

Legislative History for Connecticut Act

HB 5746	PA 129	1998
Senate 2386, 2426-2454,		(20)
House 1057-1058, 2268-2269, 3457-3482		(30)
Judiciary 1537, 1549-1550, 1552, 1553-1555, 1558, 1574-1603, 1608-1612, 1619-1667, 1678-1686, 1722, 1748, 1761-1838		(181)
		Total- 231 pgs

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

Connecticut State Library
Compiled 2012

S-425

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1998

VOL. 41

PART 8

2236-2606

kmg

Senate

Monday, May 4, 1998

that item as well, Madam President, under Rule 15.

THE CHAIR:

The Journal will so note. Are there other announcements or points of personal privilege?

SEN. JEPSEN:

Madam President?

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

Madam President --

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

-- we're going to ask that we take up as an order of the day from Page 10, Calendar 459, Substitute for HB5746, AN ACT CONCERNING HANDGUN SAFETY.

Madam President, sorry about the confusion. We're going to hold on the gun safety bill for a moment, and just proceed with the Calendar in its regular order. We will take up the gun bill presumably earlier, sooner rather than later, but at the request of some members, we are going to delay.

THE CHAIR:

Thank you, sir. In that case, are there any announcements or points of personal privilege? If not,

kmg

Senate

Monday, May 4, 1998

Calendar Page 10, Calendar No. 459, Files Nos. 441, 590, and 665. Substitute for HB5746, AN ACT CONCERNING HANDGUN SAFETY, as amended by House Amendment Schedule A. Favorable report of the Committee on Judiciary, Public Safety, Finance Revenue and Bonding. Clerk is in possession of an Amendment.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. Madam President, I move adoption of the Joint Committee's favorable report and passage of the bill in concurrence with the House.

THE CHAIR:

Question is on passage of the bill in concurrence with the House. Will you remark? Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. Madam President, we have before us a very significant piece of legislation. Not only significant for the contents, but I think very significant for its recent legislative history where it passed unanimously in the House.

And as a bill that is associated with gun control of one form or another, or particular gun safety provisions, that is perhaps a historic first, at least in recent years. Specifically, the bill takes on a

kmg

Senate

Monday, May 4, 1998

number of different issues.

Requires that any probate court that passes an order committing someone to a hospital for psychiatric disabilities to within three business days provide a copy of such an order to the Department of Mental Health Services Commissioner.

It requires that the Commissioner then maintain the commitment order information and provide it to the Department of Public Safety Commissioner in order for him to meet his responsibilities under various state firearm permit and certificate laws, which would include notifying law enforcement and municipal agencies, which would then be able to revoke such a permit.

The Department of Mental Health Services Commissioner must report the identifying information listed above for anyone applying for, or holding a certificate to possess an assault weapon, a handgun possession eligibility certificate, or a permit to sell or carry handguns.

In addition the bill makes it a Class B misdemeanor to carry a loaded firearm that is capable of being fired while one is under the influence of intoxicating liquor, drugs, or both. It specifies that a person who holds a permit to carry a handgun does not

kmg

Senate

Monday, May 4, 1998

have the right to possessor carry it on property where carrying or possession of the handgun is prohibited by law, or where the owner or person controlling the property has prohibited it.

In addition, the bill prohibits granting a handgun eligibility certificate, or a carrying permit, or a permit to sell handguns to anyone convicted as a delinquent for a serious juvenile offense.

Further, the bill exempts shooting range owners, operators, or users, from criminal or civil liability driving from noise pollution if the range was in operation on October 1st 1988. And if the range was also in compliance with Department of Environmental Protection noise pollution control regulations when it was constructed.

The bill further requires any law enforcement agency that seizes a firearm whether pursuant to an arrest, search warrant or other means, immediately to attempt to identify it and trace its history.

The bill directs the agency to use the Federal Bureau of Alcohol, Tobacco and Firearms for this purpose. Under current law, any retail firearm dealer selling a firearm must provide the purchaser with a trigger lock.

This bill would require that such trigger locks be

kmg

002429
67

Senate

Monday, May 4, 1998

reusable, and would be required for not only retail sales but also secondary sales as well. The bill further requires that when a permit for a handgun is issued, that the issuing authority is part of the conduct, as part of taking a look at the criminal history of that individual, would forward the applicant's fingerprints to the FBI for a national check.

At the same time, if the issuing authority determines that the applicant's fingerprints have previously been taken, and the applicant presents identification that the issuing authority determines is valid, then the authority does not have to redo the fingerprints.

The bill repeals the law allowing people with a permit to carry dangerous weapons. And, instead makes them illegal. Some of these illegal weapons would include BB-guns, blackjacks, metal or brass knuckles, switch knives, knives with spring release blades.

Currently, it says that you need to have a permit for these types of weapons. In point of fact, no municipality that we know of issues a permit for those types of items. Madam President, that is substantially the bill. There are two items in there that I want to single out.

kmg

Senate

Monday, May 4, 1998

In particular, the trigger lock provision is something that has been discussed for a number of years here at the capitol. And I think that every year we read about the episodes of young children finding firearms, and harming themselves or others.

No one will claim that a trigger lock will be impossible to remove. However, because of the requirements of this bill, young children will not be able to remove this type of trigger lock.

And it's young children in particular that we want to be able to protect so that we know, and that the owners of firearms know that that particular firearm will not be used for adverse consequence or, perhaps, tragic consequence.

In addition, the requirement to trace all firearms that come into the possession of law enforcement is extremely important. In the last two years, violent crime in the City of Boston, which was once back in the late 1970's and throughout the 1980's, a known for every-increasing violent crime.

The last two years violent crime has dropped significantly in Boston. And it's attributed in large part to very aggressive gun tracing. Which has also helped to crack down on gun racketeering and folks selling guns illegally in Boston, and putting guns into

kmg

Senate

Monday, May 4, 1998

the hands of criminals. The very thing that we want to prohibit. So with that, Madam President, I would urge passage of the bill.

THE CHAIR:

Question is on passage. Will you remark? Senator Crisco.

SEN. CRISCO:

Thank you, Madam President. Madam President, I request that the Clerk call LCO-4936.

THE CLERK:

LCO-4936, which will be designated Senate Amendment Schedule A. It is offered by Senator Crisco of the 17th District.

THE CHAIR:

Senator Crisco.

SEN. CRISCO:

Thank you, Madam President. Madam President, I move adoption of the Amendment, and I be given permission to summarize?

THE CHAIR:

Question is on adoption, please proceed.

SEN. CRISCO:

Yes, may I yield to Senator Jepsen? Basically, Madam President, what this Amendment does, it deletes a section pertaining to the shooting ranges that I have

kmg

Senate

Monday, May 4, 1998

some concern about in regards to the noise ordinances.

THE CHAIR:

Senator Crisco.

SEN. CRISCO:

Yes, that's basically that's the summary of the Amendment, Madam President.

THE CHAIR:

Question is on adoption of Senate Amendment A.

Will you remark? Senator Jepsen.

SEN. JEPSEN:

Madam President, I sincerely respect Senator Crisco in offering this Amendment, and can sympathize with the motives behind it, which are legitimate. However, I think that in all fairness, it's probably not necessary because the, this law, this bill if enacted into law, would retain in place environmental standards and restrictions with the Department of Environmental Protection noise ordinance, noise standards set state wide by the Department of Environmental Protection.

And so, I think that there is no risk at all of some kind of expansion of noise. What it does do, and it's kind of a fair compromise with gun clubs that have a history, is that it guarantees that a gun club that's been around for a while, and a lot of them have been,

kmg

Senate

Monday, May 4, 1998

won't be unfairly forced out of business or, and lose their opportunity to exist because a municipality adopts overly aggressive, unnecessarily aggressive local ordinances.

So, gun clubs would remain subject to a state wide standard. And I would hope in that spirit, that perhaps Senator Crisco would consider withdrawing the Amendment.

THE CHAIR:

Senator Crisco.

SEN. CRISCO:

Thank you, Madam President. In light of the information provided by my Majority Leader, and respect for my colleagues in the Circle, and perhaps the couple that would like to speak, I withdraw the Amendment.

THE CHAIR:

Motion has been for withdrawal of the Amendment.
Without objection, so ordered. Will you remark further on the bill? Senator Nickerson.

SEN. NICKERSON:

Thank you, Madam President. I'd certainly like to stand with Senator Williams for his, for the skill with which he's described the bill. And the equal, if not greater skill with which he's helped steer this very -- I said Amendment, I meant the bill. With which he

kmg

002434
72

Senate

Monday, May 4, 1998

steered this very important bill through the legislature. To put this in context, members will recall that Connecticut has been a state which has recognized that law abiding, sincere, qualified people, have every right, indeed a constitutional right to own a firearm, and a handgun.

That those who fall outside that category do not have that right. And we have very carefully set out that line. First in 1992, when we defined and banned assault weapons. Second in 1994, where we created a handgun control bill which spoke directly to the issue that some have said only the bad guys should have guns.

The 1994 bill had a very clear and workable listing of who those so-called bad guys are. The bill passed with a strong majority. Is in operation now. And I'm happy to say this bill takes that a couple of steps further.

How does it do that? First, it identifies people who I think everyone would agree, be they advocates of bearing a firearm, or be they not, no one would doubt that psychiatric patients, intoxicated persons, delinquents, and those who are standing on school grounds, none of those should have a handgun.

Those are the so-called bad guys. And exactly the ones who it is inappropriate to have a handgun, and who

kmg

Senate

Monday, May 4, 1998

would be precluded from having that under this bill. Secondly, there are three elements of the bill that I want to comment further on. Two were mentioned by Senator Williams. One is tracing. Tracing doesn't preclude anybody from having a handgun.

What it gives is a tool to law enforcement officers to help them in the relentless fight against crime. And to help them deal with the proliferation of misused handguns. That's what it does. And that's what it doesn't do.

Trigger locks speak directly to a series of tragedies which have occurred in America, in Connecticut, and in my own community. I won't get into the details. And I don't want to be emotional about it.

But there was a tragic death in my own community when two young children were playing with a loaded gun and one ended up dead. Now, as Senator Williams said, can we be assured that this bill with its trigger lock will preclude an unsafe use of a firearm? Of course not.

It is a simply a tool that society puts in place to minimize those kind of dangers. Our laws against murder don't preclude murders. But they are a crucial law enforcement tool. So, trigger locks are a crucial

kmg

74

Senate

Monday, May 4, 1998

law enforcement tool.

The FBI check, it is and should be, equally something that we all can acquiesce in. Nobody wants a criminal whose record may be on an FBI list, but may not be accessible to the state police or local police to have a handgun.

No one would suggest that. So, today we move forward in creating another useful tool in the hands of law enforcement officers to preclude the use of handguns by the bad guys.

It is said, you've often heard, I have often heard, guns don't kill people, people do. But without getting into the merits of those semantics, this bill is directed to people. It precludes no gun from being in existence.

It does preclude the very people who are likely to misuse a gun from getting them. And if they do get them, it enhances the possibility that their weapon will be traced. It, secondly is a remarkable procedural and methodological success, in that it has brought together those who voted against earlier handgun control bills, those who voted for it. And I congratulate the chairman and urge adoption in the Senate today.

THE CHAIR:

kmg

Senate

Monday, May 4, 1998

Thank you, sir. Will you remark further? Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I rise in support of this very important legislation. The lesson of the last decade is that prudent gun control does work. Since we've enacted our ban on assault weapons, and aggressively gone after those whose suitability requirements made it tougher for those with a violent past from getting guns, there has been a decline in gun deaths, and the use of guns in the commission of crimes.

Today's legislation is another step, a prudent step down the road towards ensuring that guns in our society will be used safely and only safely. It's not going to solve every issue, every problem. But I think it's a very prudent step.

In particular, there's a child safety features. We passed a trigger lock requirement several years ago, but it was promptly evaded by gun sellers who provide disposable trigger locks. This ensures that trigger locks will be a part, permanent trigger locks, will be a part of every sale of a weapon.

And when you consider that since between 1988 and 1995, nearly 350 Connecticut children were killed with

kmg

Senate

Monday, May 4, 1998

guns. And another 530 children were hospitalized with gun wounds during that time. It becomes clear why we need to have trigger locks available. In addition, this bill gets to the heart of one of the real issues which is guns used in crime.

We will now lead the nation in the aggressive pursuit of tracing every gun that comes into the hands of law enforcement authorities. The result of pilot programs, one here in Bridgeport, shows that by thorough and aggressive tracing of guns used in crimes, you can get the right people in jail, and often deny sources of guns for those who will continue to buy them.

We also, in this legislation, get to the very sensitive issue of when a person -- start to get to the issue of when an individual is unstable or shows signs of instability. A person who may have at the time of the purchase, an initial possession of guns, were perfectly capable and competent to do so, but through over time may have, may no longer be appropriate for them to have guns.

This is a very sensitive area with issues of privacy and confidentiality. I think that we take some prudent steps here, but without violating the legitimate rights of any competent person to own or

kmg

77

Senate

Monday, May 4, 1998

carry a gun.

Finally, some very commonsensical features. Features such as, it just makes sense that if you're a restaurant owner and you don't want to have somebody carry a gun into your establishment, especially if you're serving alcohol, you ought to be able to deny them that opportunity.

And, in addition related to that, provision that would make it clear that it's illegal to be carrying a gun while one is intoxicated. These are all commonsensical things. In no way do they deny any individual, any competent, capable, individual without a proclivity for violence, their right to carry a firearm.

And so with that, I'm going to urge your support. And I congratulate Senator Williams, and those who have worked on this bill, including some of the staff people, Joel Rudicoff, from our staff, who have worked so hard to make this possible. I urge your support.

THE CHAIR:

Thank you, sir. Senator Guglielmo.

SEN. GUGLIELMO:

Thank you, Madam President. I think the bill overall is very good one. I agree with most parts of it. I will be voting for it. But I do have some

kmg

002440

78

Senate

Monday, May 4, 1998

concerns about the posting of property, which would allow bona fide and qualified pistol permit holders, and not allow them access. The reason I'm concerned about it, I think it's unworkable. There are about 120,000 pistol permit holders in the State of Connecticut.

Many of them are judges, prosecutors, people who carry weapons because they carry precious gems. And it's going to be pretty tough for those people to know which places are posted or which are not until they enter.

And once they do make that determination, it's pretty hard to know what they're going to do about it. They can't then go back to the vehicle and put the weapon in the vehicle, because that would be a violation because they would leave the weapon unattended.

So, we're putting people who have not caused a problem in a difficult situation. And I think what we're doing here is basically fixing something that's not broken. Pistol permit holders have not had any incidents I'm aware of, of using firearms in a crime, or improperly.

And it seems as though we're -- the law in Rhode Island makes a lot more sense. That these laws about

kmg

Senate

Monday, May 4, 1998

carrying pistols on posted property already in place except for qualified pistol permit holders. And I really have a feeling we'll be revisiting that one, and correcting that one some future date. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Senator Sullivan.

SEN. SULLIVAN: ... company to children ...

Thank you, Madam President. It's not that many weeks ago that every person in Connecticut slowly heard the news of what had happened at the State Lottery Corporation offices. And everyone was reminded, I think, of the daily tragedies that gun violence visits in our state and in other states.

Yet, and I'll be a little more emotional than Senator Nickerson, it was also not more than 12 hours after those killings than some idiot on behalf of some idiot organization said, well you know guns don't kill, people kill.

People with guns kill. They kill every day in the cities of this state. They kill every day in the states all over this nation. We hold the unenviable prestigious position in this world of ours, of having the highest incidence of gun-related traumatic injury in emergency rooms of any nation in the world.

kmg

Senate

Monday, May 4, 1998

This is America. This is not some frontier land. It's our country. And that's America's record in the world. More injuries, more deaths, by gun violence. This is a modest bill. It is a balanced bill. It is a thoughtful bill. And it goes nearly not far enough for some of us.

But it also goes farther than where we stand now, particularly with respect to children. Senator Jepsen, Senator Williams, the folks in the House who have worked long and hard, not just on this bill, but on the entire issue of doing what ever can be done to reduce the death, the injury, the mayhem, that is caused by the irresponsible possession and use of firearms in this society and in this state, deserve our highest praise and our support today.

Surely we can do better as a nation which seems to care about so many other things. Than to continue to hold that record of so much death and so much destruction. Each of us weeps every time we open the newspaper, turn on the television and see a story about a child who has found a gun, unsecured, unsafe, but loaded.

And the result is a death. A death at an early age. And that doesn't even count. The deaths in the streets of Hartford and Bridgeport, and New Haven, and

kmg

Senate

Monday, May 4, 1998

everywhere else where it isn't an accident.

It's a weapon in a child's hands who somehow is now committing a crime against another child like an adult. Every day. Every year. Our state, other states, our country. Fortunately, fortunately because of the courage of Senators like those who bring this here, and Representatives like those downstairs who craft legislation, we in this state have turned back what was once the incredible heavy hand of those who excused every act of violence with a firearm.

And have taken reasonable steps like this one that we take today. This is not a blanket indictment of people who own weapons and own firearms, it is just a common sense, as Senator Jepsen said, and reasonable step in the right direction. But frankly, it is only a step.

And there is a great deal more direction to go before we do better to assure that the number of deaths and injuries that result from the use of firearms in our state will truly be reduced. And that we will treat each other like a civilized society, not like a frontier gun slinging society.

THE CHAIR:

Senator Penn.

SEN. PENN:

kmg

002444
82

Senate

Monday, May 4, 1998

Thank you, Madam President. Just very, very briefly. I just wanted to thank Senator Williams and Senator Jepsen, and those folks in the House as Senate President Sullivan said, and I'm not going to go through a long soliloquy about it. I just remembered just a couple of weeks ago when Mr. Brady was here and as we prepared to welcome him and speak on some of the issues, and as I, Senator Jepsen called me up and asked me to speak, when they asked me to speak I remember reflecting back of when we were doing the assault weapons ban.

And I spoke about the times how some folks can only empathize of what happens in the life of those who have to live under that type of fear of handguns and what they do.

THE CHAIR:

Senator Penn, just a moment, please. Would those individuals having conversations behind Senator Penn, take those conversations into their respective caucus rooms, please. Senator Penn.

SEN. PENN:

Thank you, Madam President. Again, I was remarking in strong contrast to when we were doing the assault weapons ban, and talking around the room and around the Circle to those folks who have never

kmg

Senate

Monday, May 4, 1998

understood what it meant for somebody to have to sleep in a bathtub, being afraid of a weapon.

Of children who have to study under tables because of shots that would be fired in housing projects and other areas around an urban city. Then as Senator Sullivan said, the tragic incidents that happened at the Connecticut State Lottery.

And the other incidents that happened in the schools because of no safety lock on the weapons. And all of a sudden you don't have an urban city crime, you have a nation crime. And what a hard lesson we have to learn when no longer we just emphasize with somebody, we understand, because we live it.

And then we find ourselves marching around the circle, or marching around downstairs, throughout the nation, and various capitals of the world, rushing to do legislation as a after fact.

And thinking of the criminal rights have we hurt them by some how taking the rights away from somebody to bear a firearm. I think there's no more meticulous thought that went into this bill that was giving it, try to ensure that those rights were not infringed upon, were not devastated, or impacted in any way.

It's almost like I said about the soup bill, I don't understand how we quantify life around here.

kmg

Senate

Monday, May 4, 1998

Whether it has an intrinsic value or it's just instrumental in some way of doing something else. Not a means into itself. I hope with all my heart this is the last time that we have to do a weapons bill, because it's what it is, based upon some injury, some death in the State of Connecticut.

I hope with all my heart, with all my soul, this is the last time that the Senate or the House has to go attend a memorial or a service because of some incident that a firearm has brought upon somebody that we care, love, or know.

It's not like somebody else doesn't have anything to do other than pick on gun owners. It's a life issue. It's a safety issue. It's an issue that must be brought forth by this Circle, and the people who reside in it. I urge its passage. Thank you, Madam President.

THE CHAIR:

Will you remark further? Senator Gunther.

SEN. GUNTHER:

Madam President, I rise to support this bill, but I do have a question and would like a clarification. Through you to Senator Williams. On Line 293 through 298, of this particular bill we're working with right now.

kmg

002447
85

Senate

Monday, May 4, 1998

It states specifically this section does not thereby authorize the possession or carrying of a pistol or revolver in any premises where the possession or carrying of a pistol or revolver is otherwise prohibited by law, or is prohibited by the person who owns or exercises control over the premises.

The concern I have here, we do have another section of the law, Section 29-35, which covers the carrying of pistols and revolvers which applies primarily to sheriffs, parole officers, peace officers engaged in their official duties.

I want to be certain that the language now that is in this particular bill would almost imply that a police officer who might go into a store, and a fellow might have a sign out there, no pistols are allowed. Or, he might identify this as an area that's closed off, that it might restrict the law enforcement people of our state from being in that premises, or prevent them from having the revolver. Now, that is not the case, is it?

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. Through you to Senator Gunther. Thank you, for asking that question.

kmg

002448

86

Senate

Monday, May 4, 1998

And, yes you are correct. It would not prohibit that category of individuals, law enforcement officials, from carrying out their duties, possessing a handgun.

THE CHAIR:

Senator Gunther.

SEN. GUNTHER:

Thank you. Madam President, I think that this bill, contrary to a lot of the legislation we've had in previous years, has showed a heck of a lot of common sense. And I think the exercising of both sides sitting down and working out some details on the gun laws of the State of Connecticut.

I don't think that anybody ever dreamed that the mentally ill should ever have permits, or that we shouldn't have some way to get in there and restrict that or get our hands on them.

However, one thing that really bothers me. And that is, year after year, every time we have an incident and every time the headlines reads about something involving firearms and that, we have an immediate rush up here and everybody screams, we've got to do something more with this law.

We've got to do, regardless of what it is we have to have something else. What I'd like to see, and I'd like to see the Judiciary Committee revisit the laws

kmg

002449

87

Senate

Monday, May 4, 1998

we've passed. I'm going to tell you, I was amazed. And unfortunately I've been tied up and haven't had the time to complete it, but we passed a lot of bills on mandatory sentencing for the having on your person, not even using a firearm, and that type of thing, mandatorily that you couldn't take and suspend it. You couldn't plea bargain it.

There's no way you're going to take and do anything with that criminal except put him in jail. And he was going to stay there, whether it be one year, two year, five years.

Well, revisit that law. Because I was shocked to see that, I think it's less than about 30% of those that were arrested on the charges, you ended up they never had the mandatory sentence. They never went to jail.

And those that did get the mandatory sentence, which I'm trying to check right now, I don't know how many of them served the full length of time. Because I have a suspicion that it's the perception, but it's on the negative side of that perception that they're going to jail. They're going to get locked up. They're going to be impressed that having a gun on your person and breaking the laws of our state are going to give you a good term to sit back and think about it.

Now, I'd like to see all of them. That's just one, the mandatory side of it. But I'd like to see somebody take a good look and see how we're enforcing this. Whether our judges are being a little too lenient. Whether we have our lawyers going in, not plea bargaining, but changing pleas. And by the little loopholes that are in those laws that we've got weren't there, that we close them up.

And let's get after the criminal element and really impress them. Because more often than not, I find the honest person and the guy who respects firearms, and the guy who uses them properly and that, he usually takes the brunt end of this.

And we look at the criminal activities, they still go on. And they still get them. So this is a nice comfortable bill. I think there's a lot of comfort area on both sides. But let's go look at what we've done.

Let's find out how much gun enforcement we have so the criminal elements of the state, because I don't think that's happening. And I'm sure that if somebody had the time to hit all the mandatory gun offenses we have. All the gun enforcement we have. You'd find out there's damn little enforcement on it compared to what it ought to be.

THE CHAIR:

Thank you, sir. Will you remark further? Senator Harp.

SEN. HARP:

Thank you, Madam President. I rise to support this bill. And I'm supporting it on behalf of Myron Hanson. Myron Hanson is an eight-year old boy who sat behind me in third grade. And one weekend we came back to our third grade class to find that he'd been killed because he had picked up a gun at his grandparent's house.

And he and his cousin had gone to the barn, played with it, and he didn't make it out of the barn. But on behalf of Myron Hanson, I want to thank the Connecticut Senate. Thank Senator Williams for moving this issue forward. Hopefully no other children will have to live in the third grade with children not coming back because they played with a loaded gun.

THE CHAIR:

Thank you, Senator. Senator Freedman.

SEN. FREEDMAN:

Thank you, Madam President. I just wanted to associate myself with all the remarks of the preceding speakers. I think for the first time we have in this Chamber, a bill that we have all supported, and can all

kmg

Senate

Monday, May 4, 1998

support.

And I think for the reasons given by Senator Harp, and Senator Penn, maybe we'll be able to sleep a little bit better tonight, and with a lot clearer conscience on the hope that there will be no more incidents with children and guns. And I guess probably the greatest favor we can do the public today is to get that message across loud and clear.

Our children deserve to be able to grow up in a safe environment. And hopefully this will assure that for them. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further?
Will you remark further? Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. I wanted to just say a couple of final brief remarks from my point of view. I'd like to thank the leadership of Senator Sullivan on this matter. Also, my co-chair in the House, Mike Lawlor, who's been a long-time advocate of gun safety laws.

And to pay particular recognition to Senator George Jepsen. I think all of us know of his long-time commitment to gun safety legislation. Finally, just to reiterate that this is really a historic partnership.

Senate

Monday, May 4, 1998

That what we're seeing today with the gun bill, is not the usual polarizing debate with the galleries full of individuals with displeasure on their faces. We're coming, I believe, to a very positive conclusion. That we can pass legislation affecting gun safety, and have everyone acknowledge that it is not adversely affecting sportsmen.

It is not adversely affecting the rights of law abiding citizens who possess guns. That's a tremendous step forward. I haven't seen that before in terms of gun legislation. And I would like to think that we could work together in the future where it is necessary on bills such as this, where we have significant support for this very positive legislation that I believe will result in greater safety and more lives saved. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further on the bill? Will you remark further? If not, would the Clerk please announce a roll call vote, the machine will be open.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call has been ordered in

kmg

Senate

Monday, May 4, 1998

the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. Clerk, please take a tally.

THE CLERK:

Motion is on passage of HB5746 in concurrence with the House.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The bill is passed. Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. At this time I'd like to put two additional items on the Consent Calendar. Then we would run the Consent Calendar before -- we're not going to run that Consent Calendar quite yet. But the two items to go on the Consent, both on Page 13, Calendar 475, HB5501. I move to the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

H-783

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1998

VOL. 41
PART 3
678-1059

rlf

House of Representatives

April 14, 1998

Committee on Appropriations H.B. No. 5673, to the
Committee on Human Services H.B. No. 5696, the
Committee on Appropriations H.B. No. 5073, to the
Committee on Government Administration and Elections
H.B. No. 5369, to the Committee on Human Services H.B.
No. 5317, to the Committee on Appropriations H.B. No.
5745, to the Committee on Legislative Management H.B.
No. 5543, to the Committee on Planning and Development
H.B. No. 5297, to the Committee on Planning and
Development H.B. No. 5502, to the Committee on Public
Health H.B. No. 5583, to the Committee on Public Health
H.B. No. 5546, to the Committee on Government
Administration and Elections H.B. No. 5500, to the
Committee on Public Health H.B. No. 5515, to the
Committee on Appropriation H.B. No. 5503, to the
Committee on Insurance and Real Estate H.B. No. 5581,
to the Committee on Appropriations H.B. No. 5371, to
the Committee on Appropriations H.B. No. 5739, to the
Committee on Public Safety H.B. No. 5746, to the
Committee on Planning and Development H.B. No. 5082, to
the Committee on Judiciary H.B. No. 5307, to the
Committee on Government Administration and Elections
H.B. No. 5487, to the Committee on Appropriations H.B.
No. 5418, to the Committee on Judiciary H.B. No. 5568.

SPEAKER DIAZ:

rlf

House of Representatives

April 14, 1998

Hearing no objection, so ordered.

THE CLERK:

Mr. Speaker, the Clerk has in her possession a communication from the Majority Leader concerning consent calendar designations pursuant to House Rule 43, dated April 13th. A written expression of agreement between the Majority Leader and the Minority leader is in possession of the Clerk.

SPEAKER DIAZ:

Representative Martinez of the 95th District.

REPRESENTATIVE MARTINEZ: (95th)

Thank you, Mr. Speaker. Mr. Speaker, at this time I would move that the following items be placed on consent calendar: Calendar No. 303 Substitute H.B. No. 5728, Calendar No. 334 Substitute H.B. No. 5584, Calendar No. 166 H.B. No. 5566.

SPEAKER DIAZ:

Hearing no objection, it is so ordered.

THE CLERK:

Mr. Speaker, there's no further business on the Clerk's desk.

SPEAKER DIAZ:

Representative Martinez of the 95th District.

REPRESENTATIVE MARTINEZ: (95th)

Thank you, Mr. Speaker. Mr. Speaker, there being

H-787

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1998

VOL. 41

PART 7

2111-2449

kmr

House of Representatives

Monday, April 27, 1998

bonding.

DEPUTY SPEAKER HYSLOP:

Seeing no objections so ordered. Calendar 474.

CLERK:

On page twenty, Calendar 474, substitute for
Senate Bill No. 601. AN ACT CONCERNING PATIENT ACCESS
TO TISSUE SLIDES AND HEALTH RECORDS. As amended by
Senate amendment schedule "A." Favorable report of the
Committee on Judiciary.

DEPUTY SPEAKER HYSLOP:

Representative Godfrey.

REP. GODFREY: (110th)

Mr. Speaker I move that this item be referred to
the Committee on Public Health.

DEPUTY SPEAKER HYSLOP:

Seeing no objections so ordered. Calendar 341.

CLERK:

On page thirty, Calendar 341, substitute for House
Bill No. 5746. AN ACT CONCERNING HANDGUN SAFETY.
Favorable report of the Committee on Public Safety.

DEPUTY SPEAKER HYSLOP:

Representative Godfrey.

REP. GODFREY: (110th)

Mr. Speaker I move that this item be referred to
the Committee on Finance, Revenue and Bonding.

kmr

130

House of Representatives

Monday, April 27, 1998

DEPUTY SPEAKER HYSLOP:

Seeing no objections so ordered. Clerk please call the Consent Calendar.

CLERK:

On page one, Calendar 100, substitute for House Bill No. 5082. AN ACT CONCERNING PROTECTIVE TESTING OF POLICE OFFICERS, CORRECTIONAL OFFICERS, AND FIRE FIGHTERS. Favorable report of the Committee on Planning and Development.

DEPUTY SPEAKER HYSLOP:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you Mr. Speaker. Mr. Speaker, ladies and gentlemen today's Consent Calendar consists of Calendar 100, substitute for House Bill No. 5082 and Calendar 466, substitute for Senate Bill No. 437. I move acceptance of the Consent Calendar and passage of the bills thereon.

DEPUTY SPEAKER HYSLOP:

Questions on acceptance and passage of the Consent Calendar. Will you remark? Will you remark? If not, staff and guests come to the well of the House. Will you remark on the Consent Calendar? If not, staff and guests come to the well of the House, the machine will be open.

H-790

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1998

VOL. 41
PART 10
3175-3572

kmg

House of Representatives

Friday, May, 1, 1998

transmittal to the Governor. Seeing no objection, so ordered.

(Speaker Pro Tempore Pudlin in the Chair)

SPEAKER PUDLIN:

Mr. Clerk, please call Calendar 341.

CLERK:

On page 33, Calendar 341, Substitute for House Bill 5746, AN ACT CONCERNING HANDGUN SAFETY. Favorable report of the Committee on Finance. Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER PUDLIN:

Sir, on acceptance and passage, but first, does your face hurt?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. It stings a little bit, actually. Can I tell the story, Mr. Speaker? Is that alright?

SPEAKER PUDLIN:

On behalf of 150 of your colleagues, I wish you

kmg

House of Representatives

Friday, May, 1, 1998

would, sir.

REP. LAWLOR: (99th)

So, I don't have to repeat it a hundred times today?

SPEAKER PUDLIN:

Please, sir. Proceed.

REP. LAWLOR: (99th)

I was riding my mountain bike this morning. And I was going down a hill and a bee flew into my helmet. And I was trying to take my helmet off and stop the bike at the same time. I locked up the front wheel and fell over it face first into the grass on the side of the hill and scraped my face. Now, I say that because I was also one of the supporters of the bike safety Amendment we had a few weeks ago. And so, I hope I don't --

SPEAKER PUDLIN:

Ladies and gentlemen, yet another compelling argument against physical fitness.

REP. LAWLOR: (99th)

That's right, thank you, Mr. Speaker.

SPEAKER PUDLIN:

Sir, proceed.

REP. LAWLOR: (99th)

And, Mr. Speaker, Representative Tulisano pointed

kmg

House of Representatives

Friday, May, 1, 1998

out that since the whole problem was the bee in my helmet, another reason why people should not wear helmets riding bicycles.

SPEAKER PUDLIN:

I hope my children weren't listening, sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker.

SPEAKER PUDLIN:

On acceptance and passage.

REP. LAWLOR: (99th)

Mr. Speaker, who would have ever thought that we'd have a gun bill here with 103 co-sponsors? Thank you, Mr. Speaker. Who would have ever thought we'd have a gun bill with 103 co-sponsors? And before I begin in explaining what is in the bill, I'd just like to acknowledge that, I think both sides, persons like myself who are concerned about gun control and making sure that only responsible people own guns, and persons on the other side who believe very strongly in the right to keep and bear arms for hunting purposes, sporting purposes, self-defense, work together to make sure that this bill only covers the issue of closing the gap between the number of guns in circulation, and the number of responsible gun owners.

And I think we all agree that only responsible

kmg

House of Representatives

Friday, May, 1, 1998

persons ought to have guns. And this bill is intended to accomplish that goal more effectively than is the case currently in our state.

Mr. Speaker, as a result of the comprehensive negotiations which took place surrounding this bill, an Amendment was agreed to. It is, in fact, a strike all Amendment. And with your permission, I'd like the Clerk to call LCO-5237, and ask that I be allowed to summarize.

SPEAKER PUDLIN:

Clerk, please call LCO-5237, House A.

CLERK:

LCO-5237, House A, offered by Representative Lawlor and San Angelo.

SPEAKER PUDLIN:

Representative Lawlor, if you just wait one second. It's currently being distributed. Representative Lawlor. Without objection, the gentleman's asked leave of the Chamber to summarize. Proceed, sir.

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. What I'd like to do is briefly explain section by section what's in the bill. In Section 1 and 2, we're clarifying the existing trigger lock law to require all transactions involving

kmg

House of Representatives

Friday, May, 1, 1998

handguns to include a trigger lock, and to require that the trigger lock be a reusable made of a solid type of material.

The current law requires trigger locks only for retail sales. In other words, sales in stores, and does not appear to require a permanent reusable type trigger lock. We're clarifying that with this legislation.

Section 3, requires the police to trace the origin of every firearm recovered regardless of whether it's used in a crime or not. And obviously this information as it's gathered can be used not only to solve specific cases, but to build a data base which allows police to know the source of guns coming into our communities from out of state in particular.

Section 4, clarifies that the current \$35, fee which is charged to new permit applicants in municipalities, will be the only fee charged. But that the \$10 which is currently forwarded to the state police will instead remain behind with the local police department.

That change is being made in light of Section 5, which requires that all applicants, regardless of circumstances, be fingerprinted in order to determine their identification, so that the criminal record check

kmg

House of Representatives

Friday, May, 1, 1998

is meaningful.

There is an exception in here for persons who have already been fingerprinted, and their identity already determined because of another state or federal procedure. For example, school teachers, day care workers, school bus drivers, all have to be fingerprinted prior to a record check, as is the case with members of the military and police departments.

There's an exception where a police chief independently verifies the identification as valid, and the original identification is based on a fingerprint check. Section 6, clarifies and adds to the list of persons who are not eligible to have a pistol permit, and not eligible to possess a firearm. Persons who are convicted as being serious juvenile offenders. And just by way of explanation, a serious juvenile offender is a second, a minimum of two convictions of serious, in most cases violent felonies in the juvenile court.

A first offender would not qualify for this category. They currently are permitted to get a firearm permit, assuming they can pass the other requirements. That will change once this becomes law, as I hope it does.

Also in Section 6, is one of the several parts of the Amendment which enables the Department of Mental

kmg

House of Representatives

Friday, May, 1, 1998

Health to act as the clearinghouse between the probate courts, who involuntarily commit persons, and the state police who maintain the pistol permit registry information.

In other words, without a complete sharing of information between police and probate courts, instead we're recommending that Department of Mental Health be the central clearinghouse. And they would check with state police or with the probate courts to make sure persons are eligible to have pistol permits.

And this deals with the confidentiality concerns that many members of the assembly had, as well as many members of the community. And I point out this language was the result of negotiations between the Department of Public Safety, the Department of Mental Health and Addiction Services, and the probate court administrators.

And also in Section 6, is the clarification that simply because a person has a valid permit to carry a handgun, does not in and of itself allow them to go anywhere they choose with that handgun.

In other words, if someone wishes to prohibit the bringing of a handgun into private property, they can do so. Even though the other person has a permit. There are no special penalties. It doesn't require

kmg

House of Representatives

Friday, May, 1, 1998

posting, as was the case in an earlier version of the bill.

But it does clarify that if you as a property owner don't want a gun on your property, you have the right to make that known, and to ask a person to leave if they have such a weapon.

Section 7 and 8 together, are further language which enables the Department of Mental Health to make contact with state police and probate courts in order to verify whether or not persons are eligible to have a gun in light of the existing law, which prohibits persons involuntarily committed to a mental health institution by a probate court, to have a gun for a period of one year following their commitment.

In Sections 9 and 10, this is language which has been before this, and passed in this House before, it is qualifying a rather old, carrying a dangerous weapon statute. To remove references to things like, slung shots, and dirk knives, that don't exist any more.

And removing the option of obtaining a permit to carry brass knuckles. Which I think most police chiefs, and others, think is a rather ridiculous proposition. And in its place is a flat out ban on things like blackjacks, and brass knuckles.

And at the same time clarifying the language with

kmg

House of Representatives

Friday, May, 1, 1998

regard to knives with blades longer than four inches. Saying that if you're a hunter or a fisherman, or a fisher person, but you're not, that you could have a knife for hunting purposes or fishing purposes, but other than that the carrying of a long-bladed knife is, continues to be a offense.

