list of offenses that possesses no blame on the perpetrator. Furthermore, it possesses the highest rate of change of all the person crimes at 1,274% higher in *may* issue states. Person crimes also possess a section where the crime rate was higher in the *shall* issue states, this crime is incest.

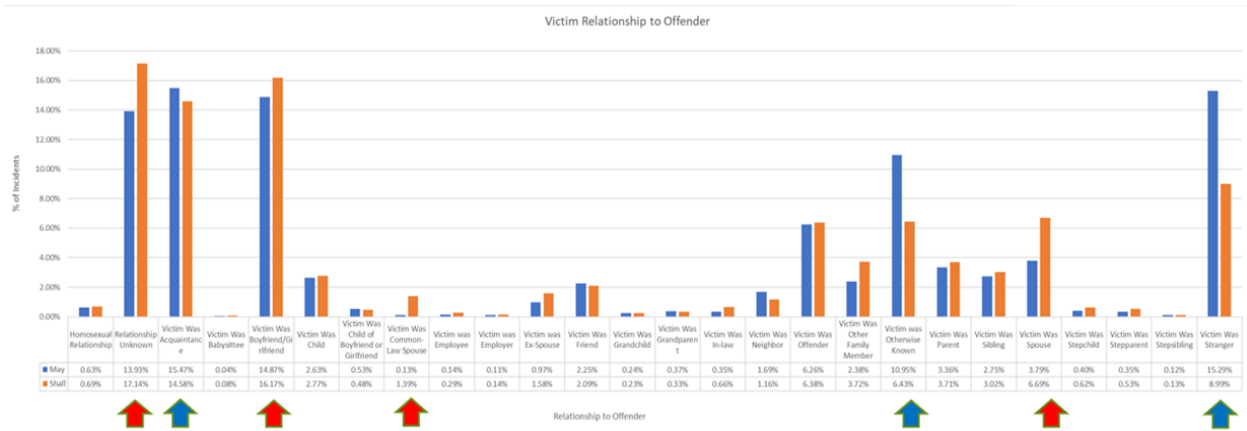
Person Crimes	Average Rate Per 100 Thousand		
	May-Issue	Shall Issue	% Change
Simple Assault	811.93	133.31	509%
Intimidation	165.34	52.79	213%
Aggravated Assault	186.25	26.45	604%
Fondling	37.30	6.78	450%
Rape	28.92	5.95	386%
Kidnapping/Abduction	15.28	2.63	481%
Sodomy	6.79	0.87	682%
Statutory Rape	3.38	1.50	126%
Sexual Assault With An Object	3.87	0.85	357%
Murder and Nonnegligent Manslaughter	3.71	0.55	573%
Human Trafficking, Commercial Sex Acts	0.58	0.14	315%
Justifiable Homicide	0.94	0.07	1274%
Incest	0.20	0.37	85%
Negligent Manslaughter	0.10	0.09	22%
Human Trafficking, Involuntary Servitude	0.09	0.02	300%

Location data is an important area to examine, as the places in which incidents happen can give those studying crime, clues as to why they were chosen by the offender. In the scope of concealed weapons laws, location is significant as it can speak to where crimes are committed and where do the rates change between *shall* and *may* issue jurisdictions. The Location data is the first data set that shows some similarity between *shall* and *may* issue states with some key differences. This is very important as (unlike the crime rate data) it shows specific areas of difference amongst a majorly similar data set allowing for identification of key differences, and a greater assumption of comparability. The first significant difference, is the increased frequency of department stores/shops grocery stores, motels and parking garages as the sites of incidents in *shall* issue states. The second significant difference is the increased rate of incidents involving streets/sidewalks/alleys, government/public buildings and inside the home. The rest of the data was fairly consistent adding validity to this data. I could find next to no scholarship about the effect of armed citizens on location of incident. However, using the routine activities theory (Cohen & Felson, 1979), I would tentatively say that it appears as if prevalence of firearms is acting as a protective factor in areas where people are more fortified (domicile) or on guard (highway/street/alley). Interestingly, that does not fit with the high rate of incidents in parking garages in *shall* issue states.