Section 11, is the same language in the carrying a dangerous weapon in a motor vehicle statute. Twelve and 13, are other references to the new exclusion for a convicted serious juvenile offenders, and their inability to carry firearms, as is Section 14.

Section 15, clarifies what, a problem that was brought to our attention by school boards of education and school administrators in the state. Under the current law it appears to authorize anyone with a pistol permit to go into any school at any time with the pistol.

The change we're proposing here allows school officials, boards of education, to make the final decision on who is allowed to bring a gun into a school. This is consistent with the other language in the bill which clarifies that if you have a permit doesn't mean you can go anywhere with the gun, over the objection of the owner or person in charge of that property.

kmg

House of Representatives

Friday, May, 1, 1998

This would apply the rule to schools. In other words, if you want to bring a gun into a school, you need the permission of the board of education. Section 16, is language which existed in another bill, an act concerning range protection.

This is a bill which was very much of interest to the sportsmen in our state. And I know that Representative San Angelo is going to make reference to that language in a moment.

Section 17, 18, and 19, are also references to the probate court commitment procedure which has been established in order to exchange that information in a way that allows permits to be suspended when persons are involuntarily committed by a probate court.

Section 20, contains language from a bill which is also pending before the House, and introduced by Representative Farr, making it a crime to carry a loaded firearm while intoxicated.

Then finally, Section 21, repeals the out of date, carrying a dangerous weapon permit section. Which is made unnecessary by the other changes in the bill. Mr. Speaker, I think it's an extraordinary compromise. It's a big step forward for safety in our state, and I urge adoption of the Amendment.

SPEAKER PUDLIN:

kmg

House of Representatives

Friday, May, 1, 1998

On A, Representative San Angelo.

REP. SAN ANGELO: (131st)

Thank you, Mr. Speaker. Mr. Speaker, in the Big Brothers, Big Sisters softball game, at the end of the game me and Representative Scalzo were talking about the game. And I had an opportunity, we were kidding about Representative Scalzo had hit two home runs.

And Chris said, who ever would have thought that I would hit two home runs. One of which was an inside the park home run. And I don't think we, I think the comment came out, who would have bet on it?

Mr. Speaker, I think I would have bet on Representative Scalzo, before I bet on the fact that myself and Representative Lawlor would have 101 co-sponsors on a gun bill. Mr. Speaker, sometimes when you put a group of people in a room, who all have different ideas, and there's a lot of debate, a lot of arguments, people express their views, sometimes something good comes out of that room.

And I would say to the Chamber, that a good piece of legislation that we can all be proud of, came out of that room. The bill does good things for both sides of the debate. And it's interesting that we have on this Amendment, Conservatives, Liberals, Republicans, Democrats, pro-gun people, anti-gun people.

kmg

House of Representatives

Friday, May, 1, 1998

We have everyone on this Amendment, because it does do good things. Mr. Speaker, the people that support gun rights have long been trying to get a bill passed which was described as range protection.

To allow police officers, hunters, people who just like to shoot, have an opportunity to do so safely on a range. And we were able to put that in this bill as part of a compromise piece of legislation. And to do something else that Representative Lawlor talked about, to make sure that people who are involuntary committed are not allowed to have guns.

We were also able to work on the fee issue. Many people wanted to see a fee increase. This Amendment offers no fee increase. But also puts in place mandatory requirement for a criminal check. In order to take care of that problem, we needed to allow the \$10 of the permit fee to stay with the municipality, instead of going to the Department of Public Safety.

And in order to do that, we needed a little bit more money put into the Public Safety budget. And I want to thank Representative Dyson, who helped us with that problem, and was able to allow this bill to go forward on what was a controversial issue.

This bill, Mr. Speaker, does a variety of things, as Representative Lawlor talked about. It ensures that

kmg

House of Representatives

Friday, May, 1, 1998

trigger locks are going to be on every gun sold. And some of the pro-gun people were concerned about that. Because they can walk around with a gun now, and without a trigger lock.

And they have expensive gun cabinets at home that are already locked. So they didn't feel that it was needed, but were willing to compromise to make sure that everybody was comfortable, that when a gun did leave a store, every owner would at least have a minimal trigger lock.

So they compromised. We worked together. Mr. Speaker, I think the people of Connecticut can sleep a little bit tighter knowing that they're going to be a little bit safer, because people who shouldn't have guns that have emotional problems, will not have guns. The sportsmen will be able to shoot guns in a safe environment.

That police officers will be able to be trained. Mr. Speaker, I want to thank Representative Lawlor for being reasonable and working in a, in a very diligent way to get through this. And I want to thank the Police Chiefs Association to had to give a little bit here, as well.

And to thank both the pro-gun people, and the people that had concerns about handguns, who all worked

kmg

House of Representatives

Friday, May, 1, 1998

together to make this a reality. Mr. Speaker, it's a good bill, and the people of Connecticut should be proud.

SPEAKER PUDLIN:

Thank you, sir. Will you remark further?

Representative Farr.

REP. FARR: (19th)

Yes, Mr. Speaker, I'd like to join in support of the bill. I'd just like to point out that when we had the debates in previous sessions about gun control, the slogan by the proponents of guns was, that if good guys don't have guns, then only bad guys would have guns.

So we registered, we forced registration of guns in Connecticut, and the good guys still have guns. And I think what this Amendment attempts to say is, okay we've registered guns, the good guys still have guns. Now it's time to make sure the bad guys don't have guns any more.

And I think it achieves that. The situation in Rocky Hill apparently was a situation where an individual had been involuntarily committed to an institution, because of our confidentiality laws, his gun permit was not revoked.

This would address that. And I'd like to just comment on Section 29, having to do with carrying a

kmg

House of Representatives

Friday, May, 1, 1998

weapon while intoxicated. When I first came to the legislature, I was a strong supporter of tidying up on bills on driving while intoxicated.

And the expression I used to use in debates was that, allowing an intoxicated individual to drive a car was like giving a drunk a gun. And it wasn't until years later that I realized that having a drunk having a gun was not against the law in Connecticut.

And so what this bill, or this Amendment in part addresses, is a situation where a law enforcement officer sees an intoxicated individual, and he's carrying a loaded weapon. Right now, under our laws, there's nothing wrong with that. This will empower the officer to stop the individual and disarm him, can charge him with a misdemeanor. And it will send a strong message out that guns and liquor don't mix. So, I would strongly urge adoption of the Amendment. Thank you.

SPEAKER PUDLIN:

Thank you. Representative Scalettar.

REP. SCALETTAR: (114th)

Thank you, Mr. Speaker. I also rise in support of this bill. There are two parts in particular on which I'd like to comment, Mr. Speaker. Last year we started focusing on the issue of children and guns.

kmg

House of Representatives

Friday, May, 1, 1998

And it was very disturbing to see how complacent our newspapers and our society had become about guns in the hands of children, both with respect to accidents, and with respect to criminal behavior. So, I'm particularly pleased that this bill includes provisions addressing both of those issues.

There are the provisions with respect to trigger locks, which is a very essential safety feature for children. And also the provision regarding tracing of guns. Because any time a gun is found in the hands of children, it is illegal.

And in the past, many times guns were only used as evidence with respect to other crimes. And the issue of how the gun got into the hands of the children was not the focus of the investigation. Those will both be changed by this bill. And I think it is extremely worthwhile, and important for the people of Connecticut. Thank you, Mr. Speaker.

SPEAKER PUDLIN:

Thank you, Madam. Will you remark further?
Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. Mr. Speaker, in this debate for many years it was always the "us" versus "them" attitude. The pro-gun people against the anti-

kmg

House of Representatives

Friday, May, 1, 1998

gun people. And what's happened is, there's an evolution that's taken place, Mr. Speaker.

The evolution is that the people who were nervous about honest citizens who were exercising their Second Amendment right, while they were exercising their Second Amendment right people were nervous because the public law abiding citizen had firearms.

But now, both sides are starting to find that there is common ground. People in the public are realizing that the NRA isn't some monster pro-gun organization, that it's a good organization that spends millions of dollars on promoting things like education and school for children, about what to do when a child comes upon a gun. And some schools around the state are now participating in the Eddie Eagle program, instruction provided by the NRA.

And that's created an awareness. An awareness of safety. An awareness so that children would understand what happens, and what to do when they see a firearm. And that they're not toys to be played with.

Mr. Speaker, I'd like to commend Representative Lawlor, and Representative San Angelo for participating in the evolution that is occurring, and finding common ground in putting together an Amendment that is acceptable to people who used to be nervous about each

kmg

House of Representatives

Friday, May, 1, 1998

other's intentions when it came to controlling firearms. Ladies and gentlemen, this is fair. It is reasonable. And I think it is finally what this Chamber is all about. Thank you.

SPEAKER PUDLIN:

Thank you, sir. Will you remark further on A? If not, let me try your minds. All those in favor of A, signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER PUDLIN:

Those opposed, nay. Aye's have it.
Representative Mikutel, of the 35th.

REP. MIKUTEL: (35th)

Thank you, Mr. Speaker. Mr. Speaker, it's appropriate that we, discussing the issue of violence in particular, the issue of gun violence. As we know, we have too much violence, and too much tragedy in our society.

And I have, in that vein Mr. Speaker, I have, am offering an Amendment in the hopes of reducing the violence in this society. The Clerk has Amendment, LCO-5519. I ask that the Clerk call, and I be allowed to summarize.

SPEAKER PUDLIN:

kmg

228

House of Representatives

Friday, May, 1, 1998

Clerk, please call LCO-5519, designated House B.

CLERK:

LCO-5519, House B, offered by Representative
Mikutel, et al.

SPEAKER PUDLIN:

The gentleman has asked leave of the Chamber to summarize. Without objection, proceed, sir.

REP. MIKUTEL: (35th)

Yes, Mr. Speaker, this Amendment strengthens the statutes on a psychiatrist's duty to warn. By requiring the psychiatrist to notify the law enforcement officials when his/her patient has communicated to him a serious threat of physical violence against a particular individual. I ask for adoption.

SPEAKER PUDLIN:

On adoption of B, will you remark?

REP. MIKUTEL: (35th)

Yes, Mr. Speaker --

REP. CARON: (44th)

A point of order, Mr. Speaker.

SPEAKER PUDLIN:

Representative Caron, for what reason do you rise, sir?

REP. CARON: (44th)

kmg

House of Representatives

Friday, May, 1, 1998

Mr. Speaker, I don't believe we have the copy of that Amendment on this side of the aisle.

SPEAKER PUDLIN:

Well, that's a good reason to stop. Representative, if you'll wait a minute, please, while it's distributed.

REP. CARON: (44th)

Mr. Speaker, I'd like to withdraw my point of order.

SPEAKER PUDLIN:

I'm not going to let you till you have the paper. Okay, it seems to be distributed now. Proceed, sir.

REP. MIKUTEL: (35th)

Yes, Mr. Speaker, the existing law in Connecticut is seriously flawed, in that if I am seeing a psychiatrist, or a person is seeing a psychiatrist, and divulges to that psychiatrist that he is going to commit an act of violence against a particular individual.

If in fact he states, or she states, that he is going to commit a murder. If he is going to kill his girlfriend, there is no requirement under the, in the Connecticut law, that that psychiatrist notify law enforcement officials.

Let me give you a situation which happened in

kmg

House of Representatives

Friday, May, 1, 1998

California. There was a student who was seeing a university psychiatrist. And in those discussions he communicated that he was going to kill his girlfriend. And he said how he was going to do it, and where he was going to do it.

And the psychiatrist did not notify the authorities. And that girl was murdered. He carried out his threat. The parent's sued. And the California, and the psychiatrist claimed that there was the issue of confidentiality, and he did not have to disclose, or notify authorities of this threat made by his patient.

Well, the California Supreme Court ruled that the psychiatrist could not hide behind the confidentiality issue. That public safety overrode the doctor/patient client relationship in a very specific case, where a threat to a life or serious threat of violence to a particular individual was made.

I would like to see that law in California become the law in Connecticut. If we had such a law, I believe we could prevent, we could prevent some of the violence. We might have been able to prevent the violence that occurred at the Connecticut lottery.

So we have in an inadequate law. It needs to be changed. We need to protect the public safety better

kmg

House of Representatives

Friday, May, 1, 1998

than we are doing it. Mr. Speaker, at this time I'd like to yield to Representative Lawlor.

SPEAKER PUDLIN:

Representative Lawlor, will you accept the yield, sir?

REP. LAWLOR: (99th)

Thank you, Mr. Speaker. First of all, let me say that I've had an extensive discussion with Representative Mikutel and others involving the concern that he's raised, which I think is a very valid concern.

You know, earlier in the deliberations about this bill as a whole, and including the concern that Representative Mikutel has raised, you know, there appears to be a whole area which is complicated, and in some cases confusing, that I think under, I think the legislature ought to look into in terms of, how do you deal with a person who is clearly dangerous, who has weapons, and has expressed an intention of hurting someone?

Under the current law, as Representative Mikutel explained, physicians are permitted to escape from the confidentiality bounds that normally prevent them from disclosing things that their patients tell them, in order to notify authorities, or to take action.

kmg

House of Representatives

Friday, May, 1, 1998

And apparently in most of those cases, at least this is what the physicians relate to us, that when that happens, the option they choose is to commit someone involuntarily to a mental health facility. But the question is, is that good enough?

And I think that it's a legitimate question that we should ask as a matter of public policy. But I think that in light, that this and the other issues that came up in the aftermath of the shooting at the lottery, happened late in the legislative session, prevent us really from having a full public hearing, and more comprehensive discussion of these very complicated and technical, and important public policy issues. So, I've asked that Representative Mikutel continue to work with us.

And we have committed on this, and the other issues involved, to continue looking at it. Not only in the Judiciary Committee, but in the other relevant committees of cognizance. Because I think it is appropriate that there ought to be an obligation to take action when someone tells you that they have an intention of hurting someone else.

Under our existing laws, doctors have that option. Also, police officers and psychologists have a similar option to take action under those circumstances. I

kmg

233

House of Representatives

Friday, May, 1, 1998

think we should explore whether or not that ought to be mandatory.

We ought to explore the mechanism that if it is mandatory, how it's communicated. We ought to discuss what the penalty ought to be if persons don't take that action under the appropriate circumstances. But, I think that it's too complicated to accomplish today.

I think the bill itself, now that it's been amended, is a delicate balance reflecting the concerns of many people, not just the sportsmen community and persons like myself who are concerned about availability of guns. But also the mental health advocates, and others, and physicians, and others who care about those issues. So, I would hope that, rather than take action on this Amendment today, we could deliberate further. Perhaps next year come back with a comprehensive proposal that deals with the precise problem that Representative Mikutel has identified. Thank you, Mr. Speaker.

REP. MIKUTEL: (35th)

Mr. Speaker?

SPEAKER PUDLIN:

Representative Mikutel.

REP. MIKUTEL: (35th)

Yes, considering Representative Lawlor's remarks,

kmg

House of Representatives

Friday, May, 1, 1998

I withdraw the Amendment.

SPEAKER PUDLIN:

Thank you, sir. Without objection, House B is withdrawn. Will you remark further on the bill as amended by House A? If not, staff and guests to the well of the House. Members, please be seated Machine will be open.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER PUDLIN:

Have all members voted? If your votes are recorded as you intended them to be, the machine will be locked. I mean, the machine will be locked any minute now. The machine is soon to be locked. Mr. Clerk, please take the tally. Please announce the tally.

CLERK:

House Bill 5746, as amended by House A.

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	148
Those voting Nay	0
Those absent and not voting	3

kmg

House of Representatives

Friday, May, 1, 1998

SPEAKER PUDLIN:

Bill passes. Clerk, please call Calendar 470.

CLERK:

On page 17, Calendar 470, Substitute for Senate Bill 497, AN ACT REVISING CERTAIN STATUTES IN TITLE 16. Favorable report of the Committee on Energy and Technology. The Senate has adopted Senate Amendment Schedule A.

SPEAKER PUDLIN:

Representative Eberle.

REP. EBERLE: (15th)

Thank you --

SPEAKER PUDLIN:

I assume those cheers were for you, Madam.

REP. EBERLE: (15th)

I wish they were, Mr. Speaker. Thank you, Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of this bill.

SPEAKER PUDLIN:

On acceptance and passage, proceed Madam.

REP. EBERLE: (15th)

Thank you, Mr. Speaker. The Clerk has Amendment LCO-4440, previously scheduled Senate A. May he call and I be allowed to summarize?

SPEAKER PUDLIN:

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 5
1322-1686

1998

these individuals and who they report to in a system of which they would operate under. We feel that basically what should be followed is last year I was the co-chair for the Task Force on Handicapped Parking and a number of issues were raised and brought back to the Legislature that we thought we definitely looking at and I still believe that that's the route that should go, that you should take a look at our report from last year and address some of the issues that we submitted.

Chief Strillacci has a couple of bills and will talk on them.

CHIEF JAMES STRILLACCI: Good morning. I'd like to speak first to raised HB5746, AN ACT CONCERNING HANDGUN SAFETY. This proposal contains one proposal that was raised by our association, the mandatory FBI fingerprint checks paid for by the applicants for permits to carry or sell handguns.

It also incorporates a list of other safety initiatives and we believe they're right on target. Reasonable gun locks, gun tracing, gun performance and safety testing, restrictions on guns that are deemed inherently unsafe, and the authority to prohibit guns on one's own premises. Our only suggestion is to go a step further to address other implements of murder. The bill does not include rifles or shotguns. These are not as concealable as pistols, but they are much deadlier.

CPCA has also proposed better control of deadly weapons and dangerous instruments. If handgun control ever becomes truly effective, these instruments will become the next tools of choice for would be murderers. And we would like you to deal with them as soon as you can.

Next, we would like to question raised HB5727, AN ACT CONCERNING RAIL TRANSIT POLICE. There's already authorization in the statute for railroad police to act within their precinct. This is general statute 29-19. The rail police now receive mandatory training and re-certification through the Post Academy. This bill, if we understand it, would broaden the arrest authority of these railroad

language in the bill so that it would read "upon motion the court may disclose the court file of any person who participates in the pre-trial alcohol education system to a victim of the alleged violation of Section 14-227a by such person or such victim's legal representative." This will clarify what records can be disclosed and would also allow the victim's attorney to request the information.

The next bill I'd like to address is HB5740, AN ACT CONCERNING THE PENALTY FOR FAILURE TO GRANT THE RIGHT OF WAY TO A BICYCLIST. I would just like to suggest that the committee might want to consider creating a new violation of failure to yield the right of way to a bicyclist. And providing for an enhanced penalty for that violation. This would make clearer to police officers what they should charge and also would allow the number of cases to be tracked if somebody's interested in that in the future.

And the final bill that I'm going to address is HB5747, AN ACT CONCERNING SEX OFFENDERS. This bill would require the Office of Adult Probation within available appropriations to develop a community response education program for neighborhoods and municipalities that are notified that a sex offender is residing in their community. We are concerned that this task would require additional resources and couldn't be accomplished within available appropriations.

As far as the amount of resources that we need, it really would depend on what the nature of the educational program was, whether it used existing materials or whether new materials needed to be created.

In addition, some of the areas to be covered by this program are not within the expertise of the Office of Adult Probation, but are more within the expertise of other entities such as the Department of Public Safety.

Thank you.

MELISSA FARLEY: Hi. My name is Melissa Farley and I'd

like to testify on HB5746, AN ACT CONCERNING HANDGUN SAFETY. The Judicial Branch is concerned that section 7 of the bill encroaches on judges' discretion to dictate when exposed firearms maybe carried in court facilities by law enforcement officers. The Judicial Branch's existing firearms policy allows peace officers to carry only a pistol or a revolver and the act may permit any firearm, including rifles and shotguns to be carried in court facilities.

I have submitted written testimony on HB5470, AN ACT CONCERNING ELECTRONIC COMMERCE and HB5579, AN ACT CONCERNING SPECIAL INVESTIGATIONS.

Thank you.

SEN. WILLIAMS: Any questions? Thank you very much.

Is Representative Alex Knopp here? Okay. How about Senator Lou DeLuca?

SEN. DELUCA: Good afternoon, Senator Williams and Representative Lawlor. For the record, I'm Lou DeLuca, State Senator from the 32nd district and I'm here to testify on raised SB600, AN ACT CONCERNING INDIVIDUAL RETIREMENT ACCOUNTS.

Current legislation protects traditional IRAs from prosecution or attachments and judgment executions by creditors. When this legislation was passed, of course, Roth IRAs were not included. This legislation would include Roth IRAs in that so that we could be consistent with reference to IRAs which were created under public policy favoring retirement income planning and I hope you will look favorably on this legislation.

And hopefully there are no questions. If not, I thank you very much for your time.

SEN. WILLIAMS: Senator, you're not considering a retirement any time soon, are you?

SEN. DELUCA: No. According to some columnists, I'm beyond my child bearing years, but I am not retiring.

kids drinking in the car, the individual that's driving that automobile is the individual that's going to be in trouble with the law.

What I'm asking this committee to do is to give serious consideration to passing this bill. At least getting it out to a vote on the floor of the House or the Senate. If there are changes that they feel need to be placed in the bill, that members may have -- I certainly would be open to work with any member of this committee, but the bottom line is, is that we need to make sure that a police officer knows that they have the authority to try to protect young people who become involved with drinking, to protect them from themselves.

And if I can just take one more minute. If any of you have ever in your life gone to the scene of an automobile accident where young people are involved as I have in the volunteer fire department in my town, I think you can understand just how tragic it is to see young people who are killed and killed because of over consumption of alcohol. And on top of that, it's the police officer that has to go to the home at two or three o'clock in the morning and say to the parents that their child is dead because their child was drinking and then went out and had an automobile accident.

It's the police that have asked for this authority. I would ask you to grant the police this authority to protect our kids and I think over the long term we will be saving lives. And I can tell you from first hand experience, we will save lives if you pass this bill.

Thank you, Mr. Chairman. I'm happy to answer any questions.

SEN. WILLIAMS: Thanks very much. Is Representative Alex Knopp back, by any chance? If not, then we'll move to Manny Misenthal. I may be mispronouncing that name, Selectman of the Town of East Haddam.

MANNY MISENTI: For the record, my name is Nanny Misenti. I live in East Haddam. I'm a member of the East Haddam Board of Selectmen.

I am here to speak specifically about two bills that were brought to my attention by some of the sportsmen organizations in my community. I'm in favor of HB5604, which I believe is a bill that makes the carrying of a handgun, even with a permit, illegal with a blood alcohol content that's equal to what used to be the violation if you were driving a car. Quite honestly, I think you should cut that in half. When you take on the responsibility of carrying a firearm, it's very important that you have your wits about you and I think that it would be favored by most sportsmen and most people who have pistol permits that this should be law.

I am opposed to HB5746 which is a whole bunch of firearm laws and I can tell you that when I ran for public office I made a commitment that when I would entertain a proposal when I vote on matters that affect our community, there are certain standards I would use to measure suitability. I'd ask is it good for the community and is it the best way to solve the problem? Is it fair to all our citizens? Does it reflect economic sanity? Is it a good precedent? Will it promote the public trust? And is it compatible with the spirit of our state and federal constitutions?

Almost everything that I looked at in that bill doesn't pass that test for one reason or another.

While serving on various public service committees and as a member of the Board of Directors of a public service agency, I've been on the Prevention Council and other public service committees, I become aware of information pertaining to the matters of family crisis, mental illness, confrontation, and physical violence.

In an editorial section article in the March 8th Courant, the question was asked, "Could this atrocity been committed with a letter opener, a butter knife or razor blade?" The truth is there are many items that may be used as weapons. Many as deadly or more deadly than firearms. Remember Oklahoma City, Jeffrey Dahmer and even our own Michael Ross. A firearm is a tool. Properly used,

a useful tool. Improperly used, a hazardous implement.

It is irresponsible not to remove -- as it is irresponsible not to remove violent criminals from society, it is irresponsible not to remove mentally ill individuals who are a threat to themselves or others. I have discovered that managed health care has made it very difficult to deal with the problem of mental health patients with violent tendencies. Potentially destructive mental patients are being forced out of health care institutions before their treatment is completed and they have adjusted to their medication.

The potentially violent patient is sent into the community where they are a threat to either themselves or to others. Why? Because health care providers and the State, as far as the State institutions, are making decisions based on cost, not on the welfare of the patient or the community. But will put the onus of responsibility on the guns because that's the easy way to do it, that doesn't cost us anything.

To effectively prevent the probability of this type of incident happening again it is important that you root out the core causes, not attack the implement used. It is revealing that ten states have instituted right to carry laws and patterned in similar to the State of Connecticut's right to carry law. It is interesting that in each case the result has been a drop in crime rate and violent crime.

Please do not take radical actions to fix something that has worked so well so long. This incident was an anomaly. I ask, how will you deal with this matter? Will you concentrate your efforts on (inaudible) objects or will you investigate the practices of self seeking and greedy health care insurers? Will you insist that the State revisit its practices regarding the commitment of the mentally impaired?

Please do the right thing. Thank you.

SEN. WILLIAMS: Thank you. Any questions? Thanks very much.

Is Representative Cardin here?

REP. CARDIN: Thank you. Good afternoon, Representative Lawlor, Senator Williams, members of the Judiciary Committee. Thank you for the opportunity to testify before you today.

I come before you to ask that you include an amendment to HB5746. The amendment I have included with my testimony is very simple and straight forward. The language actually is very similar to language that you all adopted on this committee last year unanimously. And I thank you for doing that.

This language is in regards to who can and who is knowledgeable about selling guns in department stores. You may remember vaguely about an incident that happened a couple of years ago in a WalMart in Manchester where an individual without a lot of knowledge about guns sold a gun in an improper manner, unlawful, and that gun was later used in a murder.

I included the language that you adopted last year and made it to the floor of the House. Unfortunately, it did not make it out of the House of Representatives. It's very straight forward. It just asks that anybody who is selling a gun in a department store would be 21 years of age, and have some knowledge of the guns. Some of the department stores claim that they are training their individuals who work in the sporting goods departments, but I would ask that this language be put into statute and that it be mandatory for all department stores.

If you have any questions, I'd be glad to answer them. You'll hear later from a constituent of mine, Merit Lajoie whose been very active on this issue and will testify further on it.

Thank you.

existing expertise, existing resources, existing experts, but having somebody take the initiative to bring these to the attention of a neighborhood.

So, I hope that you will make this bill either by itself or as an amendment to whatever legislation you eventually do about Megan's Law this year, make this part of the package because again, we don't want the end result to be notification followed by fear. We would have notification followed by more security and that will take some initiative to bring that situation about.

Thank you, Mr. Chairman.

REP. LAWLOR: Thank you. Are there questions? If not, thank you very much.

REP. KNOPP: Thank you very much, Mike.

REP. LAWLOR: Oh, I'm sorry. Representative O'Neill.

REP. O'NEILL: Megan's Law came to us originally from New Jersey. Have they implemented stuff of this sort of program?

REP. KNOPP: Through you, Mr. Chairman, there is no statutory program in New Jersey that does this. I've been trying to engage in some discussions with representatives of the Megan Kenka Foundation to find out and I think that's something that we ought to investigate further.

REP. O'NEILL: Thank you.

REP. LAWLOR: Further questions? If not, thank you very much.

REP. KNOPP: Thank you very much, Mr. Chairman.

REP. LAWLOR: There is no other person signed up in the State officials, local officials, department heads' sign-up sheet even though we're fifteen minutes ahead of time based on when we started.

The Attorney General had wanted us to be -- had wanted to be here with us today, but he has,

policy to have a separate regime that constitutes a signature in an international contract in Connecticut.

REP. FARR: Okay. Thank you.

HOUSTON LOWRY, III: Thank you, Representative Farr. Just a passing comment on HB5638, AN ACT CONCERNING THE SIGNING OF LEGAL DOCUMENTS. I'm not sure there is any requirement that anyone's signature be legible and with all due respect to the courts, I'm not sure my signature has ever been legible and it's never slowed me up or the courts before. So I suspect that legislation may not be necessary.

REP. LAWLOR: I think there was a case in point, as you may be aware where a document was invalidated in some way --

HOUSTON LOWRY, III: I'm not aware of that.

REP. LAWLOR: -- yeah and it created a stir and that's the genesis of the legislation. Just to clarify that it really doesn't have to be readable.

REP. FARR: I just wanted to make the observation that the term "illegible" attorney's signature is redundant.

HOUSTON LOWRY, III: I would agree, Representative. Certainly in mu case. Thank you.

REP. LAWLOR: Thank you. If there are no other questions, next is Frederick Boland.

FREDERICK BOLAND: Honored Representatives and Senators, I appreciate the opportunity to speak before you today.

For the record again, my name is Fred Boland. I am a father, a husband, a student at Trinity College, a business owner, and a survivor of homicide.

I'm here to speak on HB5746, the ACT CONCERNING HANDGUN SAFETY.

On August 17, 1997 two men innocently coaxed my

father to go out and grab a midnight snack. After their modest meal the two men dropped their friend off in front of his house in the collected west end of Hartford, Connecticut.

Less than a minute later that same man, my father, James Joseph Boland, Jr. was shot once, fatally in the chest. Before dying my dad drew his firearm, returned fire, and wounded a man police later located at Middlesex Hospital in Middletown, Connecticut. The men were trying to flee to New York State. They knew they would more apt to be caught if they went to a hospital in Connecticut. The person would not have survived had they gone all the way to New York State.

The ensuing interview led to the identification and arrest of two more men. One of which was also in the driveway the time my dad was murdered. The three had conspired together to commit a robbery and in doing so, murdered my dad. Fatally shot, my dad went to a neighbor's house for help. The young doctor who lives there could do nothing to save him. The police responded like no tomorrow. I wrote that (inaudible) like no tomorrow. There was no tomorrow for my father in this case.

My father leaned against the police cruiser while a neighbor held him, -- Jay, how are you doing? Not too good, Willie. I think I am going unconscious. His eyes closed as he lost consciousness. Jay, don't leave. Jay, hang in there. Jay! Jay! Jay! He died in the arms of a dear friend.

Under the proposed legislation, my father would have had to commit a felony in order to carry his firearm even though he was legally permitted by the State of Connecticut. His concealed firearm, had there been a sign posted by law at the Gold Rock Diner, under this new legislation, would have been illegal to carry in a felonious fashion.

Also, under the new legislation, he would be a felon if he were to sell, give, lend or otherwise transfer that same firearm just because the barrel length is less than three inches or the overall frame length is less than 4-1/2 inches. He wasn't

a bad guy. He was loved by his neighbors.

You shouldn't need to know this, but unfortunately today in society it's a fact. You do need to know this. It's difficult to conceal a firearm that has a barrel less than 3 inches or a frame length less than 4-1/2 inches. In the event that you have a need and have the need to defend yourself or the lives of those you love dearly, which you hopefully will never have to do. But in that event, a larger firearm is harder to draw, harder to take out.

I call upon you, honored Representatives and Senators, I call upon Governor Rowland to uphold the Constitution of the State of Connecticut, Article I, Section 15, clearly states that every citizen has a right to bear arms in defense of not only himself, but also the State. Any length restriction which arbitrarily deems a gun unsafe because it can be concealed, easily concealed, is in conflict with our state constitution especially if you review the legislation already in place.

All it takes is one reasonably alarmed citizen like yourself, like your neighbor, like your mother or father to see a firearm and the person possessing that firearm is subject to the confiscation of that firearm as well as brandishing a firearm or charges for brandishing a firearm.

My father was hailed by his neighborhood and his friends as a hero. It was a long funeral. It was raining. People waited outside and we had to stay late. That's because my father was loved and he wasn't a crazy gun nut. Yes, he was a lifetime member of the NRA. Yes, he was a lifetime member of the Hartford Gun Club, but no, he was not a gun nut. He was a good guy who didn't let you know if he did something for you. He was a good guy who took the branch out of your yard or put your garbage barrels away. And sooner or later somebody would catch him doing something good.

The City of Hartford dedicated a town hall celebration for their first graduating class of the Citizens Academy. This is an advanced block watch type of group. Mayor Peters recognized my father

for his actions. Chief State's Attorney Jack Bailey and his sister, Senator Barbara Kennelly, honored my father by attending his funeral. They honored a simple man who died exercising his constitutional guarantee. Don't afford this man's grandchildren any less protection than he was afforded.

It's important for me to point out to you in light of the recent absolute tragedy that took place at the Lottery building in Newington. I have to pause because how can we talk about something like that without just a moment of silence? Four families are now missing their loved ones, the bread winner, their mother, their father. You're missing a colleague.

Section 29-32 and Section 29-36i of the Connecticut General Statutes provide for the revocation of permits to carry an eligibility certificates for possession of concealable firearms, pistols and revolvers in the home. Sections 29-28 and Section 29-36f are also referred to. These are the processes by which you are granted the permit for the eligibility certificate.

Section 29-36k provides for the surrender of pistols or revolvers by ineligible people, ineligible through the process by the laws that are on the book currently.

I think that we have to be very, very careful so that we can try to prevent this kind of thing from happening again. But in that process we have to be careful not to react quickly, too quickly so as to further jeopardize the decent, hard working citizens of this state.

Section 29-37b already mandates the provision for trigger locks during a sale of a firearm commercially. Expanding that to private sales would not be unreasonable, but to make it a felony to sell a gun without a trigger lock just doesn't seem to make sense. We all need to feel good about something here, but this legislation isn't the answer.

In closing, I have to remind you, remind us all that a wise man once said in his immortal words, Benjamin Franklin, "that those who give up essential liberty for temporary safety deserve neither liberty nor safety."

Thank you for your time.

REP. LAWLOR: Thank you. Are there questions? If not, thank you very much.

FREDERICK BOLAND: Thank you.

REP. LAWLOR: Next is Doctor Robert Zavoski accompanied by Dan Ackerman.

DAN ACKERMAN: Representative Lawlor and other members of the Judiciary Committee, my name is Dan Ackerman. I'm here to testify in favor of HB5746.

I'm here to support this measure to restrict the sale to and use of handguns by criminals, juveniles, and emotionally unstable individuals. Over the years, two members of my family have been killed by unstable people with access to handguns. It is probably true that had this measure been law years ago, it would not by itself have prevented these two tragedies. However, had this bill been law many years ago, it might have been an important step in de-glamorizing handguns as macho solutions of negotiable problems.

Enacting and enforcing this measure would help to make the public aware of where responsibility for gun ownership lies. Handguns are not toys and those who regard them as such are a danger to all of us.

This measure, if enacted and enforced, will help to reduce killing and maiming that takes place in our state. This measure, if enacted and enforced, will also help to spread the word that there is a great responsibility that goes along with handgun ownership.

We live in a society that has been bombarded with the message that a man with a gun can right the

perceived wrongs that pain him. Not only that, but the message we get from movies and t.v. is that the good guy shoots straight and effectively while bad guys shoot often and generally ineffectively. In real life, the good guys get shot more often than the bad guys.

Moreover, t.v. and movies rarely depict that pain and suffering that always follows the maiming or killing of a human being by accidental or purposeful discharge of a firearm. Perhaps enactment of this measure will be a small step in a campaign to de-glamorize handguns.

Trigger locks, if enforced, will help towards lessening the incidents of accidental shooting. Requiring ammunition to be stored separately from weapons would also help. Holding parents and other adults responsible for allowing access to handguns would also help avoid the frequent tragedies that follow when children get their hands on guns.

Allowing business owners and other property owners to prohibit the carrying of guns on their premises is a great idea. Aside from the obvious benefit that arises from the removal of handguns from these places you will also discourage the general carrying of concealed weapons. Moreover, every sign that says, "no guns allowed on these premises" also sends the message that the gun toter himself is not acceptable.

Thank you very much.

REP. LAWLOR: Thank you, Mr. Ackerman and needless to say, the members of the committee certainly extend their condolences on the death of your son-in-law just over a week ago.

DAN ACKERMAN: Thank you.

REP. LAWLOR: Are there any questions for Mr. Ackerman? Doctor Zavoski.

DR. ROBERT ZAVOSKI: Representative Lawlor, members of the committee, I'm Robert Zavoski representing the Academy of Pediatrics in Connecticut and also the

Connecticut Childhood Injury Prevention Center and I'm also a practicing pediatrician down the street here in Hartford.

I'm here to express our enthusiastic support of raised HB5746, AN ACT CONCERNING HANDGUN SAFETY.

Injuries kill more Connecticut children than all other causes of death combined. Motor vehicles and firearms together cause over 85% of these deaths. The Connecticut General Assembly has a record of child passenger protection legislation unsurpassed by any other state legislature. Over the past generation the number of child motor vehicle related deaths have been greatly reduced in Connecticut so that now children face a new leading cause of injury death, firearms.

The Injury Prevention Center just completed a study of the circumstances surrounding firearm deaths among Connecticut children. We reviewed medical examiner and police records for all firearm deaths among children under age 19. Over the five years of the study there were 200 shooting deaths. Seventy-three percent of these were homicides, 21% suicides, and 5% unintentional shootings.

Almost all of the victims were male. Eighty-five percent of them were between the ages of 15 and 19. Looking at just the homicides, all of the shooters were male and significantly older than their victims. Only one was under 15 years of age.

Shooters and victims were relatives and 13% of those homicides, acquaintances and 45% strangers, and 36% of unknown relationship and 34%.

If you look at the firearms involved in those shootings, handguns were used in 51%. Long guns in 12%, and 38% of the shootings the firearm was not recovered. When broken down by the intent of the shooting, 48% of the homicides handguns were used, long guns in only 5%, and 47% of the homicides the gun was not recovered.

Of suicides, 55% involved handguns. And of the 11 unintentional shootings, 9 of the 11 involved

handguns.

These findings demonstrate the hazard that handguns present to the health and safety of Connecticut children and are consistent with research in other states. An estimated 50% of American homes today contain a firearm. For every intruder killed by a gun kept in a home, 32 family members and friends are killed by that gun. Guns are stored loaded and unlocked where children can find them and often do. The child at the age of 12 months has a manual dexterity and the strength to fire a handgun. The American Academy of Pediatrics and the Connecticut Childhood Injury Prevention Center encourage families not to keep guns in their homes.

There are far, far safer ways to protect your family. Those who do own handguns should keep them unloaded with the trigger lock on at all times. This legislation is vitally important to the health and safety of our children. No handgun is safe without a trigger lock and should be tested for design, flaws, and shoddy manufacture before sale. Citizens who wish to should be able to exclude handguns from their property.

And finally, ways must be found to make guns safer, an effort we would be pleased to assist.

Thank you for your kind attention.

REP. LAWLOR: Thank you, Doctor. Are there questions from members of the committee? Representative Jarjura.

REP. JARJURA: Thank you, Mr. Chairman and my condolences too, to your family, sir.

A question to the doctor. Do you have any statistics on how many times a person has either been injured and/or killed in trying to take off a trigger lock or some type of device from a gun and inadvertently hurts themselves?

DR. ROBERT ZAVOSKI: I have not seen that in the research literature. I would have to look into that. That's a very good question.

REP. JARJURA: I would very much appreciate that information because some of the testimony I have before me which seems somewhat compelling indicates that while the trigger lock may sound like a good idea, in fact, somebody who may be rushing to get to their weapon to defend their house or their family, in trying to get to that weapon to defend their house or family maybe actually hurting themselves and we maybe putting people in greater danger.

You indicate in your testimony, Doctor, that there are imminently greater ways of people to protect themselves than to have a firearm or some type of defensive mechanism in their homes. What would those be?

DR. ROBERT ZAVOSKI: I would say anything. If you've got a gun in your home to protect yourself against intruders, you know 32 times more likely, you are more likely to shoot somebody you know or are related to. And so what I do is I have a dog.

REP. JARJURA: One of the things that this committee is looking into this year and it seems to be a new phenomenon, coming out of California and really across the country is home invasion. These are, without rhyme or reason, people -- you could just be having dinner in your own house and all of a sudden somebody comes crashing through -- somebody or some individuals come crashing through the front door and meant on doing harm. So I think there's a -- I have one of the most intricate alarm systems in my house and I don't know if I feel protected with that alone anymore. So I would like to know how we can tell people to protect themselves.

Thank you.

DR. ROBERT ZAVOSKI: I recognize your concerns and we all read in the paper and see on television about the very dramatic cases. What we don't read about are the mundane things of people getting hurt with the guns. So yes, home invasion is something that's being talked about, but it's gotten to the point where people getting shot accidentally or suicides, for that matter, are mundane that they don't make

it to the paper. And unfortunately, working in the health care system as I do, I see the other side of life. I wouldn't have a gun in my home. There's just absolutely no way. I do have a young child and I'll go with the dog.

As far as the trigger locks are concerned also, we looked at the number of cases over that five years where we asked about whether various preventive measures were used and it's very, very rare to have a trigger lock on a gun.

REP. JARJURA: Thank you. Thank you, Mr. Chairman.

REP. LAWLOR: Thank you. And just to clarify on the trigger lock. The existing law in the proposal, the existing law doesn't penalize storing it unlocked. It only penalizes -- not including the trigger lock on the sale of a weapon, but if a child is injured or killed by the weapon and it turned out it wasn't locked, then there's a penalty that attaches. That's the existing law. So there's no actual requirement being suggested that you keep it locked all the time except if something happens, if it wasn't locked there's an existing penalty on the books.

Are there further questions? Representative Amann.

REP. AMANN: Thank you, Chairman Lawlor. First, Doctor a quick question. Do you have testimony before us? Do you have any copies of that? I just can't seem to find your --

DR. ROBERT ZAVOSKI: Yes. Sure should.

REP. AMANN: Okay. Fine. That's great. Let me just ask you a quick question just for clarification. I don't know if you can tell me on a dog - having a dog in your home. It sounds like a good thing to do, but in a home invasion if somebody had an AK-47 that broke into your home I don't think a dog would have done much good. But more important than that, I guess on a sign at a place of work. Could you tell me how that could ever have prevented what occurred tragically last week?

If someone was bent on killing the fellow employees, how was a sign that said, "Please don't carry a gun into this workplace" would have prevented that?

DR. ROBERT ZAVOSKI: I don't think that it would have.

REP. AMANN: So I guess my next question would be, what is the purpose of us putting signs on buildings if people are bent on robbing, killing or murdering, whatever? I don't understand why we would be supportive of doing legislation like this. I agree with you, we have to do something.

(TESTIMONY NOT RECORDED ON BEGINNING OF TAPE 2A - CONTINUES WITH THE QUESTIONING OF REPRESENTATIVE AMANN)

REP. AMANN: --- in our workplace is etc., etc., but I just can't see the reason for us to be putting a piece of legislation out that puts a sign on a building that says please don't bring your weapons here.

DR. ROBERT ZAVOSKI: Well quite frankly, Representative Amann, this bill talks about several different things and between you and me I think the sign on the building is probably the least effective. The very last page of the bill talks about getting together a task force to look at different ways to protect people from handguns. And I think that's key.

Over the past generation really we've done a lot of things to make cars safer so that the leading cause of injury death in this country is probably going to become firearms in the next few years. And we've done a lot of make cars safer, roads safer, not so much drivers safer. Now we have to do something about the guns and granted, a sign over a door probably would not have done too much there.

REP. AMANN: Okay. Fair enough.

DR. ROBERT ZAVOSKI: But I think we could have gone a few steps back and looked at some other things as well.

REP. AMANN: Fair enough.

DAN ACKERMAN: I would like to respond to it a little bit. My feeling is that if every WalMart and every Stop & Shop and every store in the State had a sign that said, "Guns are not allowed on these premises" you would be sending a very strong message to everybody who has a gun that the gun is not welcome here and neither are you. I have a friend who has a permit for a pistol and I would think he probably takes it into a restaurant with him once in a while. If he tried to do that with his wife, I'm sure she would say no, I'm not going in that restaurant with you with that pistol.

I think we could discourage the use of pistols, handguns in some respect by making it more difficult and more unpleasant for people who want to carry them.

REP. AMANN: And may I, Mr. Chairman? In all due respect, back to you, sir especially in your tragic loss and I feel terrible about that, I don't think it's the person that's carrying the firearm legally. I know we've heard this debate for years up in this committee. I think it's the one that's coming into rob that place that's going to have the gun and he is certainly going to ignore that sign. That's my only response to that.

I do agree with you, Doctor, that there are ways to make a firearm safer. I certainly agree with that. There just are some problems that I do have with this piece of legislation as written.

DR. ROBERT ZAVOSKI: One other point in follow up to your question too, sir. As a physician, I could lose my license if one of my patients had a convulsion, was not properly taking their medication, got behind the wheel of the car. If any of my patients is actively suicidal or hostile, and they own a weapon.

REP. AMANN: Understandable.

REP. LAWLOR: Further questions? If not, thank you very much.

DR. ROBERT ZAVOSKI: Thank you.

REP. LAWLOR: Next is Keith Bradley who will be followed by Claire Gold, Doctor Rebecca Nathenson, Gail Burns-Smith, Marlene Winograd, Merit Lajoie, Michael Eisner.

DR. KEITH BRADLEY: Mr. Chairman and members of the committee, my name is Doctor Keith Bradley. I am an emergency physician at Bridgeport Hospital and liaison to the Trauma Service at this Level 1 trauma center, an academic faculty at the section of emergency medicine at the Yale University School of Medicine, and a member of the Board of the Connecticut Collaborative For Education Against Gun Violence.

I have spent most of my 20 year career as an emergency physician at major trauma centers. And I am speaking in favor of HB5746 on handgun safety.

The issue of firearms control is clearly a controversial one. You have and will hear a significant volume of testimony with statistics and arguments on both sides of the question. I believe I could offer many facts in favor of handgun control. But I am sure this can get a bit numbing to you all who have to make decisions about how we can stop the carnage of injury by guns which plague our communities.

I'd like to offer to you the unique perspective that an emergency physician can have on this problem. I hope that this perspective can help to motivate the Legislature to pass this bill.

I want to tell you what it's like to tell a mother that her son is dead of a gunshot wound. The frantic attempt to resituate was futile. The trauma team begins the tedious task of reorganizing the trauma suite. To the emergency physician or the trauma surgeon falls the most gut wrenching task that any human being to do to another human being.

The room is separate. Family members sit in one of the stark pieces of furniture we have there. You sit down next to the patient's mother. You know the

hope in her eyes is about to be crushed. You hold her hand. It's important to make physical contact. Mrs. Jones, my name is Doctor Bradley and I'm sorry, but I have very bad news for you. Your son had a gunshot wound to the chest. The paramedics and trauma team tried their very best, but your son's injuries were just too severe and he is dead. It is very important to say the "dead" word very quickly. It helps to begin the grieving process.

The responses are varied, but they're all horrible. Also moms cry out and then sob uncontrollably. Some just sink back into their chairs. Family members try their best to console them. But there's no consoling for this news.

As members of the Legislature you have an opportunity to do the kind of thing which is going to help prevent a mother from ever hearing this news that her son has died of a disease (inaudible) the gun you have a chance to control. If guns were a pathologic organism, another vector of disease and you could control that vector, you would not hesitate to do so. We employ our government and public health measures all the time to prevent diseases such as tuberculosis, for an example. If you had the opportunity to eliminate the HIV virus, the cause of AIDS, this Legislature would jump at the opportunity to do that.

Injury by gun has morbidity and mortality comparable or worse to any of these infectious diseases. With measures like this bill, you can continue the process of controlling this vector of disease, the gun. It will take courage on the part of this body to pass controversial legislation such as this bill, but I call on you to do so, so that we, as emergency physicians and fellow members of the trauma team throughout this state, can be relieved of this most terrible burden in trying to help the family members who are victims of gun violence that you can help prevent the tragic sorrow for a mother having to be told her son is dead from injury by gun.

So, I urge you to pass this legislation.

- REP. LAWLOR: Thank you very much. Are there questions? If not, thank you. Oh, I'm sorry. Representative O'Neill.
- REP. O'NEILL: Much of the legislation that's before us, HB5746 is sort of directed at, in effect, accidental discharges or the safety of firearms. And I was wondering, do you see a lot of accidental fatal shootings with firearms and are they people carrying them or are they cleaning them or do you have any sense of what leads up to it?
- DR. KEITH BRADLEY: One of my most tragic times as an emergency physician was a police officer's grandson who reached under the bed where the weapon was stored and playing at a party and shot his cousin with a bullet wound to the head and killed him, four years old.
- We see it relatively frequently. Percentages and numbers, it's hard to say specifically. But clearly in the disease model that I hope that you would look at in this, we use many means to control disease. There are lots of ways to attack this problem. I would offer that in a stepwise fashion we are doing many of the things needed to be done in this bill and in other legislation that I would hope you would consider now and in the future.
- REP. O'NEILL: Actually, that wasn't -- it's sort of when a four year old gets hold of a gun, I guess you could consider it an accident, but he apparently thought it was a toy and didn't realize it was real.
- DR. KEITH BRADLEY: There are no accidents when an -- in injury control, we do not consider accidents. We consider them to be injuries. The difference is that if you dissect the accident it always turns out to have a reason that could have been prevented.
- REP. O'NEILL: That's probably true. Certainly, any plaintiff's attorney would take the position that that's always true. I guess though that what I'm interested in is if you could tell me because you have this wealth of experience -- I'm trying to get

a sense of are guns sort of -- as people are walking along -- let's say someone is carrying one in a holster in their armpit -- under their armpit or in their belt -- are firearms going off and shooting people, is that something that you regularly see?

DR. KEITH BRADLEY: That is not something we regularly see, but we do see very frequently the gun being discharged in what would be considered an accidental manner. It is not carrying in your holster. No, that's not something that I've seen nor am I familiar with it in the literature.

REP. O'NEILL: Okay. Thank you.

REP. LAWLOR: Further questions? Representative Jarjura.

REP. JARJURA: Thank you, Mr. Chairman. Just briefly. Doctor, you indicated it would take a great deal of courage to pass this legislation. Is it more courageous to pass this or more courageous to vote against this?

DR. KEITH BRADLEY: Oh, I think it takes -- in a controversial issue like this I think it takes a great deal of courage to pass it. It's funny though, we look at the concept of injury control as one that would be -- that in prior times would have been very unusual. Seat belts in cars would be another example. No one would have thought 30 years ago that that was something that could be accomplished. However, because of the courage of other legislators on that issue we made a great deal of difference and a great change.

I would offer that now is the opportunity to move forward and do take that controversial stand because there is a lot of negative pieces that happen for this for legislatures, I'm sure. A great deal of mail, I'm sure, you receive on this issue.

However, I think the opportunity is now to make those changes. If we had made changes in cigarette legislation 30 years ago, think of the

opportunities we would have had to be ahead of where we are in that field today, where we're going nationally, as an example.

REP. JARJURA: Yes, but given the -- I'm asking from a non-legislative -- you're a lay person, a doctor, given the political climate in this area of political correctness, is it more courageous to vote for this or more courageous to vote against this legislation?

DR. KEITH BRADLEY: I think it is always more courageous and the right thing to do to vote for the right legislation, whether it's -- you have to judge the political climate. That's --

REP. JARJURA: I'm asking you what your perspective is.

DR. KEITH BRADLEY: -- out of my -- that's really out of my area of expertise.

REP. JARJURA: And my final question, and actually it went out of mine. If I think about it later, I'll come and seek you in the -- thank you very much, Doctor.

Thank you, Mr. Chairman.

REP. LAWLOR: Representative Roraback followed by Representative Winkler.

REP. RORABACK: Thank you, Mr. Chairman. You referenced a tragic circumstance where a young person shot his cousin by finding a gun underneath his grandfather's bed, if I follow the facts accurately. Do you know, was the grandfather prosecuted for unsafe storage of a firearm? Do you know what the disposition of that case was?

DR. KEITH BRADLEY: No, I don't know the disposition.

REP. RORABACK: Do you have -- is there a way that you could find out what the disposition of that -- I guess to me if you treated the young person who was fatally shot?

DR. KEITH BRADLEY: Yes, I did.

REP. RORABACK: And isn't -- don't all of us have a responsibility to follow up on those instances where there has been a violation of our existing firearms laws? I guess the grandfather probably paid the highest penalty that anyone could exact from the grandfather which is feeling the guilt of causing the son -- the death of his grandson. But I guess from my perspective the question that I ask is we had a law on the books which said you can't store a loaded firearm at a place which is accessible to young people. That law was violated and if anybody here knows the answer to that question, I sure be very anxious to hear it.

Thank you, Mr. Chairman.

DR. KEITH BRADLEY: My testimony includes my experience not only in this state, but other states and that is not the -- I was not one -- it did not occur -- that particular instance did not occur in Connecticut. But it is an experience that we have as emergency physicians all too frequently.

REP. RORABACK: Just a quick follow up. What state did that occur in?

DR. KEITH BRADLEY: Virginia.

REP. RORABACK: Virginia. Okay. Thank you.

SEN. WILLIAMS: Other questions? Representative Winkler.

REP. WINKLER: Yes. Thank you, Mr. Chairman. It's not really a question. I feel that the legislation that we have before us today is a result of the problem that we had at the lottery division is what triggered this whole issue.

And I think that the legislation that we have here is only a piece of the problem. I've heard of people, different legislators, some of my colleagues making comments that maybe we should look at people who have had mental problems and prohibiting them from having a permit to have a gun. You know, -- and I half agree, but I think the problem is much more than that and instead of

having a knee jerk reaction to this issue, I think it would be in everyone's best interest to have a task force with members from the medical profession, from all aspects of people that would be involved, that this would have an impact on to get together and decide what would be the proper way to go forward with legislation to deal with this issue instead of responding off the cuff, so to speak.

As an example, the security people that were there are unarmed. What good is security if they don't have any kind of weapon to fight off somebody or a group of people in this kind of a situation? Would you like to respond at all?

DR. KEITH BRADLEY: I agree that it is a multi-factorial issue. These pieces of legislation are taking parts of -- taking on parts of the issue. A task force to address this in a global fashion, I would be very much in favor of. And I think its time has come for that to look at this issue in a very global fashion.

Just as a physician I use many different -- for an infectious disease I may use -- for Tuberculosis, a good example, I use three -- routinely use three different antibiotics to address that. This would be very much in -- these are lots of ways that we're getting at the problem. And we have to do more, but these are good steps to take, I believe in addressing it. I would be more than happy to endorse however that task force in global issues.

REP. WINKLER: As an example, now I believe if guns are sold, I believe they have to have a trigger lock on them now at the time when they're sold, commercially. And if they're removed a person has that right to remove it. So I personally would like to see something done in a more global fashion to get everybody involved that would have an impact that could sit down and come up with something to address the issue to prevent the tragedy that we had at the Lottery Division from ever reoccurring.

Sitting in the Legislature, God knows, there have

been many times I've been thinking that people could be up in the gallery ready to take pot shots at us on issues that we've dealt with and positions that we've taken. But I don't think necessarily coming out with just a blanket type legislation is necessarily the way to go. I think it's got to be done in a much more thought out process and get the people that have all of the intricate pieces to get together and come up with something that makes sense.

DR. KEITH BRADLEY: May I offer this perspective? If we were to introduce a medication, something that had potential benefit for patients and it had the morbidity and mortality that the gun does, there would be no question that we would not bring that to market. It would not pass any of the pieces. If we were to have a new product that were being introduced and you said one of the side affects of this product is the death of thousands and the injury of hundreds of thousands of individuals in our country, we would not be bringing that product forward.

If we were able to start that process today. I think we need to take a new look. I think that task force on a global look is an excellent way of potentially approaching that problem in a new and fresh paradigm, a new perspective. We would make tremendous gains with that.

SEN. WILLIAMS: Further questions?

DR. KEITH BRADLEY: Thank you for the opportunity.

SEN. WILLIAMS: Thank you very much. Next, Claire Gold to be followed by Doctor Rebecca Nathenson.

CLAIRE GOLD: Senator Williams and members of the Judiciary, my name is Claire Gold. I am currently a resident of Easton and have resided in Connecticut for 45 years.

I've spent all of my adult life as an educator and a school administrator. I want to briefly discuss the issue of gun availability and potential gun violence from the point of view of my life

experiences.

My personal and professional experiences led to my active involvement in the Connecticut Coalition Against Gun Violence. I currently serve as the President of that organization. Since children are frequently the victims as well as the perpetrators of gun violence, it is important that we stop and regularly contemplate the love, energy, and dreams that almost every parent and temporary caretaker and custodian, like teachers, invests in each child.

In a restaurant the other evening I watched two young parents with four children feed, read to, explain, settle squabbles, hug, help with coloring, model good manners, wipe noses, toilet, dress, and undress. This minor listing is repeated day in and day out, year in and year out, at home and in school.

When we read about gun violence, whether accidental or intentional, we must step into the shoes of the parents and the caretakers, put ourselves in their position and place our intelligence and energy to work on prevention. This is exactly what we would do if our children were threatened by a health crisis. Can we afford to waste young lives?

One of the thrilling aspects of being an educator is the speculation about which of the children may be a computer whiz, a fine musician, or a doctor or a great community member. Children must stay alive to fulfill their potential and our dreams for them.

Gun tragedies are most frequently the result of situations other than crime, situations that might be relatively benign or aggravated by the availability of a gun. Guns increase the risk of accidents, suicides and the most dangerous and treacherous expression of rage.

Guns in the hands of children and adolescents who are driven by many immature impulses and needs are a clear recipe for disaster. In Westport, the town where I served as a superintendent of schools for many years, just such a disaster occurred. Two high

school students who had access to a gun played Russian roulette with a gun to which they should never have had access. The result was the death of one of the students and the incalculable amount of personal and psychological damage to the other. We all know of the daring and risk taking behavior of adolescents. Their unrealistic concepts of immorality. Had a gun not been available, these rather typical adolescent behaviors would probably had been played out in a manner that did not result in death.

On an even more personal level I want to share with you my experience living under the threat of hatred. I've never shared these publicly before. In fulfilling the role of superintendent of schools one makes many unpopular decisions that may evoke the ire of citizens. Among those that evoked extremely negative reactions in my tenure were those related to the perpetuation of a desegregation program, those related to closing neighborhood schools, and those related to expulsion of students. I could cope with the mean, sometimes anti-semitic letters and phone calls. It was much more difficult to deal with slashed tires, smashed windshields, and being followed home by mysterious cars at 1:00 a.m. in the morning.

During this period, one or more school superintendents were shot. Ironically, I even mistakenly received a plant with a note indicating it was about to explode from someone who believed that I had deprived him of a high school diploma. This person resided in a neighboring town and attended school in an neighboring town.

I share this with you because I or frankly, any of you who may be viewed as holding power over another can be an object of extreme anger. I am confident that you and I can deal with that anger, but everything possible must be done to lower the possible life threatening consequences of guns in the hands of irresponsible individuals who vent their anger through destructive deeds instead of words.

It has become almost impossible to read a newspaper

or magazine without an article on the extreme stress of modern life. Cell phones, lap tops, competition, the sheer amounts of money it requires to have a decent standard of living, have all added to the normal pressures of life. A stressed society increases the likelihood that people will express their frustration and anger in violent ways against themselves or others.

The Legislature has done excellent work in the past. That work is not finished. There is more to do. Gun availability and gun control are complex issues. There will not be a quick fix. There will be many pieces to ensure that our lives are, indeed, safer ones.

Thank you.

SEN. WILLIAMS: Thank you. Are there questions?
Representative Jarjura.

REP. JARJURA: Yes, thank you, Mr. Chairman and Claire we can all sympathize with having to take difficult stands on difficult issues and being the object of people's hatred. We, in the Legislature and you, as superintendent of schools.

Passage of this legislation -- you indicated that the Legislature has done good work. Would passage of this proposed legislation and the other piece that's before us, solve the problem?

CLAIRE GOLD: I think that it will help to solve the problem. It will not completely solve the problem.

REP. JARJURA: What would completely solve the problem?

CLAIRE GOLD: I don't know that we can. I don't know that we can, but that doesn't mean that everything should be done as soon as it can be done to protect lives. You know, I'm all for this notion of having a long range study committee, but there's no reason for us to wait with these small measures to begin to afford greater safety to our children and to the rest of us.

REP. JARJURA: Connecticut is a concealed weapon state,

as you know.

CLAIRE GOLD: Yes.

REP. JARJURA: Would eliminating or making illegal any concealed weapon solve the problem?

CLAIRE GOLD: I don't think it will solve every problem. I don't think that this is an issue where everything can be solved. I don't know what might have been done to prevent the tragedy last week.

REP. JARJURA: Would making any ownership of guns in the State of Connecticut solve the problem?

CLAIRE GOLD: I am not recommending that. I would not support that.

REP. JARJURA: Okay. Do you see the dilemma we're faced with? We - shortly, other citizens will get up and these are grandfathers and mothers and people that are now faced with felonies, Class D felonies because of the legislation we passed in 93-94 and now we're going to increase that scope and people may inadvertently find themselves facing a Class D felony, up to three years in prison. That's the dilemma we're faced with here and if this was clear -- if this was a vote -- I would rather be intellectually honest here with the Judiciary Committee and if the proponents want to eliminate the ownership of weapons completely in the State of Connecticut, they should put that legislation before us instead of putting before us legislation that sort of does that in a back door method.

CLAIRE GOLD: I don't think that's my position nor the position of our organization, but I think there are ways to make the current situation a great deal safer.

REP. JARJURA: Okay. Thank you. I appreciate your testimony.

Thank you, Mr. Chairman.

REP. LAWLOR: Are there further questions?
Representative Winkler.

REP. WINKLER: Thank you, Mr. (INAUDIBLE - MICROPHONE NOT ON) needs to be addressed and should be addressed as soon as possible and I think this is just one of the many facets that's a part of the overall problem.

CLAIRE GOLD: Just to respond briefly. I think that my concern is that all action be delayed while a study is undertaken. There have been many studies that clearly indicate the number of deaths that take place because of accidental shooting and other types of shooting. We live in an imperfect world. No study will produce that perfect piece of legislation that will cure all our problems. And I see no reason why both cannot go forward simultaneously really improving the legislation that we already have by the measures before you today as well as appointing the committee to do that long range study. I would support both.

REP. WINKLER: I thank you for your comments, but I don't necessarily think either it's necessarily this legislation -- well, the law abiding citizen that's out there. There's always the other side of the issue. There's that individual will always be able to get guns one way or another. And I think we've got to look at the entire issue.

CLAIRE GOLD: We certainly have to protect our children from having access to guns.

REP. WINKLER: Thank you.

REP. LAWLOR: Are there further questions? Senator Somma.

SEN. SOMMA: Thank you, Mr. Chairman and thank you, Claire for your testimony. I just had a question. As a former educator, would you be opposed to mandating some type of safety training, firearm training in the schools?

CLAIRE GOLD: I would certainly not oppose safety training. As a matter of fact, our organization has undertaken, in conjunction with the State Department of Education, the development of a curriculum on safety. And we hope that will be in

the hands of all the school districts within the year.

SEN. SOMMA: What does that involve?

CLAIRE GOLD: It is not put together so I cannot go through the syllabus for you yet, but it will deal broadly with prevention of violence.

SEN. SOMMA: Okay. Thank you. Thank you, Mr. Chairman.

REP. LAWLOR: Are there further questions? If not, thank you very much.

Next is Doctor Rebecca Nathenson.

REBECCA NATHENSON: Good afternoon. Just to clarify the record, it's Professor Rebecca Nathenson, although I'd like to be a doctor, I haven't earned the title yet.

I thank you for the opportunity to allow me to speak to you today about the issue of gun violence and this important legislation.

As I said, my name is Professor Rebecca Nathenson and I am here today as a member of the Connecticut Collaborative For Education Against Gun Violence.

I am also the criminal justice program coordinator at Housatonic Community Technical College and I have a 14 year background in law enforcement as a police officer.

I am here today to address the various gun issues that are coming before the Legislature during this current session. Let me start by saying that I am not a person who believes it is either practical nor possible to ban guns from our society all together.

Our country has a very deep rooted historical and cultural attachment to guns, whether we like that or not. Our founding fathers needed guns for protection and eventually brought their guns and joined together to over throw British rule and become independent. The rationale behind the

Second Amendment to the United States Constitution, which most people generally interpret as giving each citizen the right to bear arms, was that the founding fathers wanted to be able to raise a well armed militia to defend the security of the nation at a moment's notice if it was required. They considered this a very important issue.

As our country expanded, (inaudible) guns again played a very central role in the expansion process. Because the west was such a vast unsettled area, there was little in the way of societal control. People moving to the west often had to rely on each other for protection from all variety of threats and guns were an important part of their defense from these threats.

Most people will agree that gun ownership and access did not become a matter for serious public concern until the explosion of violence that came with the crack epidemic in the 1980's. During that time we saw violence and particularly violence involving guns rise dramatically. It was during that time that we also saw several very high profile crimes committed by the use of handguns. People began to become very concerned about the issue of gun violence, gun ownership, and the access to guns in terms of the violence potential.

According to the Journal of American Medicine, firearm homicides in the 15-19 year old age group grew 61% between 1979 and 1989. Gun violence is currently the second leading cause of death in the 15-19 year old age group. Because of the number of guns produced in our country, it is estimated that there are now enough guns in circulation to arm every adult and one-half of all the children in our country today.

In 1980 less than 15% of the guns produced were handguns. By 1994 almost 40% of the guns produced were handguns. Fifty percent of American homes contain at least one gun and according to the National Crime Victim survey, 7 in 10 homicides are committed with a firearm.

What do all those statistics mean? It took the

federal government five years to get the Brady bill passed. The Brady bill was widely supported by most major law enforcement organizations and the American public with acceptance rates as high as 85% in the polls. Since passing of the Brady bill, the United States Department of Justice survey indicates that 175 potential gun buyers have been denied legal purchase of a gun because they do not qualify under the Brady bill rules. No one will argue that violent crime rates -- no one will argue that violent crime rates have not dropped consistently over the past several years.

Some of this drop can be attributed to the efforts of gun control -- control of gun ownership and access for persons who have been deemed unsatisfactory to own these weapons. But we still have a long way to go.

Each year in our country guns account for 35,000 deaths and 150,000 injuries. Most firearms deaths are the result of suicide, not homicide as most people would believe. If the current trends continue, guns will become the leading cause of death in our country by the year 2,003. Studies show us that most gun violence occurs between parties who are acquainted, not between strangers, as most people believe.

Studies also show us that the presence of a gun in a household increases the potential for serious injury or death in a variety of situations.

If we accept the fact that we will not ban guns completely, I believe that we should focus on the safety issue. While guns are a consumer product just as food, toys, medications, and other heavily regulated items are, there are basically no consumer regulations for guns. Gun manufacturers can produce anything they want to with the exception of a few regulated types of guns.

Currently, teddy bears and tour guns are more strictly regulated than handguns. In the 1996 National Gun Policy Survey it was determined that 75% of the American population surveyed favored governmental safety regulations for guns. There is

legislation coming before you this session which deals with several issues of gun safety. The legislation deals with the issue of manufacturers being required to make guns safer through technology, such as personalized guns. Other types of safety technology that should be made available could include childproof triggers, indicators to alert that the gun is loaded, and various types of safety override mechanisms. The gun manufacturers in this country --

REP. LAWLOR: Professor. We trying to keep people to --

REBECCA NATHENSON: I'm sorry. Basically what I said in my comments is that I support the legislation that's before you in terms of my experience on the street as a law enforcement officer. I particularly think that part of it that deals with the Saturday night special type junk guns is very important because those are the guns that get handed around on the street that are very cheap and they get passed from criminal to criminal and they're used for criminal uses. They really serve no purpose to the legal, legitimate gun owner and they should be removed.

And the last thing that I address to my comments was that I believe that like some of the other speakers have said, this is a public health issue and an education issue, as well and maybe future legislation should be directed at the issues of health, public health and safety. I have a four year old daughter, Miranda Jane and she -- because my husband and I are gun owners she knows that guns are not toys. We don't allow her to have toy guns. We discourage shooting kinds of games. And she also knows what to do if she should find a gun that is unattended. She knows not to touch it and how to handle that.

And people think that's extreme. I've had people tell me why do you discuss that with her at four years old? Because it might save her life or it might save the life of a playmate some day. So we need to teach kids these things and if it means that we have to mandate teaching it, then we need to do that. We need to focus on that.

And thank you for your time.

REP. LAWLOR: Thank you. Are there questions? If not, thank you very much.

Next is Gail Burns-Smith. She'll be followed by Marlene Wenograd and Merit Lajoie, Mike Eisner, Clyde Gorley, Joe Grabarz, Warren Speh, Bob Crook, Steve Loban, Frank Whelan.

GAIL BURNS-SMITH: Representative Lawlor and members of the Judiciary Committee, my name is Gail Burns-Smith. I am the Executive Director of Connecticut Sexual Assault Crisis Services which is a statewide association of all twelve rape crisis centers located throughout Connecticut.

Last year, through our members, we provided over 5,600 sexual assault victims and their families immediate access to counselling and advocacy services.

We're here today to urge your support of raised HB5747, AN ACT CONCERNING SEXUAL OFFENDERS.

We've had an opportunity to speak to Representative Knopp and we are strong supporters of this proposal.

When community notification was first instituted in Connecticut we heard from both parents, teachers, municipal officials and law enforcement officers who were concerned about a number of issues, but primarily one, how should they talk to communities about sex offenders being in their community and two, how can they promote community safety?

Since we have been doing that work in providing risk reduction and prevention programs for years, we were very pleased to assist communities in those efforts. We've attended town meetings, provided materials for parents and continue to operate within those communities as an ongoing resource.

While many prevention programs have come and gone, we continue to provide those services and last year spoke to over 5,600 school aged children about

outreaches you offer the same programs?

GAIL BURNS-SMITH: No. They're tailored specifically to each community.

REP. DANDROW: That was my question. Thank you.

REP. LAWLOR: Are there further questions? If not, thank you, Gail.

Next is Marlene Wenograd.

MARLENE WENOGRAD: Good afternoon. I'm Marlene Wenograd representing the 3,000 members of the League of Women Voters of Connecticut.

I'll be speaking in support of raised HB5746 and HB5604.

The League of Women Voters of the United States has had a position on gun control since 1990. We believe in protecting the health and safety of citizens through limiting the accessibility and regulating the ownership of guns.

In Connecticut, we work for the assault weapon ban of 1993 and the 1994 legislation tightening up restrictions. At that time we felt pride that Connecticut was in the forefront in this field. It is now 1998 and events have taken place and new ideas have evolved around the country that we need to discuss here.

The issue of trigger locks has been pursued by President Clinton who reached an agreement with eight major gun manufacturers to equip 80% of new handguns with trigger locks by the end of this year. However, the adequacy of the trigger locks does not seem to have been addressed. We need safety standards set for adequate locks. The bill before you calls for the Department of Public Safety to establish standards.

We have learned that some manufacturers developed devices decades ago that could lower the risk of accidental shootings, but have failed to incorporate them in their designs. Since

Connecticut is the home of some of the major companies, we urge the formation of a task force to look into the issue of firearms technology and safety mechanisms. Guns can be personalized so that only the legitimate owner can fire them. We urge the enactment of a required FBI check of fingerprints. The current law gives the issuing authority permission to send the fingerprints, but does not mandate it. This suggests the possibility of unequal treatment of applicants. We think it should be a standard requirement for all. Reports on both the federal Brady bill and in Connecticut show that a number of people with felony convictions do file applications for guns. If they think they will not be checked up on, they will continue to do so.

We favor a law prohibiting the carrying of a weapon when the person is under the influence of alcohol or drugs. By the way, some states are discussing legislation that would require a specific reason for carrying a concealed weapon. It seems reasonable to give businesses the right to prohibit weapons from their premises.

We must make it easier for law enforcement officials to trace guns seized in crimes. This might be through a better communication system, marking serial numbers in a different way or some other means such as requiring use of the National Tracing Center.

There's a national ban on the importation of junk guns or Saturday night specials which seem to control them for a while. But now there are reports of manufacturers in California producing them. We need a state ban on such unsafe guns. The bill before you gives a clear definition of unsafe handguns and calls for both a performance test and a safety test.

In conclusion, the League of Women Voters urges your passage of all this important legislation. Let's get Connecticut in the forefront again.

Thank you.

REP. LAWLOR: Are there questions? If not, thank you.

Next is Merit Lajoie.

MERIT LAJOIE: Good afternoon, Representative Lawlor and members of the Judiciary Committee. My name is Merit Lajoie.

I am testifying in support of HB5746, AN ACT CONCERNING HANDGUN SAFETY. I would also request that you consider adding an amendment to include the safety and sale of firearms in department stores.

I testified before you last year regarding this very same issue. On April 26, 1996 a hunting rifle was improperly sold at a local department store. On April 30, 1996, four days later, my mother, Gail Islip was shot seven times in the head with that rifle. What have I suffered? I think that's painfully obvious.

What has that department store suffered? Nothing. In February of this year Mr. Chassie went to a local department store to buy motor oil. While deciding what to buy, BAM! Mr. Chassie was shot directly above his eye by a BB gun that was unsecured and loaded. Again, what has Mr. Chassie suffered? I also think that is painfully obvious. What has that department store suffered? Again, nothing.

Department stores are driven primarily by dollars and profit, not public safety. And since there is no consequence, why should they?

Department stores are not encouraged to maintain strict records by state and federal agencies due to lack of inspections and penalties. In fact, department stores are allowed to secure and sell dangerous firearms in an inexperienced, untrained, and irresponsible manner.

We can continue ignoring the irresponsible safety and sale of firearms in department stores and another innocent victim will suffer or even die.

We recognize the need of controlling the sale of liquor and limit the sale of liquor by liquor stores only. Yet, department stores are permitted to sell dangerous, powerful weapons without properly training personnel and maintaining strict records.

How many innocent victims must suffer or even die before laws are passed that can prevent such senseless tragedies? How many times do we close our eyes and do nothing? How many is enough? How do you justify the irresponsible security and sale of firearms in department stores? Why are department stores protected from their responsibilities regarding security and sales of dangerous weapons? Why are department stores allowed to continue operating in an unsafe manner without consequence?

These are the questions you'll have to answer to the next innocent victim or family member. Be careful the next time you enter a department store. That motor oil or package of diapers or electric mixer could end up costing you more than you think.

Thank you.

REP. LAWLOR: Thank you, Merit. And just to clarify, in your mother's case, the gun was sold -- it was a co-worker who was the murderer, right?

MERIT LAJOIE: Uh-uhm.

REP. LAWLOR: And how did he obtain that gun again?

MERIT LAJOIE: He purchased it from another employee. The manager of that store, of that department sold it to him, but there was no paperwork filled out.

REP. LAWLOR: The manager of the gun department --

MERIT LAJOIE: Yes.

REP. LAWLOR: -- at WalMart.

MERIT LAJOIE: Yes.

REP. LAWLOR: And ---

MERIT LAJOIE: The necessary state and federal paperwork has to this day never been found. The gun was not ever logged in the gun log book. There was no record of that gun until the murder.

REP. LAWLOR: And as far as you know there's no training that WalMart or any other department store provides?

MERIT LAJOIE: No.

REP. LAWLOR: Any other questions? If not, thank you very much.

Next is Michael Eisner.

MICHAEL EISNER: Thank you, Representative Lawlor and members of the committee. I'm Michael Eisner. I'm here for the Connecticut Hospital Association and in particular, the directors of psychiatry of Connecticut hospitals.

We're in opposition to raised SB605. That's AN ACT CONCERNING TRANSFERS OF VOLUNTARY PSYCHIATRIC PATIENTS.

Now, under this legislation a patient must specifically request or agree to any transfer. The reason we're opposed to this bill is that we believe that it could jeopardize patient safety.

Let me give you two quick examples. Take a patient who has a heart problem that arises, but the hospital doesn't have a coronary intensive care unit. Or a patient who becomes suicidal after admission or even violent and the particular hospital does not have the capacity to protect that patient or other people.

Now, under both of those examples, the hospital would have to transfer that patient as promptly as possible to a hospital either with a coronary intensive care unit or a ward that could take care of them and protect them.

also provides many of the safeguards that are necessary for that.

REP. LAWLOR: Thank you. Are there questions? If not, thanks very much.

JOE GRABARZ: Thank you.

REP. LAWLOR: Next is Warren Speh. Did I pronounce that right? Speh. I'm sorry. Is he here? Warren Speh? No. Bob Crook.

Bob will be followed by Steve Loban, Frank Whelan, John Yusza, Ralph Sherman, Joseph Knott.

ROBERT CROOK: Representative Lawlor and members of the committee, my name is Bob Crook. I'm the Director of the Coalition of Connecticut Sportsmen testifying in opposition to raised HB5746, AN ACT CONCERNING HANDGUN SAFETY.

We think this bill addresses the wrong issue. Rather than doing this omnibus bill, we think this committee should take a look at looking at the records of involuntary commitments and probate judge decisions that is current law. We wonder why the State police did not or could not get those records in relation to the Beck incident.