Location	% of Incidents with location	
	May	Shall
Abandoned/Condemned Structure	0.06%	0.05%
Air/Bus/Train Terminal	0.16%	0.21%
Amusement Park	0.01%	0.10%
Arena/Stadium/Fairgrounds/Coliseum	0.03%	0.07%
ATM Separate from Bank	0.04%	0.07%
Auto Dealership New/Used	0.16%	0.37%

Bank/Savings and Loan	0.85%	0.96%
Bar/Nightclub	0.86%	0.67%
Camp/Campground	0.04%	0.03%
Church/Synagogue/Temple/Mosque	0.30%	0.31%
Commercial/Office Building	2.03%	1.89%
Community Center	0.15%	0.07%
Construction Site	0.18%	0.62%
Convenience Store	2.15%	2.49%
Cyberspace	0.17%	0.18%
Daycare Facility	0.05%	0.07%
Department/Discount Store	4.72%	5.54%
Dock/Wharf/Freight/Modal Terminal	0.04%	0.03%
Drug Store/Doctor's Office/Hospital	1.74%	1.22%
Farm Facility	0.01%	0.05%
Field/Woods	0.38%	0.31%
Gambling Facility/Casino/Race Track	0.64%	0.12%
Government/Public Building	1.57%	0.70%
Grocery/Supermarket	1.55%	2.35%
Highway/Road/Alley/Street/Sidewalk	19.31%	15.72%
Hotel/Motel/Etc.	1.10%	1.65%
Industrial Site	0.14%	0.12%
Jail/Prison/Penitentiary/Corrections Facility	0.15%	0.28%
Lake/Waterway/Beach	0.13%	0.05%
Liquor Store	0.37%	0.20%
Military Installation	0.00%	0.00%
Other/Unknown	2.53%	4.51%
Park/Playground	0.92%	0.82%
Parking/Drop Lot/Garage	4.30%	8.64%
Rental Storage Facility	0.19%	0.44%
Residence/Home	44.47%	41.14%
Rest Area	0.01%	0.02%
Restaurant	1.77%	1.91%
School/College	0.27%	0.52%
School-College/University	1.00%	0.39%
School-Elementary/Secondary	1.88%	1.63%
Service/Gas Station	0.96%	0.97%
Shelter-Mission/Homeless	0.03%	0.09%
Shopping Mall	0.52%	0.39%
Specialty Store	2.06%	2.01%
Tribal Lands	0.00%	0.00%

Next is the victim relationship to offender data. Similarly to location data, this is important to know, as it can show us what the differences in concealed carry laws, may have on who is choosing to victimize who. This data set also shows some internal validity, with many of the comparison values being statistically similar, and a couple of areas of difference. The first pattern noticed was the high percentage of incidents where the offender was a stranger or otherwise known statuses in the *may* issue states, and the offender was a romantic partner in the *shall* issue states. This both ties in remarks of firearms being a protective factor (Olson & Maltz, 2001) (La Valle, 2013) (Grossman & Lee 2008), and an aggravating factor for violence (La Valle 2013) (La Valle 2011) (Grossman & Lee 2008).



Conclusions

This thesis has aimed to explore the differences in *shall* issue concealed carry jurisdictions compared to *may* issue jurisdictions. Limitations in sample size, especially in *may* issue states, have resulted in a data set that is too small to honestly or morally speak to any correlations without overstating the results and significance of the data. However, there were some trends that coincide with former research and would warrant further study, as well as there being insights for future study. The first order of business for further study would be to increase the *may* issue state sample size. At the very least until California (a large, *may* issue state) has released several yearly reports further searches for correlation in crime rate will be severely stunted. A multi-year, nationwide study of *shall* issue vs *may* issue concealed carry states and their trends would allow for a much better understanding of correlation between concealed carry laws, specific crime rates, victim types, and locations.

Of all my data, the incident location data and the victim relationship data is the strongest. And while I wouldn't state them as correlative these data sets, show some interesting patterns that should be explored more with the above-named improvements to the experiment. One pattern that deserves further exploration is the increased percentage of the victim being a stranger to the victim in *may* issue states, and a romantic partner in *shall* issue states. Not only should this be tested again with a more valid and generalizable sample, but if a trend shows itself to be consistent, examine what crimes make

up these significant victim-offender relationships. A similar tactic could be taken with the locations. After proving a trend, start examining what crimes are most prevalent in these significant locations

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