In relation to the bill, first we would ask you to evaluate the cost benefit. This certainly is a diversion of police assets. We don't have enough state troopers now and what we're doing here is giving them a lot of work to do.

Secondly, we'd ask you what the benefit is. Will any of this stuff reduce crime? We don't think so. There is a significant cost on law enforcement of little benefit to either the police or to the public with all these provisions. We would urge you to contact the State Police Weapons Division and ask them what benefit and how much cost and confusion the last omnibus bill that we passed dealing with handguns promoted and if you do that privately, I think you will find you get the same answers we do.

As to portions of the bill. Trigger locks. Any gun propaganda aside concerning "children" there have been only three to four prosecutions of inappropriate storage since 1991 when we passed the original trigger lock bill. This bill asks for a non-dealer sales. Personally, I don't have a trigger lock on any of my guns. And as a safe gun owner, I don't need them. When I walk into a store to buy a gun I abide by the law. I buy the trigger lock and then I do with the trigger lock what I would do with any other item that I don't need. I return it for a credit.

I have lock boxes. I have safes. I have gun cabinets at home. And I don't need to put a lock on a gun that is in any one of those. So I don't need gun locks. I have other items.

Dealing with tracing. We see no reason for legislation. We have no objection of being integrated with the BATF system, but that will take place. Why cost the State of Connecticut anything when the feds are probably going to pay for it?

In lines 44 and 45, why trace all firearms? There is no reason for that unless you are looking for propaganda used in the assault weapons bill where proponents of that bill said that so many guns have been traced. Well, guns have been traced for a lot of different reasons. What we would ask you to do if this thing goes anywhere is allow the police to use discretion and save the police some money.

On fingerprints. Fingerprints have always been included in the pistol permit. Always. The only reason we have a bill now is because the local police are not making any money. We don't believe they should make any money. If they have a break even price, which they do, then they're doing a public safety function. So it comes down to dollars. We would oppose the shell provision on line 91. All this does is re-check people who have already been checked. Police officers, politicians, military, the Governor, most of you have been checked by the FBI anyway.

Representative Lawlor in a briefing the other day

said that not only would it be checked on a local level, but on the state level. This is redundancy. It's \$24 for a check if you pass the check. Now we've got to be checked on a local level and the state level by the issuing authority. It's wasteful.

Finally, on this provision, this really effects low income people. When you take the total cost of the class, the fingerprints, the permit itself, what you're doing is you're pricing out low income people, exactly those people we would like to have permits in the inner cities.

Felony trespass. We had a model pistol permit bill for about 30 years in this state until 1994 when we passed 94-1. This prohibition makes the permits almost useless. We've always believed in pre-emption in this state, including this committee. But somehow or another, the legislators know a little bit more than locals. But what you're saying in this bill is you're saying that not only do you know less than the locals, but you know less than the individual citizen. You are completely throwing out pre-emption. You are balkanizing the state with a patchwork -- with a potential patchwork of prohibitions. And it completely eliminates the pistol permit system which is a statewide system.

Unsafe handguns. We were surprised at the Chiefs of Police's testimony. Since most of them carry ankle guns and there may have been some in here today, and those same guns are what you're calling unsafe. If it's alright for police officers to carry unsafe handguns for self protection, why isn't it alright for the average citizen to carry the same gun for self protection? We find it hypocrisy.

This bill -- this proposal here, the unsafe -- is nothing by the Maryland Saturday Night Special bill that was passed several years ago which proved costly not only to law enforcement and identified only very, very few guns of Saturday Night Specials under this criteria. Meanwhile, the administrative costs to law enforcement was impressive and there is no positive results from the law. Why haven't

any other states adopted it? And why should we adopt somebody else's failure?

On personalized guns we have no objection to a study on this issue. We would, however, as is our norm, support the substitution of optional for mandatory. Until you can show us that it should be mandatory by data, we would like to leave it optional.

So, in effect, we oppose most of the sections of the bill, however, there are a few we could subscribe to.

Thank you very much.

REP. LAWLOR: Are there questions? Representative Scalettar.

REP. SCALETTAR: Good afternoon. Did you submit your testimony in writing here?

ROBERT CROOK: Yes, I will. I worked a show this weekend for four days and I didn't have -- I'll type it up for you.

REP. SCALETTAR: Okay. Thank you.

REP. LAWLOR: Are there further questions? If not, thanks very much.

Next is Steve Loban.

STEVE LOBAN: Good afternoon, Chairman Lawlor and members of the Judiciary Committee. My name is Steven Loban. I am a resident of East Haven, Connecticut. And this testimony summarizes my opposition to raised HB5746, AN ACT CONCERNING HANDGUN SAFETY.

The bill increases the risk of law abiding citizens being charged as felons in situations concerning the sale or transfer of handguns, the exercising of one's right to carry pistols and revolvers in many circumstances, and the re-classification of many handguns used for legal carry as unsafe and hence, restricted by the bill under penalty of felony

conviction.

The trigger lock requirement for a sale between citizens can lead to felony conviction if one forgets to apply a lock on a firearm. No exception exists if the firearm is sold broken down into component parts and hence rendered inoperative in such condition.

Concerning prohibition from carrying on specific premises a permit holder can be charged with a felony if he or she enters such premises while in possession of a handgun. The definition of "premises" is vague. Is it limited to a building? Can it include a parking lot? In such cases, the practical use of a permit to carry is virtually nullified.

Will a permit holder commit a felony under the act by driving into a parking lot of an establishment that prohibits entry while armed? The unsafe gun definition would outlaw many handguns appropriate for legal concealed carry on the basis of size alone. The act specifies minimum length and height requirements for handguns. Many handguns, such as small frame revolvers and pistols used for legal concealed carry would be affected under the act. The existing laws pertaining to firearms and dangerous weapons in the state indicate that firearms be carried in a prudent manner so as not to cause public alarm.

This condition makes the carrying of smaller handguns appropriate. Outlawing such guns under the act would seriously compromise the practicality of carry permits.

In closing, the act does not specify funding and enforcement mechanisms needed to achieve its intended goals. The fact that nearly all shootings in the state are committed by persons not having permits is ignored and the act would divert resources away from combatting crime in our communities.

Thank you for your attention. I'll be happy to answer any questions.

REP. LAWLOR: Are there questions? If not, thank you.

Next is Frank Whelan.

FRANK WHELAN: Good afternoon, ladies and gentlemen of the Legislature. My name is Frank Whelan. I'm from Branford, Connecticut.

I don't want to be redundant on what Bob Crook has already said and what Steve has just gotten through saying, so I'll cut my remarks with regard to those issues other than the fact that I think this would be a costly situation for the State to implement and I wonder where they are going to get the cost to do all these gun tests and so forth even though they're saying they are sending them out to private laboratories to do the same.

I think also that what hasn't been mentioned is that this bill would make obsolete about 85% of the current handguns. This includes police handguns and so forth. Further, it fails to address the issue of where most of the shootings occur that of the inner city drug trade who are not permitted holders of firearms, but do most of the shooting and we get blamed for misuse of guns.

I remember Mr. Boland's comment earlier here. His father was a hero. He was a person who monitored a neighborhood and everyone felt safe with him being in the neighborhood. And I think he fingered some crack house and the crack people got back at him on this drug trade.

So that what I would like to see included in this bill is something dealing with the drug trade. Let's not make this gun law number 20,001. We already have 20,000 of them on the books now. Let's control the gunfire by passing legislation to control Connecticut borders so that the fostering of drug dealing, gun shooting and toting by out of control, out-of-state, out-of-country population that we currently have in our inner cities, makes up the mix of the city population that forces these shootings. These people can't get jobs. They're here and they can't speak the native language. They have no trades other than selling drugs.

To give you an idea of the size of the proportion of this thing, if you just take a look at the City of Hartford and a school population, just to look at mixed, not to say that these people are doing the shootings, but in a school population in the City of Hartford, 54% of the school children were not born in the continental United States. Fifty-four percent.

What are they doing here? Seventy-two percent of them are on direct welfare. What do we have, welfare encampments here that we're keeping and they're going around shooting up the inner cities with illegal guns that are probably brought in here with the drug trade? Where are the drugs coming from? Look at where the drugs are coming from and that's where the guns are coming from. I would like to see this Legislature take a stand and do a position on why can't we control the borders? Why are we letting all these welfare recipients in here on the drug trade who are shooting up our inner cities and giving us the bad name?

I would also like to say that I don't think that we should be looking at politically motivated legislation at this time given what happened in Newington. I think it also must be pointed out that the first person killed at Newington was not shot to death. He was stabbed to death and then shot twice and that hasn't come up here. What about knife legislation? Maybe we ought to make it a law that no knife longer than three inches should be held in any household.

I thank you very much for your consideration.

REP. LAWLOR: Are there questions? If not, thank you.

John Yusza. John will be followed by Ralph Sherman, Joseph Knott, Jason Sherman, John Martin, Rob Forbes, Marie Hilliard, George Dean.

JOHN YUSZA: Good afternoon. My name is John W. Yusza, Jr. I am a citizen of the United States. A resident of Wallingford. Small business owner and Connecticut pistol permit holder.

I also hold a Connecticut security officer's firearm permit, dangerous weapons permit, concealed weapons permit from Massachusetts, Rhode Island, New Hampshire and Maine. I'm here today to address proposed legislation drafted under the emotions surrounding a tragic event.

The State of Connecticut currently has a pistol permit program first introduced in the 1930's. Currently, over 140,000 Connecticut citizens legally carry a concealed firearm with an ever increasing number being women.

As a side note I found out that figure is actually wrong. It's around 144,000 people. So that's 4,000 more people than I estimated.

The current system of checks and balances has been and is working. In the 60 years of establishment and hundreds of thousands of permits, one lone individual has perpetrated an isolated act deplorable to all permit holders past and present. Proposed legislative knee jerk reaction is trust upon each and every firearms owner, a wrath of new rules and regulations creating a costly bureaucratic entanglement of conflicting and vague laws which would have the opposite effect in which they were intended. To the best of my knowledge no one has raised a question of why a person under managed psychiatric care is allowed back into society in a work environment which contributed to his emotional instability in the first place.

The person signing his release or a system which allows a person to sign themselves out under the aforementioned conditions should become the area of discussion in legislative repair.

In 60 years of a working permit system even a minor problem is unheard of, yet numerous incidents of persons with mental disorders harming themselves, their spouses and family routinely make it to back page coverage of local newspapers.

In closing, much emotion has been displayed and felt surrounding the recent tragedy because it involved a knife and a firearm. Any person in a

deranged mental state could have used commonly obtained items such as gasoline, poison, or common automobile to inflict harm. I ask that you, our elected leaders not bend to emotion. I ask that you ask and demand an answer as to who released Mr. Beck from psychiatric care and how many more Mr. Becks will be released into society in the future. This course of action would reaffirm your true leadership qualities to the citizens of Connecticut.

That's the prepared portion that I've had and just as an additional word, I noticed earlier that the word "intent" was mentioned at the start of the proceedings by Representative Lawlor.

I would like to address this as an additional comment to my previous statement. The pistol permit holders in Connecticut are a law abiding group. This is evident by the issuance of the permit itself. If you weren't a permit holder, it wouldn't be issued. It's that simple.

Upon reading HB5746 as proposed, its intent will not, in any way, effect the criminal element, the mentally incompetent or a dedicated group bent on terrorism. It does, however, allow further restriction of lawful rights as outlined within our state constitution against a group of people who for no other reason have chosen to exercise a state right. Our founding fathers wrote these rights, not privileges, as stated by some legislators, into our state constitution as one of its first entries. Let there be no question what their intent was versus what the intent of this proposed bill is.

Many people have earlier talked about crimes committed against them or tragic circumstances involving firearms. No one has asked how many of these tragedies involve Connecticut permit holders versus people who did not have nor could have obtained a permit. Sometimes a simple solution is the best. If it's not broke, don't fix it.

Thank you.

REP. LAWLOR: Are there questions? If not, thank you very much.

Ralph Sherman.

RALPH SHERMAN: Good afternoon. My name is Ralph Sherman. I'm here to speak about HB5746, AN ACT CONCERNING HANDGUN SAFETY. I'm an attorney. I'm a certified handgun instructor. I'm also Chairman of the Firearms Law Committee of the Connecticut Bar Association. I have to mention that because some of you know me through the Bar Association and I have to make it clear I'm not speaking on behalf of the Bar Association today. This is not an issue that's of interest to the Bar Association at large. And the Bar Association doesn't have any official position on this bill.

We've heard testimony today about so-called unsafe handguns and felony trespass with guns. We've heard talk about people who walk around carrying guns, but the real subject of this bill is not guns. The real subject of this bill is the right of self defense. It's a right that is as basic to our civilized society as the right to private property. It's the right to protect yourself. Citizens who have permits to carry handguns have gone through background checks, fingerprint checks, and training in the safe use of firearms.

The main reason they want to carry that handgun is self defense. And that's the main reason they want to purchase the small guns that would be banned by this bill. Guns that every firearms expert knows are perfectly safe when handled correctly.

If you allow coffee shops to ban the discrete carrying of guns by law abiding people who have permits, you won't be stopping drug dealers or armed robbers or suicidal murderers. You will only be putting an end to the right of self defense for people like the woman in West Hartford who saved herself from rape a couple of years ago when she was out jogging one morning. Or people like many of my clients who have used handguns to defend themselves lawfully. People like my own wife who carries one of these perspective banned guns every morning when she goes for a little walk for exercise before the children get up.

This is what this bill is really all about. If this bill were to pass, and if I were a criminal and I wanted cash, the first place I would think of robbing would be a store with a big sign that says "no guns allowed". At least I know the customers wouldn't stop me. The sign certainly wouldn't stop me. And neither would a ban on small, inexpensive handguns.

We already have some of the strictest gun laws in this country. Let's listen to the Governor's good advice and not rush to legislation in the heat of emotion. Let's be sensitive, but sensible.

Thank you.

REP. LAWLOR: Thank you. Are there questions?
Representative Jarjura followed by Representative O'Neill.

REP. JARJURA: Art, why don't you go first? I want to get to the --

REP. O'NEILL: One of the provisions in the bill relates to the size of the firearm and you're an instructor, as I understand it you said. Is there any study that you're aware of that indicates that short barreled revolvers are more likely to be unsafe in their use than four inch long barreled revolvers?

RALPH SHERMAN: Well, as a matter of fact, I can tell you as an instructor, I've been an instructor for about the past seven or eight years now, and my recommendation to almost any beginner whose interested in shooting with a handgun, whether it's just shooting paper targets at a range or they're interested in carrying a gun for self protection, or keeping one at their office or keeping one at home, would be one of these short barreled revolvers, a five shot revolver with a two inch barrel. It's perfectly safe. I own one myself. My wife owns one.

One of the reasons it's so safe is it's very simple to operate. It's very simple to understand. It's simple to check if it's loaded or unloaded. And

it's fairly easy to control and to conceal because it's small.

REP. O'NEILL: The second question I was wondering about is that one of the requirements in the bill and I'm not sufficient -- I know a little bit about firearms. I read a little bit since I've been here. I've learned a lot -- more than I knew before I got to be a legislator, but there's something about a positive safety feature, I believe it's in the bill, that is required. I'm trying to find the section. I'm not finding it right away.

RALPH SHERMAN: Yes. I believe that's pertaining to the semi-automatic.

REP. O'NEILL: Now, is that something that's commonly available on most firearms now or is that something that would be unusual to find on a typical semi-automatic?

RALPH SHERMAN: Well, before I answer the question I would just like to double check exactly what the provision says. I read it, but before I stick my foot in my mouth, I want to take a look here. You would be referring to line 197. For a pistol it does not have a positive manually operated safety device.

REP. O'NEILL: Right.

RALPH SHERMAN: Okay. There are many modern designs of pistols or to use a synonymous term, semi-automatic handguns that do not have what you would call a positive manually operated safety device. By this, I assume, this legislation means some sort of a lever or button that you would push to make it impossible to operate the trigger or you push it the other direction to make it operable. Many safe concealable and larger than concealable semi-automatic handguns do not have such a device today. They are operated the same way as a revolver. Once the gun is loaded, you pull the trigger if you want to shoot it.

These devices probably came about originally on semi-automatic handguns with respect to certain gun

designs and in some gun designs they make some sense and in other guns, they really do not make sense.

REP. O'NEILL: So this would be something that one might find, for example, on the Colt 45, the classic military revolver, that type which had a so-called lock and load feature that it could be carried with the hammer cocked back so you just had a single action type effect?

RALPH SHERMAN: That is correct. You're pretty knowledgeable for somebody who says he's not very knowledgeable.

REP. O'NEILL: And the kind of pistol that's become more popular recently is a five or six round semi-automatic pistol that is what's called a double action only where it takes a lot of force to pull back the trigger so as to cause the hammer to rise and then fall to fire the gun. Is that right?

RALPH SHERMAN: That is absolutely correct and there are many such guns being made right by Smith and Wesson thirty miles to our north. They're recommended by reputable firearms instructors, dealers, and trainers including the people who train police and military up at the Smith and Wesson Academy in Springfield.

REP. O'NEILL: Okay. Now, I've read test results of pistols. And some of the stuff in here seems to parallel what I've seen as common for quality firearms. For example, on line 226 fire the first twenty rounds without a malfunction. I'm assuming if a firearm fired ten rounds and started to malfunction, you would consider something wrong with the design. Is that correct? But what I've also read is that if you use one brand of ammunition in a gun, it will fire 100 runs without a malfunction and use the same caliber, but a different manufacturer and there will be jams because of slight differences in the size of the casings and that sort of thing which the gun was really designed to accommodate, but will still be able to fire it. It's just not really the ideal ammunition. Is that correct?

RALPH SHERMAN: That is absolutely correct. There are some manufacturers that even recommend specific brands and types of ammunition with their particular guns. Most manufacturers with most guns do not make such a recommendation and leave it to the user to determine. Partly because there are many different kinds of ammunition within a particular caliber that would work with any given gun, depending on your application. If you're going to be shooting paper targets, metal targets, various types of competition or self defense, the police use a type of round that ordinarily would not be considered suitable for competition shooting at paper targets.

The reputable gun dealer and knowledgeable gun dealer tries to make some recommendation to the purchaser as far as ammunition types.

REP. O'NEILL: So in order for us to be meaningful, if we're actually going to have testing of the firearms, we'd have to really identify the right kind of ammunition that the firearm was designed for because from what I've gathered, it's possible that -- you can use a type of ammunition that will fire, but it will not necessarily fire as many rounds as the ideal type of ammunition. Would that be a fair statement?

RALPH SHERMAN: Yes, I would agree with that and I would also like to add that saying that this has something to do with safety is rather misleading because a malfunction as the word is here in line 226 could mean a lot of things that have nothing to do with safety. It's not uncommon for a semi-automatic pistol, during a break-in period to malfunction in a sense that sometimes an empty case does not become ejected correctly from the action and I think that type of malfunction that you have been talking about, Representative O'Neill, as far as using ammunition that may not be the best ammunition for a particular gun.

REP. O'NEILL: And the other thing, in line 227, another part of this test is firing 600 rounds with no more than six malfunctions. I don't own any handguns and I'm not that familiar. As I say, I've read a

little bit, but is that a lot of firing of a handgun or is that common, 600 rounds?

RALPH SHERMAN: With only six malfunctions, you mean, would that be a lot of firing?

REP. O'NEILL: Yes.

RALPH SHERMAN: It depends on who you talk to. It depends on which gun. If you were coming to me as a student looking for a recommendation from an instructor, I would make certain recommendations as far as what -- if you were interested in a certain caliber or size of gun and so on depending on what your own hand was strong enough to shoot controllably. There are guns out there that some people will swear by and they think are terrific. My own experience with them has been, I couldn't shoot more than about 50 or 60 rounds without one jamming in the gun. It doesn't create an unsafe condition. It's just an unsuitable condition. It's certainly not a condition one would want either in a competition situation or in a self defense situation. I've made selections for myself accordingly and I make recommendations accordingly.

REP. O'NEILL: Thanks.

REP. LAWLOR: Further questions? Representative Jarjura.

REP. JARJURA: Thank you, Mr. Chairman. Just focusing in too on the area, Attorney Sherman, that Representative O'Neill focused in on. The bill calls for making it illegal for the sale or distribution of what is termed "unsafe" handgun. Of course, any handgun in the possession of somebody whose not trained or knowledgeable is probably an unsafe handgun, but focusing in on the definition because the term that Art used that these are the so-called Saturday Night Specials.

Is there a certain price category of the so-called Saturday Night Specials? What would you think it would be for a Saturday Night Special?

RALPH SHERMAN: Representative Jarjura, the best way I

can answer that question would be this. If I were to give up my law practice and try to go out and make a living on the street, stealing money from people, or holding up shops, I'd probably want about the same type of handgun that I want to be able to carry for self protection. I'd want something small, concealable, reliable, and something that's a potent force if I want to use it.

This Saturday Night Special designation -- it's vague. It's been battered around for years. It may have originated a long time ago and I mean much earlier in the century, around the beginning of the century when there were actually a large number of very inexpensive guns available that did have a tendency to self destruct because they were made very cheaply. Today, nobody shoots these guns. They're collectors items.

Sometimes they're known as suicide specials because the likelihood of them blowing up in the user's hand. I'm not aware of guns like this being sold today in any licensed dealership. Nor, for that matter, am I aware of these guns being confiscated by the police and I've read a lot of statistics on what guns the police do confiscate. The fact is most criminals out there agree with me, they want the same type of gun I do. They want a small, reliable revolver or a small reliable semi-automatic.

REP. JARJURA: The only reason I am asking is that maybe, just maybe, if they could come up with -- I think the intent is -- the intent is one of two things. It's either to get at these cheap, easily obtainable handguns which in my mind and, of course, I have no basis of this. I will have to find out more, maybe a \$50 handgun or something like that. If that's cheap.

RALPH SHERMAN: May I enlighten you a little bit?

REP. JARJURA: But --one second. Let me just finish my thought on this. And in an attempt to do that they define certain guns and they talk about inches and the size of the barrel and as you have testified,

that your spouse, other people, if this is a concealed handgun state and the testimony from Claire was that she's not looking to ban all handguns or interfere with the concealed handgun state. These are the very type guns that are readily concealable. So either the intent is to get at cheap guns. So let's say a \$100 gun should be banned or the intent is to get at changing Connecticut's concealed handgun status which would be taking away small easily concealable guns.

Some of these guns, I'm sure, -- usually they say good things come in small packages and when you give a diamond to your spouse, that's always not too cheap, so that's a good thing in a small package. I'm sure some of these handguns go \$500 - \$1,000 would be banned under this.

You were going to say something.

RALPH SHERMAN: As far as I know cheap handguns new start somewhere in the neighborhood of maybe \$80. Are they actually used more in crime than other types of handguns? It's very hard to say because first of all, only some handguns are rarely confiscated if found by the police connected with crime. Of those, these don't make up a particularly large number. I'd like to refer you to an article that I mentioned in my written testimony by a law professor that was published in, I believe, it was Northwestern University's Law Review in which he goes through a lot of scholarly discussion and it's a little bit difficult to read. I did struggle through it one night. It comes to the conclusion that if we were to ban inexpensive guns then criminals would use expensive guns. We have -- it's estimated more than 200,000 guns in private ownership in the United States today and to set a price like say \$100 and cut it off there. Well, first of all, if I were a manufacturer the first thing I would do raise my price to \$101 starting tomorrow. And as far as the profit, I guess I'd just keep it.

Thank you.

REP. JARJURA: Thank you, Mr. Chairman.

REP. LAWLOR: Are there further questions? If not, thank you very much.

RALPH SHERMAN: Thank you.

REP. LAWLOR: Next is Joseph Knott.

JOSEPH KNOTT: I would like to thank the members of the committee for having the hearing today.

I am here representing the United (inaudible) workers 538. And the Libertarian Party of Connecticut.

I want to thank you, first of all, for this (inaudible) legislation. I understand (inaudible) all weekend long from people wanting more information on the Libertarian Party for us and for all the new members we're going to get, thanks.

I'm going to give you a short history of gun control in America and then Representative Jarjura, if you would like to ask me the same question you asked that gentleman. I'm also a NRA instructor in rifle-pistol home safety, personal defense. I'm a nuclear security officer and I've done substantial testing with several low priced guns just as a hobby sort of thing so I can give you an answer on that.

It was the worst of times. The government was losing control. Crime was rampant in the streets. Riots engulfed many of our larger cities. After a series of unpopular taxes and the government's inability to address the problems confronting the country, the people were becoming increasingly dissatisfied.

To regain control, the government decided it must control the arms owned by the people. First, a system of licensing and registration was set up. Next, laws were passed over the objection of the people for the implementation and the manufacturing of certain types of firearms. Henceforth, the people would only be allowed to own a firearm the government determined were suited for their needs. The people protested. The government cracked down.

It sent its agents out to entrap people in the violation of the weapons laws. There was even a massacre of armed citizens by government forces. The situation was getting worse. The government started amnesty programs encouraging people to turn in their weapons. New laws were passed. Weapons could no longer be kept in the home. They must be kept in an armory under government control.

When you wish to use your weapon you sign it out of the armory and then return it to the armory upon completion of your need to have the weapon, but the government still was unwilling to address the real problems facing the nation. The situation deteriorated further. Frustrated in its inability to control what was happening, the government took the final step and moved to confiscate the firearms stored in the armories.

The word went out amongst the people. The weapons that had been hidden in defiance of government laws came out and the show down was inevitable.

It all came to a head on April 19, 1775 in Lexington, Massachusetts. The government forces led by Major John Picarin of His Majesty King George III's army ran into a large body of armed militia. (inaudible) rebels (inaudible) throw down your arms and disburse, Picarin ordered. As we all know, there was a moan of silence and then the shot heard around the world was fired and the U.S. Revolution started.

Today, we stand here in the shoes of our founding fathers of this great nation while you, our elected representatives, stand in the shoes and worry about the crown servants of King George III.

I have several problems with HB5746. And maybe you can answer my questions on this. In Section 9, subsection 3, why is my Colt Detective Special not legal for me to have under this law, but it's the greatest thing since sliced bread for police or a federal officer to carry on duty? Under Sections 6, 7, and 8 of this bill, what section of the State Constitution or the U.S. Constitution gives private companies or individuals the right to refuse

It sent its agents out to entrap people in the violation of the weapons laws. There was even a massacre of armed citizens by government forces. The situation was getting worse. The government started amnesty programs encouraging people to turn in their weapons. New laws were passed. Weapons could no longer be kept in the home. They must be kept in an armory under government control.

When you wish to use your weapon you sign it out of the armory and then return it to the armory upon completion of your need to have the weapon, but the government still was unwilling to address the real problems facing the nation. The situation deteriorated further. Frustrated in its inability to control what was happening, the government took the final step and moved to confiscate the firearms stored in the armories.

The word went out amongst the people. The weapons that had been hidden in defiance of government laws came out and the show down was inevitable.

It all came to a head on April 19, 1775 in Lexington, Massachusetts. The government forces led by Major John Picarin of His Majesty King George III's army ran into a large body of armed militia. (inaudible) rebels (inaudible) throw down your arms and disburse, Picarin ordered. As we all know, there was a moan of silence and then the shot heard around the world was fired and the U.S. Revolution started.

Today, we stand here in the shoes of our founding fathers of this great nation while you, our elected representatives, stand in the shoes and worry about the crown servants of King George III.

I have several problems with HB5746. And maybe you can answer my questions on this. In Section 9, subsection 3, why is my Colt Detective Special not legal for me to have under this law, but it's the greatest thing since sliced bread for police or a federal officer to carry on duty? Under Sections 6, 7, and 8 of this bill, what section of the State Constitution or the U.S. Constitution gives private companies or individuals the right to refuse

citizens from exercising their lawful rights? And for that matter, what section of the State or U.S. Constitution gives police officers rights above those than any other citizen which this bill does?

That's the end of my prepared statements. Also, the trigger lock -- I will tell you as a firearms instructor, the first thing I tell people is don't play with the trigger of a gun you don't want to shoot. It's one of the basic rules of firearm safety.

If you have any questions or you can answer my three questions.

REP. LAWLOR: Okay. Thank you very much.

Jason Sherman.

JASON SHERMAN: I just have a few notes. I didn't turn in written testimony. My name is Jason Sherman. I'm from Ashford. I'm a gun owner and hunter. I have a few problems with this HB5746 about trigger locks. Trigger locks are alright, but when I buy a gun I take it home, I got the trigger lock. Now, nobody can force anybody to use a trigger lock when he gets home. (inaudible) the people that are going to use it are going to use it whether they are forced to or not. You can make people buy a pair of safety glasses with a power tool, but you can't make them wear them. You know.

The felony trespass for people that are caught with a weapon on a property that they're not supposed to be on. That's not -- the only good that does is for (inaudible). If they go in there to rob it, there's no one to stop them.

The only thing that is good about it is if they get caught, it's one more charge that can be tacked on to them for -- to put them in jail. That's the only thing that --

And in Section 10, the sizes that are for the hand weapons. I think it should be immaterial. It should just be based on testing and size doesn't matter.

That's about all I have.

REP. LAWLOR: Okay. Are there questions? If not, thank you very much.

JASON SHERMAN: Thank you.

REP. LAWLOR: John Martin.

JOHN MARTIN: Hello. My name is John Martin, Representative Lawlor and members of the Judiciary Committee.

I wear a lot of hats. I'm a registered nurse by profession. I also hold a federal license and state license to be a dealer in firearms. I'm an NRA safety instructor. And I'm also a member of the Meriden Democratic Town Committee. So I've already spoken with Jim Abrams.

I would like to speak on a couple of the issues here. We have trigger locks that are mentioned. I haven't read of anywhere a trigger lock has been defeated by a child where it's installed. We have the law requiring safe storage of the gun and that's emphasized by anyone who goes to a pistol safety course in order to get a permit. I have not heard of any case where a gun has been stored safely where a child has gotten to it.

Problems do occur where people don't store guns safely. You have a law that penalizes them and that law should be enforced. I don't know what else you can do because you can't go into everyone's house and inspect their gun at all times.

We have other problems. I have other problems with the law in here. You have the felony trespass thing. Presently anyone can say I don't want any guns on my premises. That's your legal right the same as requiring everyone who is coming in here as to wear a tie and jacket. That's the legal right of any store owner, a restaurant owner can say that.

But you don't find that happening for a couple of reasons. One, Blockbuster Video tried it when

Florida first got the concealed weapons law. So many people protested and said we don't want to do business with you that they rescinded. They still have that law. They can evict anyone and they could put up a sign saying I don't want anyone with a gun here. I can do it with my own home. I insist on it when I give the pistol safety course. No one comes with a gun.

You really don't need a law to make that happen. You have the test firing of guns where you must have 600 rounds fired with no more than 6 failures. I have a 22 target pistol that I use in teaching the safety course. Twenty-two ammunition doesn't always reliably feed in the semi-automatic pistol and the gun I use could very easily have six jams where it didn't feed in and 600 rounds. But it's not a safety issue whatsoever. You clear it and you fire the next round when you're shooting at paper targets. It has no safety aspect to it whatsoever.

It wouldn't be the type of gun I would ever carry for self defense. For self defense I would want a gun that fed more reliably. For shooting at targets, it doesn't really matter.

As far as other things I've heard a lot of emotional stories and I feel bad for a lot of people here. There was the case with the WalMart and while a knowledgeable salesman. I would want a knowledgeable salesman if I was buying a computer, buying a car, buying almost anything. That's common sense, but from what I heard here, WalMart broke several laws. They didn't fill out the proper federal firearms paperwork. They didn't fill out the proper state paperwork and shame if that WalMart still has their license to sell guns. That should have been revoked and they should be civilly liable for it. Mandating education. Well, what education? How much education? How often a year? Is once going to be enough? You're going to get yourself in a really sticky area there.

I'm a registered nurse, yet there's no law in this state that says I have to go for education each and every year after. How often are these salespeople

going to have to go for their education?

Now, common sense would tell me that WalMart had better get some educated people in there if they're going to sell this product. But how are you going to be able to legislate -- how are you going to be able to mandate that effectively by legislation? I don't know.

I work third shift as a registered nurse. My house has an alarm system on it. I have several dogs. The gun my wife has selected and I have over 100 handguns for her to choose from is a gun that would be prohibited by this legislation and that's the one that she has in her bedside table when she's home there alone at three o'clock in the morning.

That was her choice. A small gun is not anymore unsafe than a large gun. The safety is 100% with the operator. That's all I have to say.

REP. LAWLOR: Thank you. Are there questions? If not, thank you very much.

Next is Rob Forbes.

ROB FORBES: Good afternoon, Senator Lawlor and Representative Jarjura.

My name is Robert Forbes. I am Vice President and Legislative Chair of the Connecticut Coalition Against Gun Violence and I teach history at Wesleyan University. I'm a resident of New Haven.

I am testifying in support of the revised bill, HB5746 which I consider to be a series of well considered and sensible provisions that will make the citizens of this state safer.

I want to say a little bit about how I got involved in the movement to combat gun violence. It came out of my conviction that citizens in a democracy have the right and the responsibility to take legislative action to remedy conditions that need fixing, but above all, I got involved as a parent of two small children.

Back in the spring of 1993 I was out for a walk with my daughter who was then four on our tree lined street, residential street in New Haven and someone squeezed off five rounds from a semi-automatic. And my daughter then said to me, "What's that noise, Daddy?" And that was -- that convinced me that it was time to start getting involved in this issue.

Rachel became very upset/hearing discussions about gun violence and hearing us talking about it at the table and hearing about in the news and I remember one day at dinner she got up from the table and went and laid down on the couch and curled up in a ball. I noticed that something was wrong and I went to talk to her. And I said it's about -- you're worried about the guns, aren't you? She said, "yes". That was what was upsetting her.

So I told her a story about a little girl who was upset about a dangerous thing she felt she couldn't control it and then she realized that she could do something about it and she got her dad to take her up to Hartford to talk to her legislators and that there are things in a democracy which citizens can do to make their lives safer. And that story made her feel a lot better and then she made me go ahead and do it. And some of you may have run into us in the halls or to my son, David who was then in a baby carriage and I know I've talked to most of you on the phone. Mike, I've talked to you extensively and I appreciate your -- the time that you've given me on that issue and since.

There are people who will argue that we can't do anything, that you can't do anything about the plague of gun violence that affects this state and this country. And there will be people that tell you that the government has no right to limit guns in any circumstances.

The people who have come before you today opposing this bill are, for the most part, extremely responsible people with whom we can all work very closely, but we know that there are people who feel that the real freedom of Americans consists in our ability to own guns to defend ourselves against our

government.

The bottom line of many of the strongest opponents of gun control is not self defense against burglars and intruders, it is in itself defense against you, our elected representatives. And I look at you folks and I do not see the Representatives of the crowned George, III. I see people who I trust and I believe we can work together. I think there are things that we can do and I don't think that our law enforcement officials are jack rooted thugs. In America, in Connecticut we are citizens and we have the right to elect you and to work with you to pass laws on our behalf.

You're here as our representatives and we trust you to protect us and make us safer. We don't need arms to defend ourselves from you. My children are adopted. They're from Korea and one of the most wonderful and proudest moments of their lives was when they got their citizenship certificates. And what I told them then was that being an American citizen means you can make the decisions about your life. There are many rights that we have in this country that various people have. We need to balance them. We need to balance safety and responsibility against the right to bear arms. These are things that are not mutually exclusive.

One final thing I want to say is I think that the legislation that is before you today is responsible and conservative legislation which was drafted long before the tragedy in Newington. This is no knee jerk response to a terrible event. It's interesting that so many people view it as the response to the tragedy which suggests to me that they believe that it contains elements which might have helped to prevent it. I think that it's not the whole solution. I think it's part of the solution, but I do think that we are fully able to work towards a solution and that is really what makes our system great.

I hope that you will take actions that will convince --- will allow me to tell my children as I told them the truth that we do live in a democracy where people can take actions legislatively to

protect themselves.

Thank you very much.

REP. LAWLOR: Thank you very much. Are there questions from members of the committee? If not, thanks.

Next is Marie Hilliard. Is Marie still here? Okay.

MARIE HILLIARD: My name is Doctor Marie Hilliard. I'm the Executive Director of the Connecticut Catholic Conference which is a public policy and advocacy arm of the six Roman Catholic Bishops of Connecticut and I'm here to speak in favor of raised HB5746 and raised HB5604.

The Catholic Conference and the Catholic Church of Connecticut know intimately the problems of crime. We have ministries both in high crime areas as well as in prisons and we wish to speak in support as do the United States Catholic Conference Bishops who represent the bishops of the whole United States. In the safety locks that are referenced in raised HB5746, we see these provisions as consistent with protecting our most vulnerable populations, the elderly and children and those who are trapped in high crime areas.

We also speak in support of raised HB5604, AN ACT CONCERNING CARRYING A LOADED FIREARM WHILE INTOXICATED and while you have my written testimony in front of you and I don't mean to be tripe, but we see that carrying a gun while intoxicated compounds a situation to which we are already opposed.

SEN. WILLIAMS: Thank you. Any questions? Thank you very much.

Next, George Dean to be followed by Lynne Hiron.

OLIVE STOKES: I'm not George Dean. My name is Olive Stokes, but I am here to submit George Dean's testimony into the public record. Both George and I are members of the Connecticut Coalition Against Gun Violence and we are here to speak in favor of HB5746.

Governor John Rowland is correct in stating that Connecticut has some of the toughest gun laws in the country, but it's obvious that we should have even tougher laws to better control the violence and the mayhem occurring daily in our cities and our towns.

How far must this senseless killing with handguns go before we enact reasonable, hard hitting legislation to further protect our citizens? Newington is only the latest in a series of senseless slaughter of innocent people. Many of you probably remember the Long Island railroad incident where Paducha and also the Empire State Building, just to mention a few shooting incidents.

I support the proposed handgun legislation and view it as an essential, but only partial step in addressing the problem of gun violence. The handguns that are mentioned in this piece of legislation are too easily concealed, traded, and stashed. Just because they are smaller than a sportsman's rifle or shotgun does not mean that they are any safer. Quite the contrary. It's because of their small size that they are a great threat to all of us.

Therefore, at this time I urge you to pass this legislation that not only would enable, but would require the tracing of handguns in a crime. Also, what would allow for FBI checks in the permitting process and most importantly, that would outlaw the manufacturing of Saturday Night Specials in our state.

We all know that none of these parts in this legislation would have prevented Mr. Beck from shooting his co-workers. That requires more stringent gun laws. That's your unfinished business. What I am here today to implore you is to pass this bit of legislation which will enable law enforcement officials the ability to protect many of us, not of all, and will also enable them to apprehend criminals and also the bit in the bill that speaks to trigger locks, I think, will go a long way to helping protect young children from accidentally shooting themselves or each other.

111
gmh

JUDICIARY COMMITTEE

March 16, 1998

Thank you very much.

SEN. WILLIAMS: Thank you. Any questions? Thank you.

Is Kelly Ogren here? To be followed by Bruce Stern and Bob Kosak. Again, is Kelly Ogren here? Is Bruce Stern here?

BRUCE STERN: Mr. Chairman and members of the committee, my name is Bruce Stern. I'm from Trumbull. And I would like to just to open my remarks with an admonition that in the consideration of this bill, the anti-gun bill, that you consider it with the use of your brain, your mind, and not some less complicated body part.

Felony trespass negates all the rights of self defense guaranteed by our Constitution by making it a crime to do what is necessary to assure that that right can be exercised.

We already have a statute relating to criminal trespass which can, under certain circumstances, lead to the revocation of one's pistol permit based on suitability.

I personally have a problem with the propriety of passing a criminal statute, the sole point of which was to provide for the enforcement of private property rights. In our state now, owners of private property can make rules and regulations governing the use of their property. We don't need another statute, especially a criminal statute in that regard.

The provisions such as this would have absolutely no effect on the prevention of that terribly tragic incident in Newington just recently. None whatsoever. If that was one of the objects for some of these provisions, well, that we all know won't work if you use your head in analysis.

The provision presumes that permit holders in the State of Connecticut are, by the fact that they have pistol permits, dangers to the public. The record of proper conduct of pistol permit holders is excellent throughout this state. This fact, I

dare say, is better than the conduct of those who own drivers licenses. Therefore, the assumption is wholly unwarranted that pistol permit holders by themselves by virtue of having a pistol permit are dangerous to the public.

Trigger locks negates the ability for self defense especially in the home and they can be dangerous if not properly used and installed. Even if they are furnished at the point of sale there is no guarantee of their continued use.

I've had firearms in my home all my life. I have two children who grew up with them. The question of individual responsibility and education. I don't think those terms were used at all yet today. Individual responsibility and education. The government, the Legislature can do just so much to govern conduct, but they can't instill a sense of individual responsibility in someone who either does not have it, won't accept it, and doesn't know what it is.

But we can provide education. My kids were educated in firearm safety from the day they were able to walk and they were around the house with firearms every day of the year, not a single incident involving their friends or themselves.

And if manufacturers have already agreed to do this voluntarily, what do we need a law for? They're doing it themselves. They're providing it. There was a big ceremony in the Rose Garden recently when the manufacturers agreed to provide these things. Unsafe guns. It's a smoke screen. It's a smoke screen for terms such as Saturday Night Specials, junk guns. Terms that have been around for decades. I remember in law school in the 1960's John Lindsay was the Mayor of New York. The first time I heard the provision or the term Saturday Night Specials. In decades there has not been one state or the federal jurisdiction has passed the law related to Saturday Night Specials defining what it is. What we have here are proposals involving import criteria. The federal government uses these types of criteria for importation of firearms.

Now, you can't import a firearm that does not meet these criteria, how is such a firearm going to be sold in the State of Connecticut? Can't import it. Therefore, you can't sell it. American manufacturers are not, at the risk of being sued under products liabilities statutes, going to manufacture an inferior firearm. Reputation. Whatever, in addition to safety. They have their own insurance policy premiums to pay periodically.

So what we have here is not a gun safety issue. You've got a products liability issue. It's already covered by adequate state law and --

SEN. WILLIAMS: Sir, let me jump in and I know that the gentleman earlier mentioned a good point in terms of trying to remain within the three minutes. You're over your time, but I don't want to just completely cut you off. I do want to ask you a question. You had mentioned in terms of felony trespass and your objection to that part of the bill. And I'm trying to be open minded about this and not committing one way or the other at this point. However, as I look at this provision of the bill in Section 8 and I think you had talked about private personal property rights and responsibility.

The way I read this it says that would only apply if you have someone who is obviously unlicensed carrying a gun, but also if they are licensed and have a valid permit and they enter into someone's personal or someone's private establishment and they are requested not to have a firearm or they are requested to leave. The owner of the property finds out that they do have a firearm. They inform them that that's not permitted here. They ask them to leave and they don't do so.

Where is the problem with -- to me, that seems reasonable. At that point the person should leave. If they have a valid permit to carry the firearm, that seems pretty clear, and if they want to obey the law, they should leave. At that point it seems to me you have another personal property right, the right of that person who owns that property to run that property in a way that they see fit and

they're going to want to not permit guns there for whatever reason. Don't they have the right to do that?

BRUCE STERN: They do. They do now, Senator. That's what I'm saying is that you are now using -- you have a statute called criminal trespass which provides that same type of relief for a property owner who finds that his property, his real property has been violated by someone under the existing statute. What you're doing now is providing a criminal statute for someone to be able to enforce the right inherent in the ownership of that real property.

SEN. WILLIAMS: But shouldn't that person in that circumstance just simply leave? And if they don't, doesn't that present a significant problem?

BRUCE STERN: That's when the invocation of the criminal trespass statute -- well, simple trespass has several degrees, as you know, Senator. Simple trespass, criminal trespass, a whole bunch of different degrees of trespass. You already have the existing -- see, one of the problems we have here in this state, Senator, is we keep compounding the laws. With whatever laws that are on the books, if they are adequately enforced and you've heard this argument many, many times, we probably wouldn't need half of the statutes that are passed in each session of the Legislature.

You have a statute now which if it's enforced and if there's an arrest made, and if it involves let's say violence, perhaps with a threat of violence, the particular permit holder -- let's say he's a permit holder. That permit holder is already subject to the revocation or suspension of his pistol permit, his or her pistol permit for the violation of that particular statute whether it's a felony or misdemeanor. I think criminal trespass is probably an A misdemeanor. That should be sufficient at this time. If you repealed the criminal trespass statute and substituted a felony, a D felony statute, okay maybe so, perhaps. But what we keep doing is adding and adding on and adding and we always compound the problem rather

than simplify it.

SEN. WILLIAMS: Well, I think that on other issues people have made similar points in terms of how we have increased penalties on a variety of different situations, a variety of different crimes and provided for increased penalties for certain categories of crimes against certain categories of individuals, senior citizens, children, the blind. We passed a bill out of committee the other day in terms of crimes against those that are mentally retarded. So it's not unusual -- for better or worse -- I mean, you may disagree with it, but for better or worse, it's not unusual and it's something that the Legislature has done previously in other categories of crimes.

BRUCE STERN: I don't dispute that, Senator, but what we're referring to in many cases, in many cases, those statutes were enacted to fill gaps in the statutes, the laws, that did not exist at the time rather than compound it -- add to statutes which have already the relief at hand just by enforcing that particular statute. Criminal trespass being one.

So, as I say, if there are, in fact, gaps in the law where something -- for example, an assault on a senior citizen. If that didn't exist five or ten years ago and you enacted a statute, well then you did not compound the situation, you filled in a gap by existing legislation.

SEN. WILLIAMS: Other questions? Thanks very much.

BRUCE STERN: Thank you.

SEN. WILLIAMS: Next is Bob Kosak to be followed by Jeffrey Glaude.

BOB KOSAK: Members of the Judiciary Committee.

SEN. WILLIAMS: Excuse me, sir. You will need to move the microphone toward you there. That's great. Thanks.

BOB KOSAK: Members of the Judiciary Committee, my name

is Bob Kosak, Director of the Bristol Fishing Game Association which has some 3,000 members. And I'd like to voice our opposition to HB5746. We've been here before and feel this is just another attempt to ban all guns and erode our right to self protection.

SEN. WILLIAMS: Very efficient. Any questions? Thank you very much.

Next, Jeffrey Glaude to be followed by Paul Bartonish and I maybe pronouncing that wrong. Then Don Watson, then Ray Hanley. Is Jeffrey Glaude here? Is Paul Bartonish here? I apologize if that's not the correct pronunciation. And again, next would be Don Watson, then Ray Hanley, then Gary D'Amico, it looks like.

PAUL BARTIOMOLI: Good afternoon. My name is Paul Bartomioli. I apologize for my handwriting. I'm from North Canaan, Connecticut and I'm here to speak against raised HB5746, the handgun safety bill.

I am the father of six children ranging in ages from 17 years old to one. I am a volunteer EMT in the Town of North Canaan and a proud member of the Coalition of Connecticut Sportsmen and a member of the NRA.

As a private citizen, I am concerned about this poorly written legislation. As it is written there are many things wrong with this bill. Time constraints will limit me to the following four areas.

Trigger locks. A noble intent, but one that flies against all firearm safety training. The best mechanical safety in the world is a poor, dangerous substitute for proper training. Safety with firearms is no different than safety with other dangerous aspects of our world.

Why not be proactive and mandate firearm safety training in our schools? The (inaudible) Eagle Course has a ten year track history of success. It's message stop, don't touch, leave the area,

tell an adult. It works well in North Canaan where firearms are very common and respect for safety is paramount.

Manufacturers of trigger locks do not recommend them used on unloaded firearms. Indeed, the common warning is such that an act could lead to accidental discharge. If the gun is unloaded, what is the purpose of the trigger lock? Unsafe storage of a loaded firearm is already a crime in this state.

Firearms tracing. On March 1, 1993 in Salisbury, Connecticut, Chief Tom Sweeney of the Bridgeport Police Department described a raid on the Latin King's location. Among the firearms seized, according to the Chief, was an AR-15, with a grenade launcher. The Chief described it as a Bridgeport deer rifle. I asked the Chief if a trace had been initiated on that firearm, a true assault rifle, not the ones defined in 1994. He gave no reply.

Does the Chief of Police of one of the largest cities in this state require a law to do the obvious? Furthermore, why have there been no prosecutions of these criminals? Under the Gun Control Act of 1968 authored by the late Senator, Thomas J. Dodd, that law, a federal law, provides for a mandatory ten year sentence, no parole for any felon caught with a firearm. If it's loaded we tack on another ten years.

Unsafe firearms. If these handguns are so dangerous and vile, why does Section 9, paragraph 3, allow for their purchase, possession and use by police and military personnel after civilians are prohibited from purchase? Why would you give an unsafe gun to a police officer? Just asking.

No guns allowed on commercial premises. A plea often made by those opposed to legal ownership of firearms is, if it saves one life, it's worth it. I will remind the assembly people here of the Luby's Cafeteria killings by George Hanard. Doctor Suzanne Gracia Hupp watched her mother and father killed by Hanard. A legally owned pistol was in

the glove compartment of her car.

In New York City Colin Ferguson killed with impunity on the Long Island railroad. The sum total of the dead in these two cases is 35. The common denominator is that the law denied the people the chance to defend their lives. Why would you people support a regressive approach here in Connecticut?

I thank you for your time and attention.

SEN. WILLIAMS: Questions? Thank you. Is Ray Hanley here and again, that might not be the correct pronunciation.

RAY HANLEY: Yeah, I am, but Don Watson is first.

SEN. WILLIAMS: You are very right. Don Watson is first. Then Ray, you're up next.

DON WATSON: Thank you, Mr. Chairman. I appreciate the opportunity to speak to you and the members of the committee.

I'm Don Watson. I live in the Town of Rocky Hill and I've been here on many previous occasions to speak to the committee.

I represent the Capitol City Rifle and Pistol Club which has approximately 200 members. I want to support the statement which will be made by the Sportsmen's Alliance who Ray Hanley is actually speaking, is the next speaker.

In regard to HB5604 if an amendment is made to that bill, I would support it. The amendment would be in the area which mention drugs. I think that needs to be changed to illegal drugs. Obviously, your doctor, my doctor can prescribe prescriptions which would include penicillin or many other forms of drugs for health reasons and as that reads currently, it could be defined as a drug.

I would like to oppose HB5746 and I would like to support what Bob Crook had to say and what others have had to say without going down the entire list

of items.

I would also like to point out that in the case of short barrel guns, two inch revolvers and so forth, it has generally been supported that a short barrel gun for a person who is trying to defend their own life is a better gun to have. The reason being that if the assailant reaches for that gun, he has less to grab a hold of, less leverage to get that gun away from you. And undoubtedly is good reason why a lot of the law enforcement people carry a gun of that type.

What needs to be done here since there are so many laws that are already in effect is that we need to concentrate on the criminal, not on the law abiding citizen. The law abiding citizen doesn't give anybody any problem and one thing I'd like to point out to you is that any fair machinist can manufacture pistols in his basement without any serial numbers on them for a price. Criminals will always have guns. If you take them away from the law abiding citizen, he has no way to protect himself.

This incident that happened recently in our lottery office is a very tragic thing. But I would like to point out to you that the gun itself has no intelligence. That gun did not elect to shoot those three people and the proof of that is, the fourth person, as I understand it, was killed with a knife. I don't believe that knee jerk reaction to hysteria is a good way to attempt to handle important legislation that covers the people and their given right to possess firearms.

I would like to read to you a couple of quotes. The first one is by that famous forefather of ours, Benjamin Franklin and the quote is, "they that give up essential liberty to obtain a little temporary safety deserve neither liberty or safety." I would also like to read you a quote from our President Thomas Jefferson. And this is a quote, "laws that forbid the carrying of arms disarm only those who are neither inclined nor determined to commit crimes. Such laws make things worse for the assaulted and better for the assailant. They serve

rather to encourage than to prevent homicides. For an unarmed man maybe attacked with greater confidence than an armed man." And I think that statement is as much alive today as it was when Thomas Jefferson made it.

And therefore, I would ask you to turn down HB5746 and thank you very much for listening to me.

SEN. WILLIAMS: Thank you, Mr. Watson. Are there any questions? Thank you.

Next is Ray Hanley to be followed by Gary D'Amico, I believe. Gary Nazbard would be next followed by Norman Lezotte.

RAY HANLEY: Good afternoon, Chairman Williams, members of the Judiciary Committee. My name is Ray Hanley. I am a director at the Connecticut Sportsmen's Alliance and I'd like to address two bills here this afternoon.

HB5604 which we wholeheartedly endorse with the exception of the one statement that Mr. Watson referred to. Any drug. We would propose that "any drug" be substituted with "illegal substance" and to eliminate the possibility of a prescribed drug being taken erroneously there by some people.

The next bill I would like to address is HB5746 and not to be redundant, many of the arguments already presented point out the shortcomings in that regard. We could bat statistics back here for the rest of the afternoon, depending on who is giving them as to what you want to believe. But the National Center for Health Statistics point out that of the 2 million plus deaths in 1994, there were approximately 4% of those were accidental and it goes on to include the fact that only .10% of those were firearms. I might point out that that's the same percentage that the medical mistakes made.

In regard to Section 4(a) of HB5746, line 68 mentions a charge for a fee not to exceed that charged by the FBI. I'd like to question the fact that if that charge were to be -- pick a number -- 400, \$300 and that were to be passed onto the

citizen, I would submit that the average citizen would not be able to afford the permit process for a firearm.

Also, I'd like to point out insofar as education is concerned, we strongly urge it. We advocate it and we volunteer for it. I heard the testimony from one previous speaker today insofar as education in schools. We would advocate that very strongly. Plus the fact that we're available for it. You heard any number of instructors up here today. Ed Eagle is one of the advocates of safety and we strongly urge that.

So with that, I'll conclude my testimony. Any questions? Thank you.

SEN. WILLIAMS: Thank you very much.

GARY D'AMICO: Ladies and gentlemen, distinguished members of the Judiciary Committee. In light of the terrible tragedy that recently occurred, it is only natural that one would reflect on various things that could have been done to prevent such an insidious act. However, it became apparent to me that the recent legislation that has been speedily and ill prepared will fail to do anything either now or in the future along those lines.

One thing that you could have done or could have been done was that any mental institution that commits an individual to the type of psychiatric care that this individual had should have contacted the State Weapons Bureau to determine if they had a permit. That's where the legislation lies in this, not where we are here.

I'd like to introduce the individual on my right. This gentleman is 44 years old, married and has two children named Daniel and Allison. He was a founder and the first organizer of the Connecticut Special Olympics when he recognized there weren't as many kids that were handicapped that could ski, he set up a statewide at all the ski areas a free program for the handicapped people to learn how to ski in order to participate. He was Chairman of The United Way, a Lion's Club member, past vice president of

the Lion's Club, county chairman -- board of directors of the county Chamber of Commerce, State of Connecticut Department of Environmental Protection Firearms Safety Instructor. Each year when you talk about education which is another focus, you should make it mandatory that all schools have an education program on firearms. The NRA has one. It's adopted by a lot of other states in the country. Crime has dropped down. Firearm incidents have dropped down significantly. So, things are doing well.

Each year 500 instructors in the State of Connecticut donate 16,000 hours of training time to the State of Connecticut at no charge.

The individual on my right was attacked by four people while driving his car helping out somebody whose car broke down and he was bringing that person to Waterbury late one night about ten years ago. The only difference between what I am telling you now and the truth, is that I am that person. And the only difference between me not being in this seat and being in this seat for my two year old son, Daniel and my daughter, Allison, is that I am here to testify before you.

I own a business. I'm a partner in a business that has six offices throughout the state. We have 35 and I can ill afford to spend the entire day waiting to speak to somebody, but I feel so strongly. Your time is very valuable. I appreciate the opportunity to talk to you.

This legislation is bad for a number of reasons. I was attacked by those four individuals, duped, flashing lights in the back of my car. I assumed that after a mile or so they were behind me flashing lights on and off that there was something wrong with my Mercedes. I'm bald. The woman in the front, the woman in the back. I can now see that they targeted me as an elderly person and thought that I would be an easy mark.

When I got out of the car in downtown Waterbury under the traffic lights, okay. I got out of the car thinking that something was wrong, dragging on

123
gmh

JUDICIARY COMMITTEE

March 16, 1998

my car and as I did that, they pulled up, all four doors popped out, four guys came out to assault me. Fortunately, I'm also a firearms instructor. I drew my 9 millimeter pistol, licensed in five states, and prevented them from doing a thing. They jumped in the car and were gone before I could even figure out what happened. It was unbelievable how fast it happens.

The only difference that I would ask anybody in this room, is does anybody in this room know when they're going to meet their Maker? Does anybody here know when you're going to be attacked? For the nurses leaving Saint Francis or Yale, it doesn't matter, is she going to know that tonight at 10:35 on her way back from the hospital that may elect -- I also own an insurance company and I do a lot of business. (Bell ringing for time indication) I'd like to finish if I might.

The things wrong with this are -- Senator Williams, with regards to your comment about the notice. You go into Westfarms Mall. This bill will actually create more injuries and more deaths and more irresponsibility with a firearm than whatever exists otherwise. It was testified that 142,000 -- 144,000 people -- I had the list. I worked on a lot of legislative campaigns -- did not commit any crimes whatsoever with a firearm. What you're telling me in view of that experience and last summer having -- living in a very rural wealthy area, having somebody try to break into six homes throughout a two week period of time, the fellow axed the dog down the street as he broke into their house. And he tried to break into my house at 10:30 at night with lights on like Christmas.

I have 20 minutes to 40 minutes to get a State trooper to my house. I do not want to have my children grow up without the ability in the future to protect themselves and you've heard a lot of patriotic sort of testimony here, but you really indeed are in those seats.

What's wrong with this legislation is you're telling me -- from an insurance standpoint, almost all retail establishments would have no alternative

but to put a sign up. No firearms. God forbid somebody went into there and had an accident. And some customer was in the store while an illegal guy was using a firearm and they could then be sued for -- well, you failed to put up a sign, as if that would have stopped it.

What you're telling me as a licensed firearms person to do and other people is to take that firearm, leave it in their car, unattended, which is against the law. So you are creating me a felon here or there. Which is your preference? And you're depriving me of that right to self defense and you're increasing, first of all, and if I go to the mall and it's Christmas and you hear of muggings, rapes, robberies, and pillaging and you're leaving your gun in the car unattended, who is -- and I'm now suspect of somebody under 18 years old being in criminal violation of allowing that individual to hurt somebody with a gun.

What lawsuit am I going to face, let alone the criminal penalties? Now you've taken a perfectly honest law abiding citizen, as evidenced by my public service, and made him a criminal.

How would I sleep at night knowing that my gun, which was forced on me to be not in my possession, under my care, custody, and control, and now in the hands of a 16 year old drug dealer who broke in my car to steal my fancy Mercedes.

So, this thing is fraud from every which way to right. There are federal laws. I will summarize. I apologize for going over. The lock -- federal law mandates locks. Federal law mandates that anyone under 21 years old cannot sell a firearm. So, with regards to the testimony we heard before, I question WalMart or whatever. On and on and on.

We have all the laws to protect us and this law is ill prepared. The law that should be considered is one that would notify -- and I've talked to friends of mine that are doctors. This does not seem to have any potential problem with regards to the confidentiality of doctor and patient.

SEN. WILLIAMS: I need to interrupt. I do want to ask you a question though and that is that I think there is room for reasonable discussion about this bill and about these issues from both sides. But you and others have talked about education being very important. I mean, you would not be telling us here today that from an educational point of view it makes sense to tell people to go to shopping malls armed with pistols. You wouldn't be saying that.

GARY D'AMICO: At what point -- if I am a retailer and I own a business in the mall and I'm carrying \$100,000 or \$80,000 as I'm walking out of the store at Christmas time, I don't understand the question.

SEN. WILLIAMS: Well, I'm talking about shopping malls. If you're a retailer and you're walking out with the money going to a bank. But what you were talking about before were people going to shopping malls and leaving guns in their cars as opposed to walking -- if we're talking about educating children and educating the public, should it not be part of that education -- be part of that education not to take firearms into places where it doesn't make sense? Does it make sense to take pistols into shopping malls?

GARY D'AMICO: I guess you and I are on the same wave length. By having -- you are creating the law that forces a law abiding citizen which do carry guns into stores, -- no and if somebody sees the holster and reports it, the firearms permit is pulled immediately.

SEN. WILLIAMS: Right. You were talking earlier about -

GARY D'AMICO: You're telling me --

SEN. WILLIAMS: Excuse me.

GARY D'AMICO: -- your law is going to create the crime.

SEN. WILLIAMS: You were talking earlier about examples in terms of protecting your home. Being a law abiding citizen with a pistol permit --

GARY D'AMICO: Not at my home.

SEN. WILLIAMS: -- having that pistol --

GARY D'AMICO: -- I'm talking about being anywhere.

SEN. WILLIAMS: -- and having that pistol to protect yourself if that's -- or for target practice or for whatever other legitimate reasons. But I think it's a leap to then go from there and be talking about this law as being bad because we can't take pistols to shopping malls. I'm not sure you're --

GARY D'AMICO: No. I carry five states. I carry 24 hours a day, seven days a week. I will go back to my -- then apparently from your conversation with this, is if you don't feel that strongly, you've never been attacked and the only difference between a believer and a non-believer is being on the wrong side of the situation. And my question to you then would be then you must know when you are going to meet your Maker and when you are going to be attacked.

I've had two experiences. My wife's sister is on the U.S. Olympic Team. We went and met last winter when she was selected to the U.S. Olympic Team we went to dinner in New Haven and I thwarted another attempt that particular evening.

SEN. WILLIAMS: I'm just not --

GARY D'AMICO: I'm just saying I don't know and if I did, heck I would rather not carry the heavy thing around.

SEN. WILLIAMS: I think --

GARY D'AMICO: It would be just fine with me.

SEN. WILLIAMS: -- I think that there may be reasonable disagreements and reasonable criticisms of the bill. However, I'm not sure that you're making them and I think that's --

GARY D'AMICO: Currently --

SEN. WILLIAMS: --- if you take that argument to its logical extreme, then everyone in this room should be armed with a firearm because none of us know when we are going to meet our Maker.

GARY D'AMICO: In those states that --

SEN. WILLIAMS: But I think that --

GARY D'AMICO: -- they have mandatory laws, that has dropped dramatically.

SEN. WILLIAMS: -- better points can be made in terms of responsible firearm use, education, as you and other folks were talking about before, but I don't think that even from the point of view that you're taking that you're doing your own argument any good if you're talking about how we all need to be able to take pistols into shopping malls. I don't think that's the argument you want to make.

GARY D'AMICO: Well, maybe you're not clear that there is nothing illegal about that and as there is in the decision if I go out to dinner on a Saturday night and come back at 11:00 o'clock at night and I'm in inner city Hartford at 11:00 o'clock at night, there's nothing illegal with me going into a restaurant. If somebody sees it, if I cause a problem, the laws are very, very severe and very, very strict with regards to any inappropriate conduct. What you're telling me there is that you're saying that I don't have the right to protect myself and that the definition of when that is will be determined by someone other than myself. And I don't think that is part of the State Constitution or the federal constitution to dictate at what point I am able to protect myself.

And the only difference between my kids having a father right now and me being here is that. It took 40 minutes to get a cop to come when they tried to break into my house. He didn't come in, thank God and until you're in that position, you have no appreciation for that. And what I'm asking of you and pleading with you as somebody that as gone to the amount of difficulty in continuing to be legal in all the states that I'm licensed.

You know, when somebody says guns are easily available and they're quick. You can get a permit and you can buy a gun in five minutes, it's a lie.

I have paperwork this thick on an annual basis for renewal of my permits. I'm checked by state, federal, fingerprinted over and over again. Pictures over and over again. I have to meet all kinds of criteria. Everything has to be notarized, signed, letter, statements, copies, on and on and on.

And when you say -- what I'm trying to tell you is that that law is flawed in so many ways that the Brady bill was overturned. In 1991-1992-1993 the State of Connecticut had -- oh, I had the numbers right on the tip of my tongue. It's irrelevant, but it was 635 criminal arrests for criminal prosecution of criminal possession of a firearm and criminal use of a firearm by a convicted felon. Do you know how many were convicted? It's a mandatory two and a mandatory five year sentence, if I'm not mistaken. I'm not a lawyer, but there were only like four that were prosecuted under those criteria. When society can be so safe that I never have to feel an obligation to protect myself, that's fine. But in the meantime, not one of the 144,000 people that have gone into a store have ever created a problem. However, as sick as this may be, had one of those state employees been able to do what that poor woman in Texas could have done, that my biggest fear in life is sitting there helpless in a situation where my family is attacked as they were the other night and watching somebody that I love like this guy that was here before and watching my kids or my wife be killed by somebody. There are some sick people. We can't legislate sick people. The thing that you can do and you're empowered by the people to do that, is look at this particular instance that happened which is tragedy personified. And the only thing that could have been done differently than it is now, is make it mandatory that a mental institution has to notify the Department of Public Safety Firearms Division down in Meriden that this person checked in and determine cross reference him to see if they have the permit. That's the only thing that could have

been done.

SEN. WILLIAMS: Alright. Thank you. Further questions?
Thank you very much.

Gary Nazbard is next to be followed by Norman
Lezotte and Christopher Torino.

GARY NALBAND: Good afternoon. My name is Gary Nalband.
I am from Litchfield, Connecticut. I have a long
background in instructing people in the use of
firearms for personal defense. I have worked for
and continue to work for Lethal Force Institute
from Concord, New Hampshire, American Small Arms
Academy out of Phoenix, Arizona. In that capacity
I've trained several municipal police officers from
the State of Connecticut, agents from the FBI,
agents from the Connecticut -- or I should say
guards and persons involved in the corrections
institutes in the State of Connecticut.

I'm speaking as being opposed to HB5746 for several
reasons. I'll try to be brief.

I think if we put this in perspective with the
tragedy that went on in Newington, what we have
before us are a number of answers. I think what we
need to do and I look to the leaders or the
legislators in the State of Connecticut, members of
this committee, to figure out not what the answers
are, what was the question?

We have a lot of answers here. Nobody knows the
question. These are the wrong answers.

True leaders determine the question. Followers
have all the answers. I don't think the people in
this judicial committee nor the other
Representatives in this building nor the Governor
were elected to be followers.

Several things about this bill, trigger locks -- we
have trigger locks when we work with things on a
professional standard. I think trying to impose
these types of penalties on people that look at
firearms to some extent as a hobby is a mistake.
It's not fair. You're not talking about

professionals. WalMart excluded. Hopefully, they're not selling firearms there. They're not supposed to.

Also, trigger locks don't do any good on a loaded gun and almost any gun can be loaded with a trigger lock in place and many can still be discharged. So in terms of safety, you're not going to get it from a trigger lock.

I've trained probably over 1,000 people in the defensive use of firearms to protect themselves. How to use it for that ultimate nightmare and maintaining your own life. No one looks forward to doing that.

Tracing all guns. I have no problem tracing guns. Let's limit it to those used in a crime.

In terms of the permit fee, there's no idea what the federal government may charge for fingerprint checks now or in the future.

In terms of guns that are called Saturday Night Specials. Many of the people that I've trained, including police officers from municipalities of the State of Connecticut now are women. Many of those women cannot handle the full size semi-automatic pistols that are now being imposed on them through the regulations of the department. They don't shoot very well. It's because they have small hands. They have short fingers. They can't hold the gun very well. They are ineffective with the firearm and no amount of training will make up for that type of physical limit.

You also have the same problem on some small statured men and on many women. By removing the ability to buy smaller framed firearms, whether they be revolvers or semi-automatic pistols, you are limiting with these people and taking from them the firearms that should they ever need them are best suited to their ability to handle and control.

I think the true purpose of this is as Connecticut is a concealed carry state, and if you do expose your gun in public you can be arrested for breach

of peace and you can have your pistol permit revoked. It makes it one step harder to try and carry a gun concealed within the law as written today.

This is also the same type of firearms that many officers do use as a backup gun. So when we talk about safety, as again the other gentleman said, we're going to ban unsafe guns, but we're going to let the police have them. There's nothing unsafe against a two inch revolver. I'll use that as an example. My wife also happens to enjoy a two inch revolver, 38 special. Two inch revolver because it has no barrel and it is much harder to lever out of a woman's hand because she can hold onto it harder. There's nothing for an assailant to grab.

It might also be interesting to know that most handgun encounters, on average, involve three rounds being fired, total. It happens in less than three seconds. And it happens at about three feet. And 90% of all handguns -- in fact, 99% of all handgun encounters happen within seven yards or 21 feet room distance.

Adding trigger locks and other impediments to the utility of a firearm to be where you need it, when you need it, readily accessible and reliable, fly in the face of the term "self defense".

In terms of unsafe handguns, one of the proposed things is that it does not have a positive manual operated safety. The most common firearm now in use by municipalities in the State of Connecticut is a glock pistol. A glock pistol is a semi-automatic pistol which has no manually operated safety. You would essentially ban the most popular handgun used by Connecticut's law enforcement.

In terms of trespass. This cuts right to the heart of the matter. What it does is essentially render useless the provision to carry a firearm in Connecticut. I think the operative term is the second paragraph which says, "posted". What you will essentially do is require every public place, i.e., shopping malls, movie theaters and whatnot to ban handguns. You will then create a 1,000 stop and

rob me places because if I wanted to rob people, I'll go where they can't be armed. It's just easier.

That's what you're going to do. The purpose of this bill, as far as I'm concerned, is a gut -- which at one time was a model statute in the United States for concealed carry. It was instituted in 1967 without all the political hyper-bowl. It was well thought out. It touched to responsibility. It touched suitability of character and gave wide discretion to individual law enforcement agencies and the chief law enforcement officer to make decisions based on his knowledge of the character of the person involved.

That's why we have a permit system that works because we only give them to people who are responsible citizens. This legislation would never have prevented that tragedy in Newington. If anything it will continue to exacerbate a bad situation by disarming the lawful and making them more prone to violent attack and we will be back here again, as one woman said, for more and more and more. 94-1 was what this committee birthed and wanted with the backing of Lowell Weicker. You got it. You can't get a gun in this state if you don't wait six months. You have to be of suitable character. You have to go through the background check. For God's sakes, if you're going to go through all that, let's make it worth your while.

Any questions?

REP. LAWLOR: Are there questions? If not, thank you very much.

Next is Norman Lezotte.

NORMAN LEZOTTE: Good afternoon. My name is Norman Lezotte. Am I am the Director of the Commission on Aging in Waterbury, Connecticut and also the municipal agent for the elderly. And I would first like to thank the committee for introducing HB5743 which I support.

And the statement of purpose, to permit more

Then he left the scene of the accident. That was very responsible and noble. Then crashed again. Four cars this time. The question is, where do we go from here? Business as usual? Like it never happened or does he get the same punishment that he would have hypocritically proposed for somebody else or will -- it is not what you know, but who you know come into play. This was not what I planned on talking about in this session, but you know the saying, "it is a dirty job, but someone has to do it." I welcome the opportunity because this higher level hypocrisy has got to stop in America and you wonder why no one trusts political officials, local, state or national.

This is not to smear all politicians, but tell me, to be truthful, doesn't it? Not individually maybe, but certainly psychologically in the minds of the public.

In conclusion, I have one last question. In the final analysis, who is the real judge and jury? You up there or us down here?

And is there any difference between the lawmakers and the law breakers? Let us hope there's a vast overall difference because God help us if there's not.

SEN. WILLIAMS: Mr. Fyall, thank you for your testimony today. Any questions? Thank you.

Keith Amato.

KEITH AMATO: Last one? Wow! Good afternoon. My name is Keith Amato. I live in Cheshire. I'm the Legislative Chairman of the Wallingford Rod and Gun Club. I represent 280 members. Most of our membership live in Wallingford and the surrounding towns of Cheshire, Meriden, Hamden, and Durham. HB 5746

I'm here to speak to you about your proposed act concerning handgun safety. This bill has many problems and will do nothing to stop tragedies like that which occurred at the lottery office. Here are the areas of your bill that concern me.

Trigger locks. I'm very concerned that the Department of Public Safety can arbitrarily mandate a trigger lock standard which makes firearms prohibitively expensive.

Addition of FBI fees for record checks. I don't think that Connecticut should legislate an open ended fee subject to the whim of the federal government. Connecticut lawmakers should set their own fees, not the FBI.

Additionally, this bill requires multiple redundant fingerprint checks. Low income won't be able to buy legal guns because they won't be able to afford to do so.

Felony trespass. If I drive into a gas station where gun prohibition exists, I'm guilty of a felony. What if I rent a house and the landlord prohibits guns on his property? This means I can't have a gun in my own home. And basically this felony trespass, I think, in effect kills the Connecticut handgun carry permits system by creating a patchwork quilt of no guns owned throughout the State.

The next subject is the unsafe handgun area of the bill. Most self defense revolvers have barrels of two inches and an overall frame length of less than 4.5 inches. They are not inherently unsafe. They're just small. Your existing law mandates concealment. Small handguns conceal better than large ones. So it's sort of going against your own law.

Double action only pistols are the safest kind of semi-automatic handguns and typically don't have a manual safety.

With regard to the 600 round reliability test, reliability and safety aren't related. Target pistols do not need to be reliable. They do need to be safe, but this is a reliability test, not a safety test.

Basically, I think this portion of the bill seems designed to price handguns out of the means of poor

and middle class citizens.

Let's see. In Section 15 if a new safe handgun is introduced the Department of Public Safety can delay testing for years after introduction because there's no time limit for testing of new designs. It says they have to test them all by 1999, but if someone designs a new gun, you know, that new safe gun in the year 2000, Public Safety can sit on it and the citizens of the state won't be able to buy that new safe design because this bill doesn't have any time limit.

And the last subject is personalized handguns. I think this is a dream. If this dream comes true I can't try someone else's gun at a range or in hunting, but more importantly, if a personalized gun can only be used by one person, what if I have a handgun in my house for self defense? My wife can't use it. She can't use it for self defense. You have to have one gun for her and one gun for me. And that might not be practical.

I'm an engineer and I'm concerned about intrusting my life to a complex human identification system. That's something that might work very low volume at the CIA to allow someone to go into a secure area and they could put \$1 million into, but for something that is going to be massed produced, it's going to have to be very complex and expensive. One again, pricing poor people and middle class people out of handguns.

So, and also, the more complex a system that you design the more -- the less likely it is to be reliable. So here you go, you pull out a handgun and it doesn't work because of this safety mechanism, really.

Basically, because of those areas that I brought up, I say you should kill this bill. I don't think it would make good law.

REP. FARR: Just a quick question on the fingerprint check. You said this would cause duplication. What's going to be duplicated?

KEITH AMATO: Well, it seems that it indicates there would be multiple FBI checks. It said on the local and the state level. I thought there was a provision in here that talked about local and state -- and also, if you had a fingerprint check already done on you, maybe because you're a Representative. I'm assuming you've had some sort of fingerprint check.

REP. FARR: No, unfortunately, they don't check us.

KEITH AMATO: Okay. But there are other --

REP. FARR: We haven't come to that yet. There are limits.

KEITH AMATO: Let's say you are a police officer. I'm sure there are some positions that require a fingerprint check. It seems to me that this would mandate that the local issuing authority do another one and that doesn't seem to be -- somewhere in this it says "shall".

REP. FARR: It does say "shall". I was just simply trying to identify the duplications that you said that were going to occur because I don't think there's any intent to have a lot of duplication.

KEITH AMATO: Yeah, it just doesn't make sense.

SEN. WILLIAMS: And I want to ask a question too.

KEITH AMATO: Sure.

SEN. WILLIAMS: I know it's the very end of the hearing today, but I'm somewhat frustrated by the criticisms of the bill that seem to fail to separate out what maybe legitimate issues from other issues that on the face of it to me seem fairly straight forward. For example, in the bill where it talks about trigger locks, and requiring a reusable trigger lock, it doesn't mandate the use of the trigger lock.

KEITH AMATO: I understand.

SEN. WILLIAMS: I know, but it just seems to me that

that is almost the equivalent of putting seat belts in cars and it is something that doesn't have to be used, but it's there as a safety device that can be used. People, this afternoon, have made arguments saying that under certain circumstances it might make the gun even more dangerous. Just as I think there are people with seat belts in cars who made the argument that gee, if you don't wear it and you're in an accident, you'll get thrown clear of the accident. As if that were an argument for not requiring seat belts.

It just seems to me that that's the type of issue that one would think there might be some room for agreement and it doesn't infringe upon the rights to own a gun, or for sportsmen and that sort of thing.

KEITH AMATO: Well, I'm going to drive home after this hearing. And I'm going -- I guarantee you I'm going to wear my seat belt. I can operate that vehicle in its normal mode, it's defined mode, while using the seat belt. You can't do that with a trigger safety. If I was carrying a handgun and it had a safety trigger lock on it, that would take -- how long does it take to take a trigger safety off? A minute? Twenty seconds at the inside. So twenty seconds is just not practical.

SEN. WILLIAMS: But to me, I mean -- it just -- I don't know. It just -- to me it doesn't seem like that big of a deal like that's what leads us to the path of you know, revolt and overthrow.

KEITH AMATO: It's not.

SEN. WILLIAMS: Or that -- on the other hand, that that would be -- that for the type of situations that you're talking about -- you know, the twenty seconds where you've got to grab the gun in order to shoot the perpetrator or whatever, that that would outweigh the legitimate desire, but I would think many people, especially those who have guns in their home with children, to be able to have the peace of mind, lock it up, put it away and know that it was therefore going to be less accessible, less interesting to a child that wanted to play

with it, those sort of issues.

KEITH AMATO: Certainly, that's a different situation. Keeping a handgun outside of your immediate possession, your immediate control, I mean, if you've got it in a holster in your back, I don't -- it's in your immediate control. No child's going to grab it away from you. But -- where was I going with that? I lost my train of thought.

SEN. WILLIAMS: But I mean --

KEITH AMATO: My concern was with the -- well, if you listened to what I said, I'm concerned about the public safety, giving Public Safety this ability to arbitrarily mandate a trigger lock. There are expensive trigger locks out there. \$100. They do exist. You know, they've got a combination lock. I'm concerned that you're going to add so many nickel and -- not actually nickel and dime people to death, but \$50 them to death in getting a gun.

I was at my meeting the other day and a couple of members came up to me. They said, we gee, I have to give \$35 for the local fee. \$35 for the state fee. \$24 for the fingerprint check. \$100 so far as -- I'm looking around for them. So far the \$100 is the cheapest course I found and they're just concerned that they're getting nickel and dime to death and I'm concerned about a \$100 trigger lock going on the gun.

SEN. WILLIAMS: And you seem reasonable. Others have advanced arguments that are little frightening to me sometimes. We would all be better and safer if we were all carrying guns all the time and that sort of thing. I mean, I think if that doesn't advance the type of cause that you're talking about in terms of law abiding citizens with guns, sportsmen using them for legitimate purposes, and just to --

KEITH AMATO: What about some place like a bank? What if all the banks in the State of Connecticut got together and says, we're going to make every single bank in the State of Connecticut a no gun zone. Personally, I feel the time I'm most likely to

carry a handgun -- I have a -- I carry a permit -- is if I'm going to an ATM at night. That's just my personal fear is at an ATM when I'm pulling money out of a machine. Now, they get together -- I can't exercise my desire or right of self defense in that situation. And I think that's entirely within the realm of possibility that they do that.

REP. FARR: Let me make one -- if I can just make one comment. I'm not sure they can't already do that.

KEITH AMATO: I don't think they -- I'll give you a good case, a good situation. A place of business. My place of business says that I can't carry a gun there. It's against company policy. I'd be fired if I did. But I wouldn't be arrested. I don't know of any law that says -- right now that says I can't go into a bank with a handgun.

REP. FARR: But if the bank says no handguns allowed right now, I'm not convinced that they can't if somebody comes in, tell you can't -- that you have to leave.

KEITH AMATO: Doesn't the -- that's true. But doesn't a prosecutor have to have a law that someone's breaking in order to prosecute?

REP. FARR: Well, if you refuse to leave because you have a handgun, I would think that you could be arrested for --

KEITH AMATO: I would leave. Certainly I would leave, but if you made a mistake and didn't see the sign -

SEN. WILLIAMS: We're talking about the range of penalties in the bill and I think that's what it comes down to.

KEITH AMATO: Yeah. And certainly if I'm asked to leave, I'm going to leave, but it is certainly also within the realm of possibility that I walk into something and don't see the sign. I've missed signs before. You know, pushed on a pull door.

SEN. WILLIAMS: Anything further? Any other questions?

150
gmh

JUDICIARY COMMITTEE

March 16, 1998

Thank you very much.

KEITH AMATO: Okay. Thank you.

SEN. WILLIAMS: Is there anyone else who wishes to testify? Yes, sir. I'm not sure where you might appear on the list, so if you could please identify yourself.

JUDD BELLAMY: I'm Judd Bellamy from Clinton.

SEN. WILLIAMS: Okay.

JUDD BELLAMY: I used to live in West Hartford.

GILDA SULLO: Could you repeat that, sir?

JUDD BELLAMY: Yes. I'm Judd Bellamy from Clinton, Connecticut. Okay. This is going to be fast because many people stole my thunder.

I'm opposed to HB5746. Basically, amongst other things, I believe the Constitution of this country says it is the duty of government to protect my property, my liberty, and me. And I see nothing in this that's going to do that.

Now, we had doctors talking about gunshot wounds and death. I feel bad about that. But thousands of people die in hospitals because of infections because the health care providers and the doctors did not keep their hands clean. What are we going to do about that? Should we write a law about that? Should we? If we're really concerned about people dying.

And the other thing is guns aren't property. In Texas there was a law, as I understand, forbidding people to carry their handguns on the property. There was a shoot out in a restaurant where a lady had her gun out in the car. Her parents got killed while she was having lunch with her parents because she couldn't carry the gun into the restaurant. Now, it's my understanding in Texas business owners can prohibit people from carrying into the property. However, they assume the responsibility of protecting the people who do not bring the guns

151
gmh

JUDICIARY COMMITTEE

March 16, 1998

in.

Fair enough. If I cannot protect myself, you must protect me, should you not? We can't bring our guns in here, right? Because we have protection. Fair enough.

I have the Brady bill, the great Brady bill. Three percent of the people got convicted -- got jailed because of the Brady --- three people got jailed because of the great Brady bill. So much for that.

I have a 20 page fact sheet which I'll hand in as part of my -- twenty pages written by the Gun Owner's Foundation. There are 16 pages of different testimony and five - four pages and five pages of documentation. There is another piece of paper, a magazine article, Gun Rights. From handguns in October of 1994 stating where many, should we say, proposed gun laws come from. And also there's another one from Handguns of (inaudible - background noise - shuffling papers) of 1995 and with that -- thank you very much.

SEN. WILLIAMS: Thank you very much. If there is no one else, then this will conclude our public hearing.

Thank you very much.

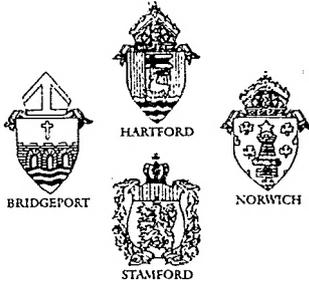
(Whereupon, the public hearing was adjourned.)

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 6

1687-1958

1998



MARIE T. HILLIARD, PH.D.
Executive Director

CONNECTICUT CATHOLIC CONFERENCE

134 FARMINGTON AVENUE, HARTFORD, CONNECTICUT 06105

TELEPHONE (860) 524-7882
FAX (860) 525-0750

JUDICIARY COMMITTEE

March 16, 1998

RB5746: An Act Concerning Handgun Safety

RB5604: An Act Concerning Carrying a Loaded Firearm While Intoxicated.

The Connecticut Catholic Conference is the public policy and advocacy arm of the six Roman Catholic bishops of Connecticut. We serve the victims of crime and the perpetrators of crime in our numerous ministries in high crime areas as well as in prisons. We see the ravages of gun misuse.

The Connecticut Catholic Conference, in conjunction with the United States Catholic Conference, supports legislation that requires a licensed manufacturer, importer or dealer to include a child safety or locking device with each handgun purchase. We see such provisions in RB5746: An Act Concerning Handgun Safety as consistent with our societal mandate to protect such vulnerable populations as children.

Consistent with this ethic is our support of RB5604: An Act Concerning Carrying a Loaded Firearm While Intoxicated. Gun availability while intoxicated compounds an event to which we already are opposed.

We ask your support of better gun control.

Marie T. Hilliard, Ph.D.
Executive Director



CONNECTICUT POLICE CHIEFS ASSOCIATION

638 Prospect Avenue, Hartford, Connecticut 06105-4238

(860) 586-7506 Fax: (860) 586-7550

Testimony before Judiciary Committee regarding various Raised Bills Chiefs Anthony Salvatore and James Strillacci--March 16, 1998

On behalf of the Connecticut Police Chiefs, we would like to comment on three raised bills. The first is **RB 5743, AAC Handicapped Parking**. Chief Salvatore served on a task force on this subject during the last legislative session, and Chief Strillacci testified there. RB 5743 contains none of the task force recommendations.

Instead it allows enforcement action by non-public servants. Security personnel are not controlled by or accountable to police departments, but police departments will be the ones called with questions and complaints about tickets. Police officers will be sent to confrontations with irate ticket recipients.

Furthermore, the enforcement action is toothless. There is no fine, only unspecified action by the Commissioner of Motor Vehicles. Even that occurs after the second warning. Moreover, there is no provision for contesting a ticket. We don't believe that this bill will be of any help to handicapped drivers.

We support **RB 5746, AAC Handgun Safety**. It contains a proposal raised by CPCA--mandatory FBI fingerprint checks paid for by the applicants for permits to carry or sell handguns. It also incorporates a list of other safety initiatives which we believe are right on target--reusable gun locks, gun tracing, gun performance and safety testing, restrictions on inherently unsafe guns and concealable guns, authority to prohibit guns on one's premises.

Our only suggestion is to go a step further--to address *other* implements of murder. The bill does not include rifles and shotguns. These are less concealable than pistols, but much deadlier. CPCA has also proposed better control of deadly weapons and dangerous instruments. If handgun control becomes truly effective, these instruments will become the next tools of choice for would-be murderers. Let's deal with them soon.

Last, we question **RB 5727, AAC Rail Transit Police**. CGS 29-19 already authorizes railroad police to act within their precinct; rail police now receive mandatory training and recertification through POST. This bill would broaden the arrest authority of rail police to encompass the entire state, while relaxing their training requirements.

We don't know the reasoning for this proposed change. We do know that we have offered justification for much more modest enhancement to the arrest authority of local police officers. If the committee finds merit in this proposal, we only ask similar consideration for ours.

RICHARD BLUMENTHAL
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

(860) 808-5318

Office of the Attorney General
State of Connecticut

**TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE JUDICIARY COMMITTEE**

MARCH 16, 1998

I appreciate the opportunity to support House Bill 5746, An Act Concerning Handgun Safety.

The carnage caused by guns must stop. The senseless, needless tragedies -- some highly public, others barely noticed -- spare no age, race, income group, or area of our state. The true tragedy is that many are preventable. As Attorney General, I have successfully defended Connecticut's ban on assault weapons in the courts and have supported gun safety efforts at the state and federal levels.

While I support House Bill 6746 as a very positive, promising gun safety measure, I wish to offer a change that would greatly enhance it. Many guns used by criminals and drug dealers are cheap handguns known as Saturday Night Special types. Massachusetts has begun an effort to crack down on such guns by creating tough safety regulations and declaring the sale of any gun to be an unfair and deceptive trade practice. House Bill 5746 similarly requires such standards and makes it illegal to sell unsafe handguns. I would urge the committee to consider an amendment that would specifically declare such sale to be an unfair trade practice. This statement would authorize civil as well as criminal action against these purveyors of cheap handguns. It would enable more expeditions, effective civil action, with clear, bright line standards and precedents.

A weakness in the present law is that the gun lock requirement does not include secondary sales of guns and there are no standards for "appropriate" gun locks. This proposal will require a reusable trigger lock on every gun when sold or transferred. It requires the Department of Public Safety to establish standards for gun locks, which are critical to preventing accidental deaths, particularly among children.

Illegal sales of firearms continues almost unabated in Connecticut. Drug dealers and other criminals can easily obtain firearms. Curbing illegal gun sales requires a dedicated effort to tracing every firearm that is seized as part of an arrest. Since all legal gun sales must be recorded and documented, tracing these guns can enhance the state's ability to track down the source of illegal guns on our streets.

Too often, guns are purchased by people with a criminal history. Although the state requires a background check prior to such purchases, a thorough criminal history check is critical, particularly including fingerprints so as to catch criminals using false names. This proposal would require this type of background check, a relatively costless, speedy process using the FBI's information and technology.

A permit to carry a gun allows a person to bring a firearm anywhere in the state. This proposal authorizes any owner of a building or facility to ban firearms within that facility even if the person has a valid permit. In many cases, there is absolutely no need for a person to carry such firearm into the facility. In many facilities, children are present. Guns and kids can be a deadly combination. This common-sense measure enables owners to prevent possible accidents or tragedies.

I strongly urge the committee's favorable consideration of House Bill 5746.

Thank you.

American
Academy of
Pediatrics



OFFICERS

President

Jeanne M. Marconi, M.D.
61 East Avenue
Norwalk, CT 06851
(203) 838-8414

President-Elect

Richard A. Ehrenkranz, M.D.
Division of Perinatal Medicine
Yale Univ. School of Medicine
333 Cedar St./PO Box 208064
New Haven, CT 06520-8064
Tel: (203) 785-2320

Secretary

Robert W. Zavoski, M.D.
CT Children's Medical Center
282 Washington Street
Hartford, CT 06106
(860) 545-9330

Treasurer

Martin W. Sklaire, M.D.
Wall Street/PO Box 580
Madison, CT 06443
(203) 245-7341

Immediate Past President

Leonard I. Banco, M.D.
CT Children's Medical Center
282 Washington Street
Hartford, CT 06106
(860) 545-9340

MEMBERS-AT-LARGE

Cynthia B. Aten, M.D.
Yale Univ. Health Services
17 Hillhouse Avenue
New Haven, CT 06520
Tel: (203) 432-0312

Leo J. DiStefano, M.D.
970 Farmington Ave., Ste. 201
West Hartford, CT 06107
Tel: (860) 561-4300

Christina M. Smillie, M.D.
2505 Main Street
Stratford, CT 06497
(203) 375-5812

Elsa L. Stone, M.D.
25 Washington Street
North Haven, CT 06473
(203) 239-4627

**GOVERNMENT RELATIONS-
LOBBYIST**

Judith A. Blei, J.D.
P.O. Box 799
Storrs, CT 06268
(860) 423-9613

EXECUTIVE SECRETARY
Nancy L. Sullivan

HEZEKIAH BEARDSLEY CONNECTICUT CHAPTER

30 DWIGHT DRIVE • MIDDLEFIELD, CT 06455 • TEL. (860) 349-8995 • FAX (860) 349-3004

March 16, 1998

Good afternoon. I'm Dr. Robert Zavoski, representing the Connecticut Chapter of the American Academy of Pediatrics and the Connecticut Childhood Injury Prevention Center. I am also a practicing pediatrician here in Hartford. I'm here to express our enthusiastic support of Raised Bill 5746, An Act Concerning Handgun Safety.

Injuries kill more Connecticut children than all other causes of death combined. Motor vehicles and firearms together cause over 85% of these deaths. The Connecticut General Assembly has a record of child passenger protection legislation unsurpassed by any other state legislature. Over the past generation, the number of child motor vehicle-related deaths have been greatly reduced in Connecticut so that now children face a new leading cause of injury death: firearms.

The Injury Prevention Center just completed a study of the circumstances surrounding firearm deaths among Connecticut children. We reviewed medical examiner and police records for all firearm deaths among children under 19 years of age. Over the 5 years of the study (1990 - 1994) there were 207 shooting deaths; 151 (73%) homicides, 44 (21%) suicides, and 11 (5%) unintentional shootings. Almost all (95%) victims were males, 85% were between 15 - 19 years of age, 15% were under 15 years of age. Among homicides, all shooters were male and significantly older than their victims; only one was under 15 years of age, 40% were 15 - 19 years, and 49% were over 20. Shooters and victims were relatives in 13% of homicides, acquaintances in 45%, strangers in 36%, and of unknown relationship in 34%.

The firearms used in the shootings were also studied. Handguns were used in 105 (51%), long guns in 24 (12%) and in 38% of the shootings, a firearm was not recovered. When broken down by the intent of the shooting, in 48% of homicides handguns were used, long guns 5% and in 47% the gun was not recovered. Of suicides, 55% involved handguns, 34% long guns and in 11% the gun was not recovered. Of the 11 unintentional shootings, 9 involved handguns, 1 a shotgun and the other gun was unknown. The caliber of the guns varied widely, the most common were 9mm and .38 caliber handguns.

These findings demonstrate the hazard handguns present to the safety of Connecticut children and are consistent with research in other states. An estimated 50% of American homes contain firearms. For every intruder killed by a gun kept in a home, 32 family members and friends are killed by that gun. Guns are stored loaded and unlocked where children can find them and often do. A child at 12 months of age has the manual dexterity and strength to fire a handgun. The American Academy of Pediatrics and the Connecticut Childhood Injury Prevention Center encourage families not to keep guns in their homes, there are far safer ways to protect your family. Those who own handguns should keep them unloaded with a trigger lock at all times.

This legislation is vitally important to the health and safety of Connecticut's children. No handgun is safe without a trigger lock, and should be tested for design flaws and shoddy manufacture before sale. Citizens who wish to should be able to exclude handguns from their property. And finally, ways must be found to make guns safer, an effort we would be pleased to assist. Thank you for your kind attention.

Dear Honorable Committee Members,

We appear before you today to express our opinions on gun control. We are sport shooters and have gone through all the necessary requirements demanded by the State of Connecticut. This includes training by a NRA certified instructor. We have received local and state permits to carry a firearm having cleared very stringent local, state and federal investigated background checks.

The unfortunate tragedy in Newington should not create a "knee-jerk" set of laws and restrictions as Gov. Rowland has stated. No legislation in the world would have prevented this tragedy. The assailant would have found other means to attain his goal with or without a firearm.

We would like to quote from an article that appeared in the Waterbury Republican-American, December 31, 1997, written by Samuel Francis, a syndicated columnist. The article deals with right to carry laws and how these laws have resulted in the reduction of violent crime. These laws are also known as "shall issue" statutes. In a recent study by the CATO Institute, Attorney Jeffrey Snyder recounts evidence about concealed-carry laws. Far from resulting in mass bloodshed by nutty citizens who carry, the laws are a smashing success.

In Florida and Texas where concealed carry laws have been in effect, Florida 10 years, Texas 1 year, Mr. Snyder summarizes the evidence, "The experience of states that have enacted shall-issue licensing systems demonstrates that (a) almost no person with a criminal history applies for a permit, (b) permit holders do not become embroiled in arguments or traffic disputes leading to gun battles or "take the law into their own hands" (or such is the rare exception.), despite dire predictions by opponents of the law that blood will run in the streets. (c) shall-issue licensing states have almost no problems with violent criminality among permit holders: and (d) some permit holders have used their weapons to defend themselves.

In Florida, authorities received 466,489 applications, 1,676 were denied, 873 because of criminal history. A total of 457,299 licenses were issued, a mere 915 have been revoked. Of the revocations, 313 were for crimes committed before the license was issued and 486 for crimes committed after, of those 486 crimes only 85 (0.0186%) of the total licenses issued- involved a gun. The claim of gun controllers that concealed-carry laws would allow criminals to get guns and induce the peaceful to go berserk turned out to be false.

From 1987 to 1992, Dade County police maintained records of arrest incidents involving permit holders. The record shows four cases of criminal misuse of guns by those legally entitled to carry (two involved aggravated assault and one was an accidental and non- fatal shooting). There were seven reported cases of defensive use of a gun, including one thwarted rape, two thwarted robberies and one case in which a robber disarmed a permit holder. In 1992 they gave up keeping records "because of the rarity of incidents involving carry permit holders. In Texas, the records are less comprehensive, but out of 111,400 permits granted by the end of 1996, there were only 57 known incidents involving misuse of guns. Most of these had to do with possessing a gun while intoxicated or failing to conceal the weapon.

The anti-gunners would have you believe otherwise. The core of most legislation is to restrict the law abiding citizen which infringes on our Second Amendment rights. Punish the criminals who use firearms in the course of the crime and give the judicial system more teeth. No plea bargains, no deals. In September 1997, all citizens in Great Britain, Australia & New Zealand had to hand in all their firearms. Back in 1939-40, The American Rifleman magazine ran an appeal to American firearm owners to please donate pistols and hunting rifles to send to England. It seems that the laws at that time stripped the populace of the right to bear arms. The citizens had no way to defend themselves in the event of the impending German invasion. It is possible that some of these firearms sent to England in the name of freedom and democracy were turned in under these new laws. Can history repeat itself? If we continue to disarm the populace, what will the results be?

Anti-gun laws strike at the very heart of our Constitution, I feel our founding Fathers would be shocked if they were to return today to see their and our beloved Constitution corrupted. Let's use common sense and prudence.

Page 2 -- Testimony

Let's take a fresh approach to this problem. Lawmakers are always attacking the law abiding citizen's rights. Most crime involving a firearm involves in the majority of then cases an illegally obtained gun. Banning firearms and restricting ownership will only effect the law abiding citizen. The criminals will always find the means to obtain firearms.

Think of the chaos that would exist if there was a total ban on firearms and only the criminal element had weapons? This is a frightening scenario.

We are two educated women who have thought long and hard about our decision to carry a weapon. Article after article of reading about this issue, from both sides of the opinions, led us to our decision to carry a weapon. Driving long distances from work to home, walking to our cars alone, and driving to and from campus made us realize we no longer wanted to be potential victims, unarmed. Educated people on this subject know that if the law allows for legal gun ownership it becomes a deterrent for would be criminals. When those criminals no they are taking a gamble at attacking an unescorted woman because she might be carrying, that is a deterrent.

We choose not to be victims. We chose to lead law abiding lives and therefore we have obtained the right to carry. Criminals will always be able to get weapons. We cannot deceive ourselves here this is the truth today and will be in the future. The Second Amendment deserves the right to stand for all men and yes in the year 1998, for women also.

Let's use common sense and let the emotions cool down before we enact any restrictive laws. Remember, violence in the work place is a symptom of our society, let the work start there.

Thank you for your time in this matter.

Respectfully Submitted,

Joyce M. Recchia
Marjorie A. Kelley

R.B. 5746

Lawlor's Latest Laundry List of so-called 'Gun Control'

(Note: Rep. Lawlor, truth be known, wants to BAN ALL Guns.)

Trigger Locks- "Feel Good" Measure; Works when attached; at odds with proper functioning of a firearm;

Tracing of Firearms- Already Being Done Whenever Needed;

Criminal History Checks- Has been done for many, many decades; PA1994-1 added a LONG 'laundry list' of misdemeanors as well;

Public/Private Carry Bans- How does this stop a deranged person bent on harm to others ? A person bent on murder will worry about a 'illicit weapons charge' ? Never worked in NYC or Wash., D.C.;
ALSO LEAVES POTENTIAL VICTIMS DEFENSELESS !!!!
(police are 'retro-active'; not 'preventative')

Unsafe Handguns- So-called "Saturday Night Specials", et al; Gun Control Advocate's (old) 'Stalking Horse' whose primary purpose is simply to BAN MORE FIREARMS; Prevents the poor from enjoying the same Rights and Essential Protections as 'the well-to-do'; "Unsafe" criteria is 'capricious and arbitrary';

Personalized Handguns- An interesting idea; but one 'line-officer police' (and civilians) are often cool to when they realize that, in an emergency- they can't use their partner's gun, if it's truly 'personalized'...magnetic rings could be worn by illicit users; battery-driven devices can easily FAIL when firearm is MOST needed; does NOT affect large current 'stock' of guns; will increase cost to levels that will deny 'the poor' EQUAL protection;

Psychological and other 'Suitability' Criteria- Will DETER people-seeking 'help'; impulsive 'fortune teller'; so-called 'prophecies' that with equal or greater potential to be WRONG- will ostensibly deny both privacy and Constitutional Right(s), i.e. First (for fear of 'comments' being 'used adversarially'), Second (obvious), Fourth (illegal seizure), Fifth (self-incrimination), Sixth (no jury) and perhaps others; Should we apply SAME criteria TO CARS- ALL MOTOR VEHICLES ??? Other 'dangerous items' (i.e.: axes) ????

**JOHN W. YUSZA, JR.
251 NORTH AIRLINE ROAD
WALLINGFORD, CT 06492**

My name is John W. Yusza, Jr. I am a U.S citizen, resident of Wallingford, small business owner, and Connecticut pistol permit holder. I also hold a Connecticut security officers firearm permit, dangerous weapons permit and concealed weapons permit for Massachusetts, Rhode Island, New Hampshire and Maine.

I am here today to address proposed legislation drafted under the emotion surrounding a tragic event.

The state of Connecticut currently has a pistol permit program first introduced in the 1930's. Currently over 140,000 Connecticut citizens legally carry a concealed firearm with an ever increasing number being women.

The current system of checks and balances has been and is working. In the sixty years of establishment and hundreds of thousands of permits one lone individual has perpetrated an isolated act deplorable to all permit holders past and present.

Proposed legislative knee jerk reaction is to thrust upon each and every firearms owner a wrath of new rules and regulations creating a costly bureaucratic entanglement of conflicting and vague laws which would have an opposite effect from which they were intended.

To the best of my knowledge no one has raised the question as to why a person under managed psychiatric care was allowed back into society and a work environment which contributed to his emotional instability in the first place.

The person signing his release or a system which allows a person to sign themselves out under the aforementioned conditions should become the area of discussion and legislative repair.

In sixty years of a working permit system even a minor problem is unheard of yet numerous incidences of persons with mental disorders harming themselves, their spouses and family routinely make back page coverage of local newspapers.

In closing, much emotion will be displayed and felt surrounding the recent tragedy because it involved a knife and a firearm. Any person in a deranged mental state could have used commonly obtained products such as gasoline, poison or the common automobile to inflict harm. I ask that you, our elected leaders, not bend to emotion. You should ask and demand an answer as to who released Mr. Beck from psychiatric care and how many more Mr. Becks will be released into society in the future. This course of action would reaffirm your true leadership qualities to the citizens of Connecticut.

Respectfully submitted this 16th day of March 1998.

Testimony of
Paul Bartomioli
March 16, 1998
to
The Judiciary Committee
Re: HB 5746
“An Act Concerning Handgun Safety”

Good Afternoon. My name is Paul Bartomioli, from North Canaan. I am here to speak about House Bill 5746, the “handgun safety” bill.

I am a father of 6, a volunteer EMT in North Canaan, and a proud member of the Coalition of Connecticut Sportsmen and the NRA. I am here today, as a private citizen, concerned about poorly written legislation.

There are many things wrong with this bill, as it is written. Time constraints will limit me to four (4) areas.

1. *Trigger Locks*. A noble intent, but one that flies against all firearms safety training. The best mechanical safety in the world is a poor, dangerous substitute for proper training. Safety with firearms is no different than safety with other dangerous aspects of our world. Why not be proactive and mandate a safety training course for firearms in our schools. The Eddie Eagle Program has received numerous awards for its message of “Stop! Don’t Touch! Leave the Area! Tell an Adult!” It works well in North Canaan, where firearms are very common and respect for safety is paramount.

The manufacturers of trigger locks do not recommend their use on loaded firearms. Indeed, the common warning is that such an act could lead to an accidental discharge. If the gun is unloaded, what is the purpose of the trigger lock? Unsafe storage of a loaded firearm is already a crime in this state.

2. *Tracing of Firearms*. On March 1, 1993, in Salisbury, Connecticut, Chief Tom Sweeney of the Bridgeport Police Department, described a raid on a Latin Kings location. Among the firearms seized was an ~~AR-15~~, with a **GRENADA LAUNCHER**. The chief described it as “a Bridgeport Deer Rifle.” I asked the chief if a trace had been initiated on that firearm, a **true** assault rifle. He gave no reply. Does the Chief of Police of one of the largest cities in this state require a law to do the obvious? Furthermore, why have there been no prosecutions of criminals armed with firearms under the Gun Control Act of 1968, authored by the late Senator Thomas J. Dodd?

3. *Unsafe Firearms.* If these handguns are so dangerous and vile, why does Section 9, Paragraph 3 allow for their purchase, possession and use by police and military personnel after civilians are prohibited from purchase?

4. *"No Guns Allowed"* on commercial premises. A plea often made by those opposed to legal ownership of firearms is "if it saves one life, it's worth it."

I wish to remind people of the Luby's Cafeteria killings, by George Hennard. Dr. Suzanne Gratia-Hupp watched her mother and father killed by Hennard. Her legally owned pistol was in the glove box of her car.

In New York City, Colin Ferguson killed with impunity on the Long Island Railroad.

The sum total of dead in these two cases is 35. The common denominator is that the law denied people the CHANCE to defend their lives. Why would you support such a regressive position here in Connecticut?

Thank you for your time and attention.

RALPH D. SHERMAN • ATTORNEY AT LAW

1001 FARMINGTON AVENUE, SUITE 300
WEST HARTFORD, CONNECTICUT 06107

(860) 561-0695
FAX (860) 561-0896
www.ralpdsherman.com

**TESTIMONY OF
RALPH D. SHERMAN
MARCH 16, 1998
TO JUDICIARY COMMITTEE
RE HB 5746
AAC HANDGUN SAFETY**

Good afternoon. My name is Ralph Sherman. I am here to speak about House Bill 5746, the "handgun safety" bill.

I am an attorney; my office is in West Hartford. I am a certified handgun instructor. I am also the chairman of the Firearms Law Committee of the Connecticut Bar Association. I have to mention that because some of you know me through the bar association, and I have to make it clear that I am *not* speaking today on behalf of the bar association. Gun law is not an issue of particular interest to the bar association at large, and the bar association has no official position on House Bill 5746.

There are four things very wrong with this bill.

"Felony trespass": To obtain a handgun permit, a person must be fingerprinted and photographed, undergo an extensive background check, take a safety course, and have no felony or violent misdemeanor convictions.

This bill would allow anyone who posts a "No Guns" sign to take away the right of self defense from someone who has been thoroughly checked by the town and/or state police.

Why would someone with a permit carry a gun into a convenience store? For the same reason that the clerk behind the counter may have a gun. For self defense.

The statistics show that people who have gone through the background check and obtained the permit are not the people committing crimes. According to the Hartford Courant (April 13, 1997), of Hartford's 1,400 permit-holders, only three were arrested in 1996 for "misusing their weapons." That's less than one-third of 1 percent.

"Unsafe handguns": The sweeping criteria in this bill would ban guns that are perfectly safe. For example, the bill would ban all revolvers with two-inch

barrels. There is nothing unsafe about such guns. In fact, they are often recommended to beginners by experienced firearms instructors because such guns are extremely safe and simple to operate.

Is there any evidence of a problem with "unsafe handguns"? Some political groups claim that criminals prefer inexpensive handguns, so banning these guns will reduce crime. In fact, however, no ban will affect the huge black market that exists for gun sales. And if inexpensive handguns really could be made unavailable, then criminals would use expensive handguns instead, as shown in a recent article in the Northwestern University Journal of Law and Criminology ("Gun Control and Economic Discrimination: The Melting-Point Case-In-Point," The Journal of Criminal Law & Criminology, 1995, 85:3, 764-806).

Trigger locks: They sound like a good idea, but they're unsafe. One of the most basic rules of gun safety is: Keep your finger off the trigger unless you're ready to shoot. But there's no way to attach a trigger lock without messing with the trigger. Also, many handguns can be fired even with a trigger lock attached, and many handguns can't accept a trigger lock. Finally, there really is no evidence that trigger locks in themselves prevent accidents. It's safe storage of guns that prevents accidents, and for most responsible gun owners, safe storage means some kind of locked box. With half the households in the United States owning guns, there are also some gun owners who are irresponsible—but these people will ignore a trigger-lock law.

"Personalized" handguns: This is another idea that sounds good in theory. But if "personalized" handguns really worked, then police officers would carry them. In fact, the police have opposed "personalized" guns for a long time, because such guns are likely to fail to operate exactly at the moment they are needed.

Some political groups claim that "personalized" guns, if stolen, couldn't be used by criminals. Unfortunately, we still haven't figured out how to keep criminals from using stolen cellular phones. Stolen guns or stolen phones can be decoded and re-used by criminals. This is not a serious anti-crime measure.

Thank you.

THERE IS NO TESTIMONY ON PAGES 1771-1772.

Testimony of Mr. Richard Ackermann before the Judiciary Committee 3/16/98.

I am here to support this measure to restrict the sale to, and use of, handguns by criminals, juveniles and emotionally unstable individuals.

Over the years 2 members of my family have been killed by unstable people with access to handguns. It is probably true that had this measure been law years ago it would not by itself prevented these two tragedies.

However, had this bill been law many years ago it might have been an important step in deglamourizing handguns as macho solutions to negotiable problems. Enacting and enforcing this measure should help to make the public aware of where responsibility for gun ownership lies. Handguns are not toys and those who regard them as such are a danger to all of us.

This measure if enacted and enforced will help to reduce the killing and maiming that takes place in our State. This measure if enacted and enforced will also help to spread the word that there is a great responsibility that goes along with handgun ownership.

We live in a society that has been bombarded with the message that a man with a gun can right the perceived wrongs that pain him. Not only that, but the message we get from movies and TV is that the good guy shoots straight and effectively while the bad guys shoot often and generally ineffectively. In real life the good guys get shot more often than the bad guys.

Moreover, TV and movies rarely depict the pain and suffering that always follows the maiming or killing of a human being by accidental or purposeful discharge of a firearm. Perhaps

enactment of this measure will be a small step in a campaign to deglamourize handguns.

Trigger locks if enforced will help towards lessening the incidence of accidental shootings. Requiring ammunition to be stored separately from weapons would also help. Holding parents and other adults responsible for allowing access to handguns would also help avoid the frequent tragedies that follow when children get their hands on guns.

Allowing business owners and other property owners to prohibit the carrying of guns on their premises is a great idea. Aside from the obvious benefit that arises from the removal of handguns from these places it also will discourage the general carrying of concealed weapons. Moreover, Every sign that says "No handguns allowed on these premises" also sends the message the gun toter himself is not acceptable.

Richard Ackermann
5 Crescent St.
Winsted, Ct. 06098

THERE IS NO TESTIMONY ON PAGE 1775.

Steven L. Loban
44 Catherine St.
East Haven, CT 06512

Testimony of Steven L. Loban
Re: Raised Bill 5746, "An Act Concerning Handgun Safety"
March 16, 1998

This testimony summarizes my opposition to RB 5746, "An Act Concerning Handgun Safety". The bill increases the risk of law abiding citizens being charged as felons in situations concerning the sale or transfer of handguns; the exercising of one's right to carry pistols and revolvers in many circumstances and the reclassification of many handguns used for legal carry as "unsafe" and hence, restricted by the bill under penalty of felony conviction.

The trigger lock requirement for sale between citizens can lead to felony conviction if one forgets to apply a lock on the firearm. No exception exists if the firearm is sold broken down into component parts and hence, rendered inoperative in such condition.

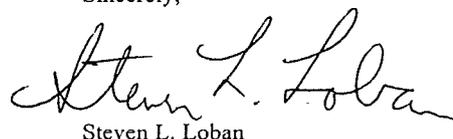
Concerning prohibition form carrying on specific premises, a permit holder can be charged with a felony if he/she enters such premises while in possession of a handgun. The definition of premises is vague. Is it limited to a building, can it include a parking lot? In such cases, the practical use of a permit to carry is virtually nullified. Will a permit holder commit a felony under the Act, by driving into a parking lot of an establishment that prohibits entry while armed?

The "unsafe" gun definition would outlaw many handguns appropriate for legal, concealed carry on the basis of size alone. The Act specifies minimum length and height requirements for handguns. Many handguns such as small frame revolvers and pistols, used for legal, concealed carry would be affected under the Act. The existing Laws Pertaining To Firearms and Dangerous Weapons in the State indicate that firearms be carried in a prudent manner, so as not to cause public alarm. This condition makes the carrying of smaller handguns appropriate. Outlawing such guns under the Act, would seriously compromise the practicality of carry permits.

In closing, the Act does not specify funding and enforcement mechanisms needed to achieve its intended goals. The fact that nearly all shootings in the State are committed by persons not having permits is ignored and the Act would divert resources away from combatting crime in our communities.

Thank you for your attention.

Sincerely,


Steven L. Loban

A RESPONSE TO S.B. No. 5746

Good morning Chairman Williams, Chairman Lawlor and members of the Judiciary Committee.

My name is Ray Hanley a Director of the Connecticut Sportsmen's Alliance and I'd like to speak today in opposition to S.B. Bill 5746.

With regard to the proposed changes to Section 1, subsection (c) of section 29-33 of the general statutes,

The onerous imposition of requiring a person, firm or corporation to provide a *re-usable* trigger lock is a questionable regulation. The current statute requires that any firearm transferred have a trigger lock affixed. The obvious motive here is an attempt at supporting general statute 29-37 subsection (i) regarding storage of firearms and appears to be a stepping stone on Connecticut's ever slippery slope to require that all firearms be locked and rendered immediately useless to their owners at all times, regardless of whether the owner has reason to believe that unauthorized persons may gain access to the firearm.

With regard to the proposed changes to Section 29-28 of the general statutes, specifically the addition of subsection (e);

While persons carrying firearms in violation of the law should be held criminally accountable for illegally transporting firearms onto any site, I'd like to point out that there are a large number of individuals, who do not carry firearms as a part of their employment requirements who never the less exercise a prudent and legal option to do so. Any number of individuals must enter unsavory areas of the State of Connecticut to perform their assigned duties at all hours of the day and night. Compelled to enter these areas in order to fulfill the obligations of their employment, many of these individuals lawfully and prudently carry sidearms. Since the law enforcement organization within the State of Connecticut are not compelled to provide these law-abiding citizens with protection, the proposed additions to Section 29-28 of the general statutes (specifically section 6, subsection (e), section 7, subsection (a), and section 8, subsection (a)), eliminate these law-abiding citizen's right to self protection. Furthermore, there is no provision for civil remedy against the authority establishing such a policy within a site or building in the event such a law-abiding and licensed citizen is subjected to criminal violence while on the premises.

I know one lawfully licensed, law-abiding citizen who is often compelled to respond to service calls in Stamford, Bridgeport and New Haven who has been accosted while in transit at least once, and was caught in the midst of a gun battle in Bridgeport several years ago while responding to a service call. There are few police officers that can describe the sound of 9mm rounds zipping past them and ricocheting down a city/street. While the individual in question immediately sought sanctuary, and then brandished his sidearm, he never fired a single round, since it became apparent that he was not the intended target. That fact notwithstanding, he was still legally capable fo defending not only himself, but his client, who was unarmed and present at the time.

Additionally, any number of service personnel are required to respond to more than one site in the course of their duties. One site may be relatively safe to travel to and from, the other may exist in a high crime area.

The proposed additions of Section 29-28 regarding prohibition of lawfully carried sidearms by civilians not only leaves any number of service personnel especially susceptible to violence while in transit to a site, but also leaves all citizens open to the kind of mindless and unpredictable violence perpetrated on the unfortunate victims of Luby's Cafeteria in Kilene, Texas. To impose a Class D felony charge to any violation of this law is to penalize law-abiding citizens for prudently exercising their lawful right to self-protection.

Furthermore, the posting of such a policy should be bilingual, included in all advertising and clearly posted at every conceivable entrance to the site or business on signs no less than 24" x 24".

Clearly, the remainder of the additions to Section 29-28 are designed to effectively ban the sale of sidearms within the state of Connecticut. While the "personalization" of sidearms is feasible, the cost effectiveness is not. The proposed "safety" tests with the stated goal of limiting future sales to "personalized" firearms is reminiscent of efforts to prevent minorities in the post ante-bellum South from possessing firearms or exercising their right to vote. Only the wealthy would be able to afford such technically advanced firearms, thus effectively removing a guaranteed right from lower income citizens. Additionally, any such device or system will have a failure rate, as well as an environmental limit to optimum performance.

A single failure of such a device or system could have tragic consequences for it's owner, including law enforcement officers.

The proposal of additional charges to an applicant also smacks of onerous burdens placed upon law-abiding citizens. Essentially, the State is proposing that it's law-abiding citizens have the right to keep and bear arms, but only if they have the funds to pay for their own background investigation. It is the State that mandates the background investigation.

For the State to now incur a profit in the course of issuing a permit for a lawful citizen to exercise a guaranteed right is as repulsive as it is onerous, once again reminding one of the imposition of the infamous "poll tax".

Once again, the myth of the "Saturday Night Specials" has been raised. I quote from "Point Blank" by Criminologist Gary Kleck, Professor of Criminology at Florida State University, Tallahassee, Florida (Aldine de Gruyter, Hawthorne, New York, 1991, ISBN 0-202-30419-1) page 85:

"The best available information (summarized in Kleck 1986b) indicates the following about SNS's [Saturday Night Specials]. Only about 10-27% of crime handguns (in the 1970's) fit the BATF definition of SNS's [the criteria being, a) a retail price (ca 1976) of less than \$50, b) caliber of .32 or smaller and, c) a barrel length of 3 inches or less].

Thus, in most crime, handguns are not SNS's, nor do they claim a share even approaching a majority. Because only about 10% of violent crimes involve a handgun, SNS's are involved in only about 2-7% of all violent crimes. Further, the SNS share of crime guns appears to be no larger than the SNS share of the general civilian handgun stock - at least 20% of all handguns introduced into the civilian stock were SNS's.

Thus, there is no strong reason to believe that criminals are any more likely to use SNSs than noncriminal members of the general public are. More specifically, criminals are no more likely to use cheap or small caliber handguns than noncriminal gun owners. Therefore, there is no meaningful sense in which criminals can be said to "prefer" SNSs. On the other hand, there is some mixed support for the idea that criminals prefer short barreled handguns over longer-barreled ones, though the weapons appear to be middle or large caliber and of good quality. At most, perhaps 7%, and more realistically, 1 - 2%, of SNSs will ever be involved in even one violent crime. In sum, most handgun criminals do not use SNSs, and most SNSs are not owned or used for criminal purposes. Instead, most are probably owned by poor people for protection."

I would further cite from "Armed and Considered Dangerous - A Survey of Felons and Their Firearms", James D. Wright, Professor of Sociology at Tulane University, and Peter H. Rossi, Professor of Sociology, University of Massachusetts, Amherst (Aldine de Gruyter, Hawthorne, New York, 1986, ISBN 0-202-30330-6), page 15;

"What do Felons look for in a handgun? What characteristics are important to them? What kind of handguns do they actually own and carry? The often-assumed criminal preference for small, cheap handguns is not confirmed in our data (Chapter 8).

When asked what kinds of traits would be important to them in a handgun, accuracy, untraceability, and quality of construction were more frequent responses than price, low caliber, and so on. In general, the characteristics of the so-called 'Saturday Night Special' did not emerge as being particularly important to these men; the preference, in contrast, seems to have been for well-made, large caliber handguns.

Analysis of the preference questions according to the criminal type revealed a rather interesting and straightforward pattern: The preferences for small, cheap handguns was concentrated among felons who did not use guns in committing crimes; the preference for large, well-made handguns was like-wise strongest in the more predatory categories of the typology. Preference for the bigger and better made handguns was also stronger among gun owners than non-gunowners. The principle generalization to surface in this analysis is that serious criminals prefer serious equipment."

Clearly, the proposed legislation is unnecessary, unwarranted, and unsupported by existing data.

TO: Senator Williams, (Chair), Representative Lawlor (Chair), Committee members
Judiciary Committee, Connecticut Legislature

From: Christopher J. Torino
973 Flanders Road
Southington, CT 06489
wk. 860-674-2845

RE: H.B. No. 5746 (Raised)

Date: 16 March, 1998

Dear Sen. Williams, Rep. Lawlor and Committee members:

I urge you to reject this entire piece of proposed legislation for the following reasons:

In regard to trigger locks, what is the purpose? What will it prevent and how is one to shoot or defend themselves with a trigger lock on their weapon. Criminals don't use trigger locks!

In regard to tracing firearms seized or recovered by law enforcement, surely law enforcement does this already. There is certainly enough paperwork around from LEGAL sales!

In regard to a national criminal history records check to be conducted for applicants for a permit to carry a pistol or revolver, currently, each applicant has to go through an FBI background check. Did you know this? (Now you are proposing to make us pay for it, our right!) Gun owners and the NRA want CT to subscribe to the new National Instant Check electronic background check system. Why aren't we doing this?

In regard to authorizing businesses to prohibit the carrying of firearms on their premises and impose penalties of persons who violate the prohibition, many companies already have these restrictions. Do you really think this would have stopped Beck. Has their been a rash of this type of crime? This is just feel good legislation.

In regard to the prohibition of the sale and manufacture of unsafe handguns, which handguns and where is your proof that this is a problem? Every American has a right to defend themselves with a firearm. Low income people cannot afford a \$200 handgun. There are less costly alternatives but, are they showing up in crimes? Are law abiding citizens who have legally purchased them using them illegally? Ask yourselves, "How are these weapons getting to the street illegally?"

Page 2.

In regard to establishing a Firearms Technology and Safety Task Force to study firearms technology and safety mechanisms with an emphasis on the feasibility of mandating the sale of personalized handguns in this state, again, why and what gives you the right? Of the over 120,000 law abiding citizens with pistol permits, Beck was, to my knowledge, the only one to commit a serious crime. Who will be on this board, writers from the Hartford Courant? Perhaps, legislators who have never fired a weapon, never mind having knowledge of the mechanisms. Or maybe, police chiefs who are politically anti-gun (Ever notice that most of them are but, patrol officers are not?).

In conclusion, we have one of the best pistol permit programs in the US. We have more gun laws than most states and you are messing with our God given Constitutional rights. Please, go after the criminals and leave us alone!

MERIT LAJOIE
207 SHENIPSIT LAKE ROAD
TOLLAND, CT 06084
(860) 871-1251

MARCH 16, 1998

GOOD AFTERNOON SENATOR WILLIAMS, REPRESENTATIVE LAWLOR, AND MEMBERS OF THE JUDICIARY COMMITTEE.

MY NAME IS MERIT LAJOIE. I AM TESTIFYING IN SUPPORT OF HB 5746, "AN ACT CONCERNING HANDGUN SAFETY." I WOULD ALSO REQUEST THAT YOU CONSIDER ADDING AN AMENDMENT TO INCLUDE THE SAFETY AND SALE OF FIREARMS IN DEPARTMENT STORES.

I TESTIFIED BEFORE YOU LAST YEAR REGARDING THIS VERY SAME ISSUE. ON APRIL 26, 1996 A HUNTING RIFLE WAS IMPROPERLY SOLD AT A LOCAL DEPARTMENT STORE. ON APRIL 30, 1996, FOUR (4) DAYS LATER, MY MOTHER, GAYLE ISLEIB, WAS SHOT SEVEN (7) TIMES IN THE HEAD WITH THAT RIFLE. WHAT HAVE I SUFFERED? I THINK THAT IS PAINFULLY OBVIOUS. WHAT HAS THAT DEPARTMENT STORE SUFFERED? NOTHING!

IN FEBRUARY OF THIS YEAR, MR. CHASSE WENT TO A LOCAL DEPARTMENT STORE TO BUY MOTOR OIL. WHILE DECIDING WHAT TO BUY, BAM! MR. CHASSE WAS SHOT DIRECTLY ABOVE HIS EYE BY A BB GUN THAT WAS UNSECURED AND LOADED. AGAIN, WHAT HAS MR. CHASSE SUFFERED? I THINK THAT ALSO IS PAINFULLY OBVIOUS. WHAT HAS THAT DEPARTMENT STORE SUFFERED? AGAIN, NOTHING!

DEPARTMENT STORES ARE DRIVEN PRIMARILY BY DOLLARS AND PROFIT, NOT PUBLIC SAFETY. AND SINCE THERE IS NO CONSEQUENCE, WHY SHOULD THEY? DEPARTMENT STORES ARE NOT ENCOURAGED TO MAINTAIN STRICT RECORDS BY STATE AND FEDERAL AGENCIES DUE TO THE LACK OF INSPECTIONS AND PENALTIES. IN FACT, DEPARTMENT STORES ARE ALLOWED TO SECURE AND SELL DANGEROUS FIREARMS IN AN INEXPERIENCED, UNTRAINED AND IRRESPONSIBLE MANNER.

WE CAN CONTINUE IGNORING THE IRRESPONSIBLE SAFETY AND SALE OF FIREARMS IN DEPARTMENT STORES. AND ANOTHER INNOCENT VICTIM WILL SUFFER OR EVEN DIE. WE RECOGNIZE THE NEED OF CONTROLLING THE SALE OF LIQUOR AND LIMIT THE SALE BY LIQUOR STORES ONLY, YET DEPARTMENT STORES ARE PERMITTED TO SELL DANGEROUS, POWERFUL WEAPONS WITHOUT PROPERLY TRAINING PERSONNEL AND MAINTAINING STRICT RECORDS.

HOW MANY INNOCENT VICTIMS MUST SUFFER OR EVEN DIE BEFORE LAWS ARE PASSED THAT CAN PREVENT SUCH SENSELESS TRAGEDIES? HOW MANY TIMES DO WE CLOSE OUR EYES AND DO NOTHING? HOW MANY IS ENOUGH? HOW DO YOU JUSTIFY THE IRRESPONSIBLE SECURITY AND SALE OF FIREARMS IN DEPARTMENT STORES? WHY ARE DEPARTMENT STORES PROTECTED FROM THEIR RESPONSIBILITIES REGARDING SECURITY AND SALES OF DANGEROUS WEAPONS? WHY ARE DEPARTMENT STORES ALLOWED TO CONTINUE OPERATING IN AN UNSAFE MANNER WITHOUT CONSEQUENCE? THESE ARE THE QUESTIONS YOU WILL HAVE TO ANSWER TO THE NEXT INNOCENT VICTIM OR FAMILY MEMBER.

BE CAREFUL THE NEXT TIME YOU ENTER A DEPARTMENT STORE. THAT MOTOR OIL, OR PACKAGE OF DIAPERS, OR ELECTRIC MIXER COULD END UP COSTING YOU MORE THAN YOU THINK.

THANK YOU.

State of Connecticut
JUDICIAL BRANCH
OFFICE OF THE CHIEF COURT ADMINISTRATOR
231 Capitol Avenue
Hartford, Connecticut 06106

EXTERNAL AFFAIRS DIVISION
Fax: (860) 566-3308

Director of External Affairs, (860) 566-8210
Manager of Communications, (860) 566-8219
Staff Attorney, (860) 566-8210

Judiciary Committee Public Hearing
March 16, 1998

H.B. 5746, *An Act Concerning Handgun Safety*

Testimony of Melissa A. Farley

Thank you for the opportunity to comment, on behalf of the Judicial Branch, on House Bill 5746, *An Act Concerning Handgun Safety*.

The Judicial Branch is concerned that Section 7 of this bill encroaches on the judges discretion to dictate when exposed firearms may be carried in court facilities by law enforcement officers. In addition, the bill may expand the types of firearms that may be carried by law enforcement professionals in court facilities beyond pistols and revolvers. The Judicial Branch's existing firearms policy only allows peace officers to carry a pistol or revolver, while the act may permit any firearm, including rifles and shot guns, to be carried in court facilities.

If it is the Committee's intent that each make and model for all pistols and revolvers be tested, the Committee may want to clarify the language of section 14(a), lines 254 -260, to make it clear that it is not the intent of the bill to have each and every pistol and revolver individually tested.

Thank you for the opportunity to comment on this bill.

Warren Speh
 647 Lantern Hill Road
 North Stonington, CT 06359-1222
 860-536-6640

16 March 1998

Judiciary Committee
 Legislative Office Building
 Hartford, CT 06106

To The Judiciary Committee:

During your deliberations, please consider the following testimony regarding the several legislative proposals before you which are contained in H.B. No. 5746.

- o Overall there are many firearms laws currently in effect which are more than adequate to provide public safety. Some laws provide little or no public safety and should be repealed.

H.B. 5746 is yet another example of emotional, reactive, feel good legislation that is being proposed in the wake of recent events.

- o Trigger Locks - To mandate that pistols and revolvers be provided with trigger locks will provide little or no public safety. At the completion of the sale of a firearm, the purchaser may remove the lock device and use the firearm. Unenforceable. Current law mandates that the owner of firearms be responsible for proper storage of those firearms. A person who intends to use a firearm for other than lawful purpose will not abide by this proposal.
 - * I request that you oppose requiring that firearms be equipped with a trigger lock.

- o Saturday Night Special - To me, this term relates only to someone wanting to obtain or sell a firearm illegally. I have heard people attempt to define or categorize a Saturday Night Special as small, cheap, or of poor quality. Connecticut's permit law requires that a person carry the handgun concealed, therefore what does size have to do with the issue. Cheap or poor quality does not fit the description either, since a firearm of poor quality would not be purchased by law abiding citizens and sales would cease for that type of firearm manufacturer.
 - If cheap means inexpensive, (\$50.00 - \$100.00) firearms are available at this price which have a lifetime warranty. This should not prevent a low income law abiding person self protection. The statistic used as an example for this bill speaks of 3 of 7 of the top guns used by juvenile offenders were Saturday Night Specials. My point exactly - illegal use. Juveniles are not afforded the right of a permit, This only penalizes low income and law abiding citizens.
 - * I request that you oppose any legislation attempting to regulate sales of an undefinable object labeled Saturday Night Special.

- o Handgun Tracing - "...will be done through the National Tracing Center of the Federal BATF". I agree that tracing should be left to the BATF. Connecticut already uses the tracing systems in effect and we do not need more laws to do that which is already being accomplished, especially at an increase in cost and manpower. We should join the majority of states using the instant check system.
 - * I request that we continue to allow the BATF to do the tracing and that you oppose new legislation. (Costly and poor utilization of manpower.)

- o Fingerprint Checks - "... fingerprint check for each permit." Fingerprints identify an individual, however why require additional prints for a State permit if a local permit was accomplished. This is redundant and would be cost prohibitive for low income persons. This is a public safety issue and the cost should continue as a public safety function, borne by the public as a whole.
 - * I request that you oppose the proposal of fingerprint checks on EACH permit or adding any fee for the check.

- o Concealed Weapons - Many businesses already have measures in place to handle firearms in the work place. No solution is needed, especially creating a felony penalty. Felony is only a ruse to disarm law abiding citizens. This will not stop someone with violent intent but may place a person with a permit in a tenacious position. The statute governing permits to carry specifies that a person will carry in a "prudent manner". A ban on firearms in buildings means that the State assumes more liability as does the owner of the store or building. The owner should have prevented carry.
 - * I request that you oppose new legislation in this regard.

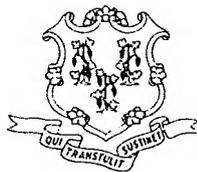
- o Personalized Handguns - I strongly agree that a study of firearm technology by gun manufacturers, legislators, and public safety experts may be useful in developing safety mechanisms.

It is obvious to me that this eleven page proposed legislation is a strategy to confuse the reader. Not many legislators have the time to fully comprehend the impact of this legislation and by the time it goes to each committee it will have many different versions. Will you be able to recognize it by the time a vote is required?

Please do not let this become another 94-1 statute which had eight versions and now is a State Police nightmare.

Thank you,

Warren G. Speh



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE MICHAEL J. CARDIN
FIFTY-THIRD DISTRICT

157 DOCKEREL ROAD
TOLLAND CT 06084

TELEPHONES
HOME (203) 875-6598
CAPITOL 1-800-842-8267
(203) 240-8585

MEMBER
EDUCATION COMMITTEE
FINANCE, REVENUE & BONDING COMMITTEE
HUMAN SERVICES

Representative Lawlor and Senator Williams

Thank you for the opportunity to testify

before you today. I come before you to ask

that you include an amendment to proposed

House Bill 5746. The amendment I have

included with my testimony is very simple

and straightforward. The language is similar

to language which you all adopted last year and I thank you for doing so.

These language addresses the concerns that have been raised as to whom can sell a gun in a department store. The proposed amendment would simply state that the individuals selling a gun in a department store would be at least 21 years of age and have some knowledge of the product.

In closing I ask that you again include this in the language of HB 5746 and give it your

support as you did last year. Thank you for
your time.

To: Members of the Judiciary Committee:
From: Claire S. Gold, Pres. CT. Coalition Against Gun Violence

My name is Claire Gold. I am currently a resident of Easton and have resided in Connecticut for forty-five years. I have spent all of my adult life as an educator, and school administrator. I want to briefly discuss the issue of gun availability and potential gun violence from the point of view of my life experiences. My personal and professional experiences led to my active involvement in the Connecticut Coalition Against Gun Violence. I currently serve as the president of that organization.

Since children are frequently the victims as well as the perpetrators of gun violence, it is important that we stop and regularly contemplate the love, energy, and dreams that almost every parent and temporary caretaker and custodian, like teachers, invests in each child. In a restaurant the other evening I watched two young parents with four children feed, read to, explain, settle squabbles, hug, help with coloring, model good manners, wipe noses, toilet, dress, undress. This minor listing is repeated day in and day out, year in and year out at home and at school. When we read about gun violence whether accidental or intentional we must step into the shoes of the parents and caretakers, put ourselves in their position and place our intelligence and energy to work on prevention. This is exactly what we would do if our children were threatened with a health crisis. Can we afford to waste young lives? One of the thrilling aspects of being an educator is the speculation about which of the children may be a computer whiz, a fine musician, our doctor or great community member. Children must stay alive to fulfill their potential and our dreams for them.

Gun tragedies are most frequently the result of situations other than crime. Situations that might be relatively benign are aggravated by the availability of a gun. Guns increase the risk of accidents, suicides, and the most dangerous and treacherous expression of rage.

Guns in the hands of children and adolescents who are driven by many immature impulses and needs are a clear recipe for disaster. In Westport, the town where I served as superintendent of schools for many years, just such a disaster occurred. Two high school students, who had access to a gun, played Russian roulette with a gun to which they should never have had access. The result was the death of one of the students and an incalculable amount of personal and psychological damage to the other. We all know of the daring and risk-taking behavior of adolescents, their unrealistic concepts of immortality. Had a gun not been available, these rather typical adolescent behaviors would probably have been played out in a manner that did not result in death.

On an even more personal level I want to share with you my experience, living under the threat of hatred. (I have never really shared these experiences before.) In fulfilling the role of superintendent of schools, one makes many unpopular decisions that may evoke the ire of citizens. Among those that evoked extremely negative reactions in my tenure were those related to the perpetuation of a desegregation program, those related to closing neighborhood schools, and those related to expulsion of students. I could cope with the mean, sometimes anti-Semitic, letters and phone calls. It was much more difficult to deal with slashed tires, smashed windshields, and being followed home by a mysterious stranger at 1:00 A.M. after board of education meetings. During this period, one or more school superintendents were shot. Ironically, I even mistakenly received a plant, a Wandering Jew, with a note indicating it was about to explode, from someone who believed that I had deprived him of a high school diploma. This individual resided in a neighboring town when he attended school.

I have shared this with you because I, or any of you, who may be viewed as holding power over another, can be an object of extreme anger. I am confident that you and I can deal with that anger, but everything possible must be done to lower the possible life-threatening consequences of guns in the hands of irresponsible individuals who vent their anger through destructive deeds instead of words.

It has become almost impossible to read a newspaper or magazine without an article on the extreme stress of modern life. Cell phones, lap tops, competition, the sheer amounts of money it requires to have a decent standard of living have all added to the normal pressures of family life. A stressed society increases the likelihood that people will express their frustration and anger in violent ways against themselves and/or others.

Gun availability and gun control are complex issues. There is not going to be one quick fix solution to ensure that safe guns are only in the hands responsible people. With the support of legislators, Connecticut has made some significant strides in that direction. The current proposals for trigger locks, handgun tracing, and FBI fingerprint checks could significantly strengthen the assault weapons ban previously approved. Eliminating Saturday night specials and applying quality controls to the manufacture of guns can only contribute to everyone's safety. It is our obligation to evaluate the measures we have taken, to continue to refine and update our approach and help each other to lead a less threatened life. Our work is not finished.



L. W. SEECAMP CO., INC.

P.O. BOX 255 • NEW HAVEN, CT. 06502 • TEL. (203) 877-3429

March 16, 1998

Committee on JUDICIARY
Raised Bill No. 5746

To Whom It May Concern:

I offer this letter as my written testimony concerning HB 5746. My comments are limited to my area of expertise, which relates to the definition of "unsafe handgun" as proposed by the bill.

I am the President of L. W. Seecamp Co., Inc., which is located at 301 Brewster Road in Milford, Connecticut. Seecamp Co. is a small company that currently employs eight full time employees and two part timers. Seecamp Co. is in the business of manufacturing a small .32 caliber pistol, the LWS 32, which is widely used by law enforcement personnel throughout the United States. The LWS 32 is largely hand crafted and so sought after that it customarily sells for far in excess of its suggested retail of \$425.00. (The current "Blue Book of Gun Values" lists its used value, in 100% as new condition, at \$925.00. The "1998 Standard Catalog of Firearms" lists its NIB [new in box] value at \$900.00.)

If passed, HB 5746 would force Seecamp Co., which is currently considering expansion, to relocate to another State. Under this proposal, the LWS 32 handgun we manufacture would be defined as "unsafe" solely because of its diminutive size and lack of a manually operated safety device.

Defining a handgun as unsafe on the basis of small size defies logic and is patently sexist since it deprives women and those of slight or smallish build an equal protection under the law. Connecticut is a State that allows concealed carry. What is concealable is determined by build and dress. A handgun that is concealable on a six foot 200 pound man wearing baggy pants is not necessarily concealable on a five foot 105 pound woman dressed normally. As such, a ban on small weapons is blatantly sexist since it would effectively prevent most women from exercising their right to carry to the degree that most men would retain that right.

Defining pistols as unsafe on the basis of not having a manually operated safety device evidences a lack of understanding of firearms' mechanics. The LWS 32 we manufacture

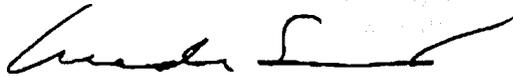
has no manually operated safety device because we feel such a device would render this particular design less safe. There is no pistol design made that is safer than the LWS 32 design. It is essentially a flat revolver with the added safety feature of a magazine safety that essentially freezes the action to make it childproof. (Writer Leroy Thompson called it the safest semi-auto pistol made.)

The general trend in police departments throughout the nation, primarily for safety reasons, has been to adopt for duty use semi-automatic pistols that are double action only and do not have manually operated safety devices.

The outlined performance tests for handguns do not relate to safety. This type of test is best left to gun magazines and consumer reports.

I respectfully urge that HB 5746 be rejected in its entirety.

Sincerely,



Lueder (Larry) Seecamp

To: Judiciary Committee

March 16, 1998

RE: LCO No. 3034 " AN ACT CONCERNING HANDGUN SAFTY"

My name is Mike Leone, I am one of the good people. I have never committed even a misdemeanor offence. I have never struck another person in anger, never once. I work hard and play by the rules. This is true of all people who hold a Connecticut permit to carry handguns. That's the law. Unfortunately, there are bad people in our society and bad people tend to do bad things to good people. Particularly defenseless good people. All the laws you pass here will have no noticeable effect on these bad people, they don't obey your rules. Now you propose yet another law, which only serves to keep me from protecting myself, my family, my friends and co-workers from these bad people. There is only one means of defense from a criminal with a gun. Even running in fear doesn't seem to work. I will not run in fear. America is the home of the brave, this law would force me to live as a coward at the discretion of some third party, I would be a ready and willing victim. I am not the problem, the criminals are the problem.

In the Boy Scouts I learned to always "Be prepared". I carry a firearm almost every day, I hope I never need to use it, I pray I never need it and don't have it because I am somewhere that it is forbidden by law. In the course of my day I enter many businesses, I wonder what I would do when a sign on the door legally forbids my concealed weapon. Should I ignore the sign and commit a class D felony or should I return to my car and store my gun in the car, which is also illegal and dangerous.

My expensive gun fits this bills definition of an "unsafe firearm" because of its compact size, but I'm not worried, because it's not unsafe. I'm quite sure that the creators of this bill could care less if my gun is safe. How can you judge a guns safety by its size alone? You can't, you can only judge a guns safety by the hand that controls it. The real goal here is to chip away at any gun ownership and I suppose they have to start somewhere. Please spend your time aggravating the criminals in our society, not me.

Michael Leone
11 Pine St
Plainville, CT 06062
860-793-8855

To: Judiciary Committee

RE: LCO No. 3034 "AN ACT CONCERNING HANDGUN SAFTY"

I am a citizen of the United States of America. I am thankful for the freedoms that the constitution guarantees me as a law-abiding citizen. I take my right to vote seriously, I work hard, I pay taxes to the federal and state government, and I have a Connecticut permit to carry a handgun. I am also a woman - and as such, I am at greater risk of being carjacked, mugged, raped, and/or murdered, than I do of being the victim of cervical or breast cancer.

Passing this bill would put my life in as much risk as if you outlawed mammograms and pap smears. It would take away my right to defend myself against the criminal element in society who pray upon "the weaker sex" (my apologies for being politically incorrect, however at 5'5" and 124 lbs. I am not the physical equal of a 5'10" 180 lb. rapist).

This bill would term the gun I carry to be "unsafe" because of its size. It's small size makes it easy to conceal even wearing light summer clothing. I carry it in a holster, which covers the trigger so there is no chance of firing it by mistake. I practice at a shooting range at least once a week. If I felt my gun unsafe or myself not competent to carry it I would not do so.

Criminals are the only ones who benefit from stricter handgun laws. Passing this bill would make it safer for them to commit crimes. **THEY OBTAIN THEIR GUNS ILLEGALLY!! THEY DO NOT OBEY YOUR LAWS!!**

Please do not make my only recourse to crime be to lie down and take it! Women of the Judiciary Committee, think of you, your daughter or son being raped! Men, imagine being held at gunpoint while your wife, daughter or son is being violated and the best way of defending your family has been taken away by your vote on this bill. Sound like a bad movie? Not so! This has happened and can happen to you or me.

Bonnie J. Ryder
126 New Britain Ave.
Plainville, CT 06062
860-410-1122

My name is Keith Amato. I live in Cheshire. I'm the Legislative Chairman of the Wallingford Rod & Gun Club. I represent 280 members. Most of our membership live in Wallingford and the surrounding towns of Cheshire, Meriden, Hamden, and Durham.

I'm here to speak about your proposed Act Concerning Handgun Safety. This bill has many problems and will do nothing to stop tragedies like that which occurred at the Lottery office.

Here are the areas of your bill which concern me:

- TRIGGER LOCKS

A Trigger lock is not a legitimate safety device. What's important are safe gun handling habits. A loaded gun with a trigger lock is totally useless for any of its legitimate uses. If a gun is not in use, it must not be loaded.

- ADDITION OF FBI FEES FOR RECORDS CHECK

I don't think that Connecticut should legislate an open ended fee, subject to the whim of the Federal Government. Connecticut lawmakers should set their own fees, not the FBI.

-FELONY TRESPASS

This is ridiculous. If I decide to carry a handgun to a bank ATM for self-defense and I use it for self-defense, I'm guilty of a felony if the bank prohibits guns on its property. What if I rent a house, and the landlord prohibits guns. This bill means that I can't have a gun in my own home?

-UNSAFE HANDGUN

Most self-defense revolvers have barrels of 2" and overall frame length less than 4.5". They are not inherently unsafe, they're just small. Your existing carry law mandates concealment. Small handguns conceal better than large ones.

Double action only pistols, the safest kind, typically don't have a manual safety.

With regard to the 600 round reliability test; who was ever killed by a handgun that malfunctioned?

This portion of the bill seems designed to price handguns out of the means of poor and middle class citizens. Poor people have rights too you know.

-PERSONALIZED HANDGUN

This is a dream. And, if this dream comes true, I can't try someone else's handgun at the range or when hunting. What about if I have a handgun in my house for self defense. Can my wife use my personalized handgun for self-defense if your dream becomes a reality?

Please kill this bill. It would make a bad law

LUD BELLMAY
26 FOUNDERS RD
CANTON CT 06413
(860) 664-0705

TO THE JUDICIARY COMMITTEE:

DEAR SIR:

WILL YOU ENTER INTO
THE RECORD AND ALSO REVIEW
THE FOLLOWING PUBLICATIONS:

(GUN OWNERS FOUNDATION)

- 1) FIREARMS FACT-SHEET (1997)
- 2) GUN RIGHTS - HANDGUNS OCTOBER 94 PG 18, 97
- 3 " " APRIL 95, PG 24, 25

THANK YOU

Lud Bellmay
3/14/98

Gun Rights

BY DON B. KATES, JR.

The individual right to arms

This is the fifth of a series of columns I am writing to focus on two events which were recently (as of the time this column is being written) staged to impugn the Second Amendment constitutional right to arms. The two events were: First, a press conference in which Mr. William Ide, outgoing president of the ABA, claimed that the Second Amendment doesn't mean anything—and certainly that it does not prevent the prohibition and universal confiscation of "assault weapons." handguns, indeed, all firearms whatever; and Second, a *New York Times* advertisement (paid for by an anti-gun group) signed by 26 law professors who claim that the NRA is perpetrating a "fraud" by urging that the Second Amendment precludes banning and universal confiscation of firearms. Not surprisingly, these two events were staged in April and early May 1994 so as to support the Clinton Administration's steamrolling of the Feinstein "assault weapon" ban through Congress.

As noted in my earlier column, Mr. Ide is not a constitutional scholar nor are most of the professors. More important yet, none of them has written so much as a single law review article on the Second Amendment. Worse yet, apparently none of them bothered to read anything about the subject before embarrassing themselves with their comments. Their speaking out represents, as I very charitably described it in an earlier column, an example of purely political enthusiasm unleavened by any knowledge whatever.

My last column contrasted their ignorance with the informed views of more than 60 law professors, philosophers, historians and political scientists from Cornell, Northwestern, Notre Dame, Rutgers, Tulane, U.C.L.A., Yale and other universities. These scholars—many of whom had researched and published books or scholarly articles on the Second Amendment—signed a statement recognizing the individual constitutional right to arms for the pro-gun scholars' organization Academics for the Second Amendment.

(The probable purpose of the anti-Second Amendment *New York Times* advertisement was to offset the effect of this statement which Academics ran as an advertisement in the *National Law Journal* and other publications.)

In addition, a month after the anti-gun *New York Times* ad I filed an amicus brief discussing the Second Amendment in the United States Supreme Court. My brief had 20 law professor co-signers, including many

"...the Fourth Amendment maxim that a man's home is his castle originated in cases recognizing the right to use deadly force to repel burglars and arsonists...."

who are not members of Academics for the Second Amendment. (In addition to the schools already mentioned, the co-signers teach at the law schools of Boston University, University of Illinois and Stanford and many others.) The brief was written on behalf of Academics for the Second Amendment, the black civil rights organization Congress of Racial Equality (whose head, Roy Innis, is on the NRA National Board), the Second Amendment Foundation, the National Association of Chiefs of Police and the American Federation of Police.

In last month's column I reproduced the first part of this brief which notes that "of 43 law review articles published since 1980 which offer substantial discussion of the Amendment, just four take the [anti-gun] states' right-only position[—of which t]hree...were written by employees of anti-gun lobbying groups, the fourth by a politician [and] all appear in minor reviews...."

"In contrast, [the dozens of] articles accepting the Amendment as an individual right are published...in top rank law reviews. The authors include" some of the foremost figures in constitutional law today.

The brief goes on to summarize

some of the evidence which has forced honest scholars (often against their preferences) to endorse the constitutional right to arms:

"[Heading:] The text of the Second Amendment clearly guarantees an individual right ('right of the people')."

"The Amendment describes the right to arms as a 'right of the people.' As this Court has noted, throughout the Constitution that phrase denotes citizens and their rights against government. *United States v. Verdugo-Urquidez* 494 U.S. 259, 108 L.Ed. 2d 222, 232-33 (1990). Accordingly, [that case holds that] 'right of the people' is to be construed *in pari materia* [as meaning the same thing] in the First, Second and Fourth Amendments. Not to construe it *in pari materia* would imply the absurd conclusion: that when Congress drafted the Bill of Rights it used 'right of the people' in the First Amendment to mean an individual right; but sixteen words later, it used the same phrase in the Second Amendment to mean a right of the states; but, forty-six words later, the Fourth Amendment used it to mean an individual right, as the Ninth Amendment does also; and then the Tenth Amendment specifically distinguishes 'the states' from 'the people,' even though in the Second Amendment they are identical.

"(If the foregoing were not absurd enough, consider the implications were the same nonsensical construction to be applied to the requirement that the House of Representatives shall be selected 'by the people of the several states.' Constitution, Art. I, § 2, cl. 1. If what 'people' actually means is 'state', it would seem to follow that the state legislature or Congress would be free to decree that the states' House delegations or Congress would be free to decree that the states' House delegations are to be appointed by the state legislature rather than popularly elected. This would, of course, abrogate the purpose of the House of Representatives by undermining the system established by the original Constitution whereby the House was to be elected by popular vote and the Senate by the state legislatures.)

"It bears emphasis that the linkage between the First, Second and Fourth Amendments goes beyond their common usage of the phrase 'right of the people.' It has been suggested that both conceptually and for specific historical reasons, the Founding Fathers saw the First through Fourth Amendments as closely linked substantive rights—all revolving around the right to arms [citing my article in *9 Constitutional Commentary* referenced below]. In fact, the Fourth Amendment maxim that a man's home is his castle originat-

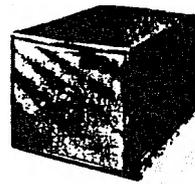
...recognizing the right to use deadly force to repel burglars and arsonists [citing medieval English cases where householders killed attackers]."

A footnote which ran on for most of three pages listed all the pro-individual right articles, including the following from major law reviews: Van Alstyne, "The Second men men an ... e Pers al Right to Arms," 43 *Duke L. J.* 1236 (1994); Amar, "The Bill of Rights and the Fourteenth Amendment," 101 *Yale L. J.* 1193, 1205-11, 1261-2 (1992); Kates, "The Second Amend-

"...the evidence...has forced honest scholars (often against their preferences) to endorse the constitutional right to arms..."

ment and the Ideology of Self-Protection" 9 *Constitutional Commentary* 87 (1992); Cottrol and Diamond, "The Second Amendment; Toward an Afro-Americanist Reconsideration," 80 *Georgetown L. J.* 309 (1991); Amar, "The Bill of Rights as a Constitution," 100 *Yale L. J.* 1131, 1164ff. (1990); Levinson, "The Embarrassing Second Amendment," 99 *Yale L. J.* 637 (1989); Kates, "The Second Amendment: A Dialogue," 49 *Law & Contemp. Probs.* 143 (1986); Malcolm, Essay Review, 54 *Geo. Washington U. L. Rev.* 582 (1986); Fussner, Essay Review, 3 *Constitutional Commentary* 582 (1986); Shalhope, "The Armed Citizen in the Early Republic," 49 *Law & Contemp. Probs.* 125 (1986); Halbrook, "What the Framers Intended: A Linguistic Interpretation of the Second Amendment," 49 *Law & Contemp. Probs.* 111 (1986); Kates, "Handgun Prohibition and the Original Meaning of the Second Amendment," 82 *Mich. L. Rev.* 203 (1983); see also Scarry, "War and the Social Contract: The Right to Bear Arms," 139 *U. Pa. L. Rev.* 1257 (1991); Pope, "Republican Moments: The Role of Direct Popular Power in the American Constitutional Order," 139 *U. Pa. L. Rev.* 287, 328 (1991), and Williams, "Civic Republicanism and the Citizen Militia: The Terrifying Second Amendment," 101 *Yale L. J.* 551 (1991).

Readers interested in the Van Alstyne, Amar or Levinson articles should send \$10 each and a large, self-addressed envelope to Academics for the Second Amendment, Dept. GAH, P.O. Box 131254, St. Paul, MN 55113. **MG**



The Security of a Safe. The Speed of a Holster.



You'll sleep better tonight knowing your handgun is there. Surrounded by thick steel and cradled in soft foam it's safe from curious fingers and waiting for that moment you hope never comes. But, if it does, you know you can get to your handgun in seconds in



The dark, futuristic contours guide your fingers to the computerized control panel. You enter your code. The door instantly springs open. You've got your gun. Call for more information on a GunVault® gunsafe today. Then sleep like a baby tonight.

GunVault Inc.
7735 E. Redfield Rd. #400
Scottsdale, AZ 85267
Phone 602.951.6855
Fax 602.951.6884
Toll Free 800.622.4903

DURACELL batteries recommended.
GunVault®
Puts Your Gun In Its Place®



ASTRA A-70 & -1

The dynamic duo of the future. The A-70 and the A-100 are built with the quality, features and attention to detail that have made Astra world leaders.

- | | |
|---|--|
| A-70 SUPER-COMPACT | A-100 DUTY SIZE PISTOL |
| • Traditional single-action "cocked and locked" operation; | • Double-action operation with traditional single-action capability; |
| • Choice of 9mm or .40S&W; | • Choice of 9mm, .40 S&W or .45 ACP; |
| • Windage adjustable, three dot sights (night sights optional); | • Triple safety system with de-cocking lever; |
| • E.A.A.'s Limited Lifetime Warranty. | • Fully adjustable three-dot sights (night sights optional); |
| | • Optional new "Carry Comp" model; |
| | • E.A.A.'s Limited Lifetime Warranty. |

ASTRA A-70 & A-100.

Voted 1994 Pistol of the Year by the Association of Licensed Firearms Dealers.

Send \$2 for current color catalog. Dealers, send current FFL, retail tax certificate and phone number for FREE catalog.



EUROPEAN AMERICAN ARMORY CORP.

Leading the way into the future.

P.O. Box 1299 • Sharpes, FL 32959 • 407/639-4842

Join EAA's FIGHT FOR FREEDOM!
Every firearm includes information on how you can help the NRA and ASSC protect our rights.

www.gunowners.org
Feb. 1997

FIREARMS FACT-SHEET (1997)

by Gun Owners Foundation
8001 Forbes Place, Suite 102
Springfield, VA 22151

Self-defense

A. Guns save more lives than they take; prevent more injuries than they inflict

* Law-abiding citizens use guns to defend themselves against criminals as many as 2.5 million times every year -- or about 6,850 times a day. (1) This means that each year, firearms are used more than 60 times more often to protect the lives of honest citizens than to take lives. (2)

* Of the 2.5 million self-defense cases, more than 200,000 are by women defending themselves against sexual abuse. (3)

* Citizens shoot and kill at least twice as many criminals as police do every year (1,527 to 606). (4) And readers of Newsweek learned in 1993 that "only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The 'error rate' for the police, however, was 11 percent, more than five times as high." (5)

* Of the 2.5 million times citizens use their guns to defend themselves every year, the overwhelming majority merely brandish their gun or fire a warning shot to scare off their attackers. Less than 8% of the time, a citizen will kill or wound his/her attacker. (6)

* Handguns are the weapon of choice for self-defense. Citizens use handguns to protect themselves over 1.9 million times a year. (7) Many of these self-defense handguns could be labeled as "Saturday Night Specials."

B. Police cannot protect -- and are not required to protect -- every individual

* The courts have consistently ruled that the police do not have an obligation to protect individuals, only the public in general. For example, in *Warren v. D.C.* the court stated "courts have without exception concluded that when a municipality or other governmental entity undertakes to furnish police services, it assumes a duty only to the public at large and not to individual members of the community." (8)

* Former Florida Attorney General Jim Smith told Florida legislators that police responded to only about 200,000 of 700,000 calls for help to Dade County authorities. Smith was asked why so many citizens in Dade County were buying guns and he said, "They damn well better, they've got to protect themselves." (9)

* The Department of Justice found that in 1989, there were 168,881 crimes of violence which were not responded to by police within 1 hour. (10)

* Currently, there are about 150,000 police officers on duty at any one time to protect a population of more than 250 million Americans -- or almost 1,700 citizens per officer. (11)

Private guns deter crime

A. Concealed carry laws help reduce crime

* One-half million self-defense uses. Every year, as many as one-half million citizens defend themselves with a firearm away from home. (12)

* Florida. Since the passage of Florida's CCW (Carry Concealed Weapon) law in 1987, over 383,400 people have received permits to carry firearms. The FBI reports show that the homicide rate in Florida has actually fallen 36% in the several years following the law's passage, while the national rate has only fallen 1% during the same period. (13)

* Furthermore, of the 383,400 citizens who have received permits to carry their guns concealed, only 72 people have used their gun to commit a crime according to the Florida Department of State. (14) This means that a citizen in Florida is almost twice as likely to be attacked by an alligator than to be assaulted by a Florida CCW holder. (15)

* Nationwide. A comprehensive national study determined in 1996 that violent crime fell after states made it legal to carry concealed firearms. The results of the study showed:

- States which passed concealed carry laws reduced their murder rate by 8.5%, rapes by 5%, aggravated assaults by 7% and robbery by 3%; (16) and

- If those states not having concealed carry laws had adopted such laws in 1992, then approximately 1,570 murders, 4,177 rapes, 60,000 aggravated assaults and 12,000 robberies would have been avoided yearly. (17)

* Concealed Carry v. Waiting Period Laws: In 1976, both Georgia and Wisconsin tried two different approaches to fighting crime. Georgia enacted legislation making it easier for citizens to carry guns for self-defense, while Wisconsin passed a law requiring a 48 hour waiting period before the purchase of a handgun. What resulted during the ensuing years? Georgia's law served as a deterrent to criminals and helped drop its homicide rate by 21 percent. Wisconsin's murder rate, however, rose 33 percent during the same period. (18)

B. Criminals avoid armed citizens

* Kennesaw, GA. In 1982, this suburb of Atlanta passed a law requiring heads of households to keep at least one firearm in the house. The residential burglary rate subsequently dropped 89% in Kennesaw, compared to the modest 10.4% drop in Georgia as a whole. (19)

* Ten years later (1991), the residential burglary rate in Kennesaw was still 72% lower than it had been in 1981, before the law was passed. (20)

* Orlando, FL. In 1966-67, the media highly publicized a safety course which taught Orlando women how to use guns. The result: Orlando's rape rate dropped 88% in 1967, whereas the rape

rate remained constant in the rest of Florida and the nation. (21)

*** Nationwide. Statistical comparisons with other countries show that burglars in the United States are far less apt to enter an occupied home than their foreign counterparts who live in countries where fewer civilians own firearms. Consider the following rates showing how often a homeowner is present when a burglar strikes:**

- Homeowner occupancy rate in the gun control countries of Great Britain, Canada and Netherlands: 45% (average of the three countries); and,
- Homeowner occupancy rate in the United States: 12.7%. (22)

Justice Department studies:

1. In 1979, the Carter Justice Department found that of more than 32,000 attempted rapes, 32% were actually committed. But when a woman was armed with a gun or knife, only 3% of the attempted rapes were actually successful. (23)

2. In 1985, the National Institute for Justice reported that:

- 3/5 of felons polled agreed that "a criminal is not going to mess around with a victim he knows is armed with a gun." (24)
- 74% of felons polled agreed that "one reason burglars avoid houses when people are at home is that they fear being shot during the crime." (25)
- 57% of felons polled agreed that "criminals are more worried about meeting an armed victim than they are about running into the police." (26)

Failure of Gun Control

A. Poor track record

*** Washington, D.C. has the most restrictive gun control laws in the country, and yet it has one of the highest murder rates in the nation.**

*** Objection: Critics claim criminals merely get their guns in Virginia where the laws are more relaxed. This, they argue, is why the D.C. gun ban is not working.**

*** Answer: Perhaps criminals do get their guns in Virginia, but this overlooks one point: If the availability of guns in Virginia is the root of D.C.'s problems, why does Virginia not have the same murder and crime rate as the District? Virginia is awash in guns and yet the murder rate is much, much lower. This holds true even for Virginia's urban areas. The murder rates are:**

City	1995 Murder rate
Washington, DC.	65.0 per 100,000 (27)
Arlington, VA	5.9 per 100,000 (28)
(Arlington is just across the river from D.C.)	
Total VA metropolitan area	8.2 per 100,000 (29)

* **Guns are not the problem. On the contrary, lax criminal penalties and laws that disarm the law-abiding are responsible for giving criminals a safer working environment.**

B. Criminologists turning from anti-gun position

* **Dr. Gary Kleck.** A criminologist at Florida State University, Kleck began his research as a firm believer in gun control. But in a speech delivered to the National Research Council, he said while he was once "a believer in the 'anti-gun' thesis," he has now moved "beyond even the skeptic position." Dr. Kleck now says the evidence "indicates that general gun availability does not measurably increase rates of homicide, suicide, robbery, assault, rape, or burglary in the U.S." (30)

* **James Wright.** Formerly a gun control advocate, Wright received a grant from President Carter's Justice Department to study the effectiveness of gun control laws. To his surprise, he found that waiting periods, background checks, and all other gun control laws were not effective in reducing violent crime. (31)

* Wright says at one time, "It seemed evident to me, we needed to mount a campaign to resolve the crisis of handgun proliferation." But he says, "I am now of the opinion that a compelling case for 'stricter gun control' cannot be made." (32)

* Every scholar who has "switched" has moved away from the anti-gun position. Dave Kopel, an expert in constitutional issues and firearms research, categorically states that, "Every scholar who has 'switched' has 'switched' to the side that is skeptical of controls. Indeed, most of the prominent academic voices who are gun control skeptics -- including law professor Sanford Levinson and criminologists Gary Kleck and James Wright -- are people who, when they began studying guns, were supporters of the gun control agenda." (33)

* Kopel continues: "I do not know of a single scholar who has published a pro-control article who started out as a skeptic of gun control. This suggests how heavily the weight of the evidence is distributed, once people begin studying the evidence." (34)

Problems with waiting periods and background checks

A. Waiting periods threaten the safety of people in imminent danger

* **Bonnie Elmasri** -- She inquired about getting a gun to protect herself from a husband who had repeatedly threatened to kill her. She was told there was a 48 hour waiting period to buy a handgun. But unfortunately, Bonnie was never able to pick up a gun. She and her two sons were killed the next day by an abusive husband of whom the police were well aware. (35)

* **Marine Cpl. Rayna Ross** -- she bought a gun (in a non-waiting period state) and used it to kill an attacker in self-defense two days later. (36) Had a 5-day waiting period been in effect, Ms. Ross would have been defenseless against the man who was stalking her.

* **Los Angeles riots** -- USA Today reported that many of the people rushing to gun stores during the 1992 riots were "lifelong gun-control advocates, running to buy an item they thought they'd never need." Ironically, they were outraged to discover they had to wait 15 days to buy a gun for

self-defense. (37)

B. Background checks do not disarm the violent criminal population

* A Justice Department survey of felons showed that 93% of handgun predators had obtained their most recent guns "off-the-record." (38)

* Press reports show that the few criminals who get their guns from retail outlets can easily get fake IDs or use surrogate buyers, known as "straw purchasers," to buy their guns. (39)

C. Prior restraints on rights are unconstitutional

1. Second Amendment protects an individual right

* Report by the U.S. Senate Subcommittee on the Constitution (1982)-- "The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner." (40)

* Supreme Court admits "the people" in the Second Amendment are the same "people" as in the rest of the Bill of Rights -- In U.S. v. Verdugo- Urquidez the Court stated that "'the people' seems to have been a term of art employed in select parts of the Constitution. . . . [and] it suggests that 'the people' protected by the Fourth Amendment, and by the First and Second Amendments, and to whom rights and powers are reserved in the Ninth and Tenth Amendments, refers to a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community." (41)

2. Courts agree that rights should be free from prior restraints

* Near v. Minnesota -- In this case, the Supreme Court stated that government officials should punish the abuse of a right and not place prior restraints on the exercise of the right. (42)

* What about yelling "Fire" in a crowded theater? -- The courts have stated that one cannot use his "freedom of speech" to yell "Fire" in a crowded theater. And yet, no one argues that officials should gag everyone who goes into the theater, thus placing a prior restraint on movie-goers. The proper response is to punish the person who does yell "Fire." Likewise, citizens should not be "gagged" before exercising their Second Amendment rights, rather they should be punished if they abuse that right.

D. Background checks can (and do) lead to gun registration

* Justice Department report (1989) -- "Any system that requires a criminal history record check prior to purchase of a firearm creates the potential for the automated tracking of individuals who seek to purchase firearms." (43)

* Justice Department initiates registration (1994). The Justice Department gave a grant to the city of Pittsburgh and Carnegie Mellon University to create a sophisticated national gun registry using data compiled from states' background check programs. (44)

* **More gun owner registration (1996)** -- A new computer software distributed by the Justice Department allows police officials to easily (and unlawfully) register the names and addresses of gun buyers. This software -- known as FIST -- also keeps information such as the type of gun purchased, the make, model and caliber, the date of purchase, etc.⁴⁵ The instant background check will be a key component in registering this information in the computer software. (46)

* **California** -- State officials have used the state background check -- required during the waiting period -- to compile an illegal registry of handgun owners. These lists have been compiled without any statutory authority to do so. (47)

* **Nationwide.** Highly acclaimed civil rights attorney, researcher and author, David Kopel, has noted several states where either registration lists have been illegally compiled from background checks or where such registration lists have been abused by officials. (48)

* **BATF** -- During the late 1980's and early 1990's, there were reports that the BATF (Bureau of Alcohol, Tobacco and Firearms) was compiling an illegal gun owner list by going to dealers' stores and copying the 4473 forms which are kept there.⁽⁴⁹⁾ It would appear that the BATF violated federal law by copying these forms, which contain the name and addresses of gun buyers.

Problems with gun registration and licensing

A. Licensing or registration can lead to confiscation of firearms

* **Step One: Registration** -- In the mid-1960's officials in New York City began registering long guns. They promised they would never use such lists to take away firearms from honest citizens. But in 1991, the city banned (and soon began confiscating) many of those very guns. (50)

* **Step Two: Confiscation** -- In 1992, a New York city paper reported that, "Police raided the home of a Staten Island man who refused to comply with the city's tough ban on assault weapons, and seized an arsenal of firearms. . . . Spot checks are planned [for other homes]." (51)

* **Foreign Countries** -- Gun registration has led to confiscation in several countries, including Greece, Ireland, Jamaica and Bermuda. (52) And in an exhaustive study on this subject, Jews for the Preservation of Firearms Ownership has researched and translated several gun control laws from foreign countries. Their publication, Lethal Laws: "Gun Control" is the Key to Genocide documents how gun control (and confiscation) has preceded the slaughter and genocide of millions of people in Turkey, the Soviet Union, Germany, China, Cambodia and others. (53)

B. People in imminent danger can die waiting for a firearms license

* In 1983, Igor Hutorsky was murdered by two burglars who broke into his Brooklyn furniture store. The tragedy is that some time before the murder his business partner had applied for permission to keep a handgun at the store. Even four months after the murder, the former partner had still not heard from the police about the status of his gun permit. (54)

C. The power to license a right is the power to destroy a right

* **Arbitrary Delays** -- While New Jersey law requires applications to be responded to within thirty

days, delays of ninety days are routine; sometimes, applications are delayed for several years for no readily apparent reason. (55)

* **Arbitrary Denials** -- Officials in New York City routinely deny gun permits for ordinary citizens and store owners because -- as the courts have ruled -- they have no greater need for protection than anyone else in the city. In fact, the authorities have even refused to issue permits when the courts have ordered them to do so. (56)

* **Arbitrary Fee Increases** -- In 1994, the Clinton administration pushed for a license fee increase of almost 1,000 percent on gun dealers. According to U.S. News & World Report, the administration was seeking the license fee increase "in hopes of driving many of America's 258,000 licensed gun dealers out of business." (57)

D. Officials cannot license or register a constitutional right

* The Supreme Court held in *Lamont v. Postmaster General* (1965) that the First Amendment prevents the government from registering purchasers of magazines and newspapers -- even if such material is "communist political propaganda." (58)

E. The Brady registration law is NOT working

General Accounting Office Study:

1. The Brady Law has failed to result in the incarceration of dangerous criminals. After the first year and a half, there were only seven successful prosecutions for making false statements on Brady handgun purchase forms -- and only three of them were actually incarcerated. (59) With only three criminals sent to jail, one can hardly argue that the law is working to keep violent criminals from getting handguns on the street.

2. The Brady Law has ERRONEOUSLY denied firearms to thousands of applicants. Over fifty percent of denials under the Brady Law are for administrative snafus, traffic violations, or reasons other than felony convictions. (60)

3. Gun control advocates admit the Brady Law is not a panacea. According to a January, 1996 report by the General Accounting Office, "Proponents [of gun control] acknowledge that criminal records checks alone will not prevent felons from obtaining firearms." (61)

4. Criminals can easily evade the background checks by using straw purchasers: "Opponents of gun control note that criminals can easily circumvent the law by purchasing handguns on the secondary market or by having friends or spouses without a criminal record make the purchases from dealers." (62)

Assault weapons: fact or fiction?

A. Definition of real "assault weapons"

* According to one of the preeminent experts in the field of firearms, Dr. Edward Ezell, (63) a key characteristic of a true assault weapon is that it must have the capability of "full automatic fire." (64) Similarly, the U.S. Defense Department defines real assault weapons as "selective-fire

weapons" – meaning that these guns can fire either automatically or semi-automatically. (65)

*** Anti-gun pundits in recent years have managed to define "assault weapons" as semi-automatic firearms which only externally resemble a military firearm. (66) Dr. Edward Ezell notes that true assault weapons "were designed to produce roughly aimed bursts of full automatic fire" (67) -- something which a semi-automatic firearm does not do.**

B. Semi-automatic "assault rifles" are no different than many hunting rifles

*** Officer William McGrath: "These [assault rifles] are little different than the semi-automatic hunting rifles that have been on the market since before World War II. The main difference between an assault rifle and a semi-automatic hunting rifle is that the assault rifle looks more 'military.'" (68)**

*** "The term 'assault' rifle is really a misnomer as a true assault rifle is a selective fire weapon capable of switching from fully automatic to semi automatic and back with the flip of a lever." (69)**

*** "The charge that the assault rifle holds more rounds than a 'legitimate' hunting rifle shows either a lack of knowledge or a deliberate twisting of the facts, as 10, 20 and 30 round magazines for 'legitimate' hunting rifles have been on the market for decades without the world coming to an end." (70)**

C. So-called assault weapons have never been the "weapon of choice" for criminals

(All of the following figures pre-date the "assault weapons" ban passed by Congress in 1994)

*** Police View: Over 100,000 police officers delivered a message to Congress in 1990 stating that only 2% to 3% of crimes are committed using a so-called "assault weapon." (71)**

*** New Jersey: The New York Times reported that, "Although New Jersey's pioneering ban on military-style assault rifles was sold to the state as a crime-fighting measure, its impact on violence in the state . . . has been negligible, both sides agree." (72) Moreover, New Jersey police statistics show that only .026 of 1 percent of all crimes involve "assault rifles." (73)**

*** Nationwide: The Bureau of Justice Statistics reported in 1993 that violent criminals only carry or use a "military-type gun" in about one percent of the crimes nationwide. (74)**

*** Knives more deadly: According to the FBI, people have a much greater chance of being killed by a knife or a blunt object than by any kind of rifle, including an "assault rifle." (75) In Chicago, the chance is 67 times greater. That is, a person is 67 times more likely to be stabbed or beaten to death in Chicago than to be murdered by an "assault rifle." (76)**

*** Cops' own guns more deadly: So-called assault weapons are not menacing police officers nationwide. The FBI reports show that before the 1994 ban on semi-automatic "assault weapons," no more than three officers were killed in any one year by such guns. (77) Contrastly, police officers were more than three times as likely to be killed by their own guns than by "assault weapons." (78)**

* It would seem one can't have it both ways. If Congress wants to ban weapons that are dangerous to police, then it should begin by pushing for a ban on police officers' own weapons, since these guns kill far more often than "assault weapons." The same is true with knives and blunt objects. These instruments kill policemen more often than semi-automatic "assault weapons." (79)

* Sarah Brady's own figures show that so-called assault weapons are not the criminal's "weapon of choice." A study published by Handgun Control, Inc. in November of 1995 shows that the overwhelming majority of guns used to murder police officers are not "assault weapons." (80) The irony is that HCI uses a very inflated definition of "assault weapon" and still can not demonstrate that they are used in over 50% of the crimes. (81)

* Does tracing of crime guns show that "assault weapons" are the weapons of choice for criminals? No. Gun control advocates will often make the claim that so-called assault weapons are frequently used in crime. To justify this claim, such advocates will cite as "evidence" the fact that law-enforcement run a high percentage of traces on these types of firearms. But this is a classic example of circular reasoning: law enforcement arbitrarily run a high percentage of trace requests on "assault weapons," and then this figure is used to justify the "fact" that these guns are frequently used in crime. Consider the following:

- Tracing requests are not representative of all guns used in crime. The Congressional Research Service states that, "Firearms selected for tracing do not constitute a random sample and cannot be considered representative of the larger universe of all firearms used by criminals." (82) (Emphasis added.) Moreover, BATF agents themselves have stated that, "ATF does not always know if a firearm being traced has been used in a crime." (83)

- Tracing requests are not random samples. CRS notes that "ATF tracing data could be potentially biased because of screening conducted by local ATF agents prior to the submission of the tracing form." (84) This means that police could, if they wanted, only trace so-called assault weapons. Would this mean that they are the only guns used in crime? No, it would just mean that law enforcement have a particular interest in tracing "assault weapons" over other guns.

- Tracing in L.A. That tracing is an unreliable measure of a gun's use in crime is clear. For example, in 1989 in Los Angeles, "assault rifles" represented approximately only 3% of guns seized, but 19% of gun traces. (85)

D. Semi-automatic "assault weapons" are excellent for self-defense

* Police Capt. Massad Ayoob: "The likelihood of multiple opponents who move fast, often wear body armor, know how to take cover, and tend to ingest chemicals that make them resistant to pain and shock, are all good reasons for carrying guns that throw a whole lot more bullets than six-shooters do." (86)

* "All four of these factors make it likely that more of the Good Guys' bullets will be expended before the Bad Guys are neutralized. All of these factors, therefore, militate for a higher capacity handgun in the hands of the lawful defenders." (87)

I. Drugs and alcohol can make criminals resistant to pain

* **Arkansas:** A drunk opened fire on an officer, who responded by firing 29 shots -- 15 of them striking the criminal. It was only the last bullet which finally killed the drunk and effectively stopped him from shooting. (88)

* **Illinois:** Police shot a drug-induced criminal 33 times before the junkie finally dropped and was unable to shoot any longer. (89)

2. Hi-capacity semi-autos can help decent people to defend themselves

* **Los Angeles riots:** Many of the guns targeted by so-called assault weapons bans are the very guns with which the Korean merchants used to defend themselves during the 1992 Los Angeles riots. (90) Those firearms proved to be extremely useful to the Koreans. Their stores were left standing while other stores around them were burned to the ground.

* The Korean merchants would probably agree with Capt. Massad Ayoob. When one is facing mob violence and the police are nowhere to be found, one needs a gun that shoots more than just six bullets. A ban on large capacity semi-automatic firearms will only harm one's ability to defend himself and his family.

E. The Second Amendment protects an individual's right to own military rifles and handguns

* Report by the U.S. Senate Subcommittee on the Constitution (1982) -- "In the Militia Act of 1792, the second Congress defined 'militia of the United States' to include almost every free adult male in the United States. These persons were obligated by law to possess a [military-style] firearm and a minimum supply of ammunition and military equipment. . . . There can be little doubt from this that when the Congress and the people spoke of the a 'militia,' they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard." (91)

* The Supreme Court -- In U.S. v. Miller, the Court stated that, "The Militia comprised all males physically capable of acting in concert for the common defense . . . [and that] when called for service, these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time." (92)

Firearms statistics

A. General Death Rates

Cause	Number
Heart disease	743,460
Cancer	529,904
Stroke (cerebrovascular disease)	150,108
Chronic obstructive pulmonary disease	101,077
Doctor's negligence	93,329
Motor-vehicle	41,893
Firearms (Total)	39,277
Suicides	18,940
Homicides	18,253

Accidents	1,521	
Suicides (all kinds, including firearms)		31,102
Accidents (four causes)		29,308
Falls	13,141	
Poison (solid, liquid)	7,877	
Drowning	4,390	
Fires, burns	3,900	
Homicides (all instruments)		26,009
Chronic liver disease, cirrhosis		25,209

Source: Except for the figure on doctor's negligence, the above information is for 1993 and is taken from National Safety Council, Accident Facts: 1996 Edition, at 10,121. The number of yearly deaths attributed to doctor's negligence is based on the Harvard Medical Practice Study (1990) which is cited in Kleck, Point Blank, at 43.

B. Children Accidental Death Rates (Ages 0-14)

Cause	Number
Motor-vehicle	3,044
Drowning	1,023
Fires, burns	1,015
Mechanical suffocation	449
Ingestion of food, object	223
Firearms	205

Source: Figures are for 1993. National Safety Council, Accident Facts: 1996 Edition, at 10, 11, 18.

* Fact: Accidental gun deaths among children have declined by over 50 % in nearly 25 years, even though the population (and the gun stock) has continued to increase. (93)

* Fact: Despite the low number of gun accidents among children (see above), most of these fatalities are not truly "accidents." According to Dr. Gary Kleck, many such accidents are misnamed -- those "accidents" actually resulting from either suicides or extreme cases of child abuse. (94)

* Dr. Kleck also notes that, "Accidental shooters were significantly more likely to have been arrested, arrested for a violent act, arrested in connection with alcohol, involved in highway crashes, given traffic citations, and to have had their driver's license suspended or revoked." (95)

* Myth: One child is accidentally killed by a gun every day. Dr. Gary Kleck notes that to reach this figure, anti-gun authors must include "children" aged 18-24. (96) As noted above, there were only 205 fatal gun accidents for children in 1993.

* Myth: 135,000 children take guns to school every day. This factoid was based on a survey that did not even ask children if they carried a weapon to school. The "take guns to school" statement is completely imputed into the survey results. With regard to the 135,000 figure, Dr. Gary Kleck has shown that this number is wildly inflated. The real number, while still unfortunate, is between 16,000 and 17,000 students on any given day -- or about 1 in every 800 high school students. (97)

* Myth: There are more guns in schools today because of lax gun control laws. Not so. In fact, "guns in schools" were never a problem during the era when children had the greatest access to firearms. For example, even though there were far fewer gun control laws on the books in the

1950's, there was not a problem with illegal guns in schools. Rather, the top problems in American classrooms during that era were such (non-violent) activities as chewing gum, talking in class and running in the halls.

So what has changed? Why do more illegal guns make their way onto school grounds today, even though federal gun control laws have now grown to comprise more than 70,000 words of restrictions and requirements? (98) There are several possible reasons, including:

a. Lax punishment of juvenile children. Several state studies have shown that juvenile offenders will make several journeys through the legal system before doing any time in a penal facility. (99) This problem, of course, is not just limited to juveniles. A murderer of any age (in 1990) could expect to serve only 1.8 years in prison, after one considers the risk of apprehension and the length of the sentence. (100)

b. Imitation of T.V. violence. Before completing the sixth grade, the average American child sees 8,000 homicides and 100,000 acts of violence on television. (101) Two surveys of young American males found that 22 to 34 percent had tried to perform crime techniques they had watched on television. (102)

c. Morality shift. "The kids have changed," says Judge Gaylord Finch, speaking with the help of a dozen years of observation from his bench, where he sits as chief judge of Juvenile and Domestic Relations District Court. "The values have just become so relative, and it sometimes seems we have no values in common anymore." (103)

C. Women and Guns

* At least 17 million women own firearms in the United States. (104) And according to the National Research Opinion Center, 44 percent of adult women either own or have access to firearms. (105)

* As many as 561 times a day, women use guns to protect themselves against sexual assault. (106)

* In 89.6% of violent crimes directed against women, the offender does not have a gun; and only 10% of rapists carry a firearm. (107) Thus, armed women will usually have a decided advantage against their attackers.

* A man can kill a woman with whatever he has at hand, but she can usually only resist him successfully with a gun. Don Kates, a civil rights attorney who specializes in firearms issues, cites a Detroit study showing that three-quarters of wives who killed their spouses were not even charged, since prosecutors found their acts necessary to protect their lives or their children's lives. (108)

Five Common Gun Control Myths

A. Myth #1: Gun Control has reduced the murder rates in other countries

1. England and Canada -- Their murder rates were ALREADY LOW BEFORE their gun control laws were passed. (109) Thus, their restrictive laws cannot be credited with lowering their crime rates. And the murder rates in England, Canada and Japan have risen tremendously since passing their gun control laws. (110)

2. More hands and feet? -- United States' NON-GUN murder rate is higher than the TOTAL murder rates in England, Canada or Japan. (111) In other words, Americans kill each other more often with weapons other than guns -- such as with knives, fists and feet.

*** It is absurd to claim that the U.S. has more murders because it has more guns. If this were true, one would also have to argue that -- since Americans kill each other more often with their hands and feet -- Americans must have more hands and feet than the British. And since Americans kill each other more often with knives, does this also mean they own more knives than the British do?**

*** The problem is not the type of weapons used, rather, the failure in America to keep violent criminals off the street. (See points 2 and 3 under Myth #3 below.)**

3. Violence by any other name is still violent -- Many countries with strict gun control laws have higher violence rates than the United States does. Consider the following rates:

High Gun Ownership Countries				Low Gun Ownership Countries			
Country	Suicide	Homicide	Total*	Country	Suicide	Homicide	Total*
Finland	24.4	2.86	27.2	Romania	66.2	n.a.	66.2
Switzerland	24.45	1.13	25.58	France	21.8	4.36	26.16
U.S.	12.2	7.59	19.79	W. Germany	20.37	1.48	21.85
Israel **	6	2	8	Japan	20.3	0.9	21.2

* The figures listed in the table are the rates per 100,000 people.

** Israel's total violence rate is lower than the total rates in England/Wales or Canada.

Source for table: Don B. Kates, Jr., Guns, Murders, and the Constitution: A Realistic Assessment of Gun Control, (1990):42.

B. Myth #2: If one has a gun in the home, one is three times more likely to be killed than if there is no gun present

1. Dr. Edgar Suter has pointed out that studies which make such claims are flawed because they fail to consider the number of lives saved by guns. That is, such claims ignore the vast number of non-lethal defensive uses with firearms. (112)

2. Criminologists have found that citizens use firearms as often as 2.5 million times every year in self-defense. In over 90% of these defensive uses, citizens merely brandish their gun or fire a warning shot to scare off the attacker. (113)

C. Myth #3: Most homicides are committed by otherwise law-abiding people who end up killing a friend or relative

1. While most murders do involve the killing of an acquaintance, it is fallacious to assume these are otherwise law-abiding people killing one another. In fact, sixty-one percent of murder victims themselves -- and an even greater majority of murderers -- have prior criminal records. (114) This indicates that most murders occur between criminals who have already demonstrated a pattern of violence.

2. The problem? The criminal justice system is a revolving door which continues to throw violent

offenders back onto the street. Seventy percent of murderers under sentence of death have prior felonies. (115) This number does not include criminals who have plea-bargained their felonies down to lesser charges.

D. Myth #4: Recent gun control laws have reduced the U.S. murder rate

* Murder rate was already decreasing before Brady and semi-auto gun ban passed. Those who claim that the two gun control laws enacted in 1994 have reduced the murder rate ignore the fact that the U.S. murder rate has been decreasing from the high it reached in 1991. (116) Thus, the murder rate had already begun decreasing two to three years before the Brady law and the semi-auto gun ban became law.

* Murder rate decrease results from fewer violent youths. The Democratic Judiciary Committee noted in 1991 that, "An analysis of the murder tolls since 1960 offers compelling evidence of the link -- the significant rise of murder in the late 1960's, and the slight decrease in murder in the early 1980's follows from an unusually large number of 18-24 year-olds in the general population. This age group is the most violent one, as well as the group most likely to be victimized -- and the murder figures ebb and flow with their ranks." (117) (Emphasis added.)

E. Myth #5: The Courts have never overturned a gun control law using the Second Amendment as a reason, and thus, there is no individual right guaranteed by the Amendment.

1. Senate Subcommittee Report:

- Courts have used the Second Amendment to strike down gun control: *Nunn v. State* and *re Brickey* are just two examples where the Courts have struck down gun control laws using the Second Amendment. (118)

- An individual right protected: "The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner." (119)

2. U.S. Supreme Court (see also *U.S. v. Verdugo-Urquidez* at note 41):

- Court strikes down gun control law: In 1995, the Court struck down a federal law which prevented the possessing of firearms within 1,000 feet of a school (*U.S. v. Lopez*). The Court argued that the Commerce Clause of the Constitution in no way grants Congress the authority to enact such gun control legislation.

3. U.S. Congress: Fourteenth Amendment:

- The framers of the 14th Amendment intended to protect an individual's Second Amendment right to keep and bear arms by striking down state laws that denied this right: "[During] the debates over the Fourteenth Amendment, Congress frequently referred to the Second Amendment as one of the rights which it intended to guarantee

against state action." (120)

Firearm Owners' Protection Act (1986):

- The 1986 Law affirms individual right to keep and bear arms: "The Congress finds that the right of citizens to keep and bear arms under the second amendment to the United States Constitution . . . require[s] additional legislation to correct existing firearms statutes and enforcement policies." (121)

4. Nothing in Article I, Section 8 of the U.S. Constitution authorizes Congress to pass gun control legislation (see *U.S. v. Lopez*, 1995). Since the adoption of the Constitution, courts have ruled on both sides of the issue, indicating that judges are just as political as the common man.

ENDNOTES

1. Gary Kleck and Marc Gertz, "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense With a Gun," 86 *The Journal of Criminal Law and Criminology*, Northwestern University School of Law, 1 (Fall 1995):164. Dr. Kleck is a professor in the school of criminology and criminal justice at Florida State University in Tallahassee. He has researched extensively and published several essays on the gun control issue. His book, *Point Blank: Guns and Violence in America*, has become a widely cited source in the gun control debate. In fact, this book earned Dr. Kleck the prestigious American Society of Criminology Michael J. Hindelang award for 1993. This award is given for the book published in the past two to three years that makes the most outstanding contribution to criminology. Even those who don't like the conclusions Dr. Kleck reaches, cannot argue with his impeccable research and methodology. In "A Tribute to a View I Have Opposed," Marvin E. Wolfgang writes that, "What troubles me is the article by Gary Kleck and Marc Gertz. The reason I am troubled is that they have provided an almost clear-cut case of methodologically sound research in support of something I have theoretically opposed for years, namely, the use of a gun in defense against a criminal perpetrator. . . . I have to admit my admiration for the care and caution expressed in this article and this research. Can it be true that about two million instances occur each year in which a gun was used as a defensive measure against crime? It is hard to believe. Yet, it is hard to challenge the data collected. We do not have contrary evidence." Wolfgang, "A Tribute to a View I Have Opposed," *The Journal of Criminal Law and Criminology*, at 188.

Readers of Dr. Kleck's materials may be interested to know that he is a member of the ACLU, Amnesty International USA, and Common Cause. He is not and has never been a member of or contributor to any advocacy group on either side of the gun control debate.

2. According to the National Safety Council, the total number of gun deaths (by accidents, suicides and homicides) account for less than 40,000 deaths per year. See *Accident Facts*, published yearly by the National Safety Council, Itasca, Illinois.

3. Kleck and Gertz, "Armed Resistance to Crime," at 185.

4. Kleck, *Point Blank: Guns and Violence in America*, (1991):111-116, 148.

5. George F. Will, "Are We 'a Nation of Cowards'?", *Newsweek* (15 November 1993):93.

6. Kleck and Gertz, "Armed Resistance to Crime," at 173, 185.

7. *Id.* at 164, 185.

8. *Warren v. District of Columbia*, D.C. App., 444 A. 2d 1 (1981).

9. Statement of Representative Ron Johnson in U.S. Senate, "Handgun Violence Prevention Act of 1987," Hearing before the Subcommittee on the Constitution of the Committee on the Judiciary (16 June 1987):33.

10. Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics - 1990*, (1991):257.

11. Kleck, *Point Blank*, at 132.

12. Dr. Gary Kleck, interview with J. Neil Schulman, "Q and A: Guns, crime and self-defense," *The Orange County Register*, 19 September 1993. In the interview with Schulman, Dr. Kleck reports on findings from a national survey which he and Dr. Marc Gertz conducted in Spring, 1993 - a survey which findings were reported in Kleck and Gertz, "Armed Resistance to Crime."

13. Compare Federal Bureau of Investigation, "Crime in the United States," *Uniform Crime Reports*, (1988): 7, 53; and FBI, (1996):58, 69.

14. Memo by Jim Smith, Secretary of State, Florida Department of State, *Concealed Weapons/Firearms License Statistical Report for Period 10/01/87 - 11/30/96*.

15. From 1987 through the middle of December 1996, there were 141 documented alligator attacks on human beings

- in Florida. This does not include any unreported encounters. Interview with Mark Trainor, Public Information Specialist for the Office of Information Services, Florida Game and Fresh Water Fish Commission, Tallahassee, Florida (11 December 1996). By contrast, there were only 72 CCW holders who used their guns during the same period to commit a crime. See supra note 14 and text.
16. One of the authors of the University of Chicago study reported on the study's findings in John R. Lott, Jr., "More Guns, Less Violent Crime," *The Wall Street Journal* (28 August 1996). See also supra note 17.
 17. John R. Lott, Jr. and David B. Mustard, "Crime, Deterrence, and Right-to-Carry Concealed Handguns," *University of Chicago*, (13 July 1996).
 18. The comparison period between Georgia and Wisconsin is for the years 1976 to 1993. The enactment of the national Brady waiting period in 1994 ended the ability to extend, beyond 1993, any comparison of waiting periods and concealed carry laws in states such as Georgia and Wisconsin. Compare FBI, "Crime in the United States," (1977):45, 53; and FBI, (1994):70, 78.
 19. Gary Kleck, "Crime Control Through the Private Use of Armed Force," *Social Problems* 35 (February 1988):15.
 20. Compare Kleck, "Crime Control," at 15, and Chief Dwaine L. Wilson, City of Kennesaw Police Department, "Month to Month Statistics: 1991." (Residential burglary rates from 1981-1991 are based on statistics for the months of March - October.)
 21. Kleck, "Crime Control," at 13.
 22. Kleck, *Point Blank*, at 140.
 23. U.S. Department of Justice, Law Enforcement Assistance Administration, *Rape Victimization in 26 American Cities*, 1979, p. 31.
 24. U.S., Department of Justice, National Institute of Justice, "The Armed Criminal in America: A Survey of Incarcerated Felons," *Research Report*, (July 1985): 27.
 25. *Id.*
 26. *Id.*
 27. FBI, "Crime in the United States," (1996): 69.
 28. *Id.* at 171. According to Arlington County's own statistics, the population in Arlington, Virginia for 1995 was 184,000 people.
 29. *Id.* at 77.
 30. Gary Kleck, speech delivered to the National Research Council, quoted in Don B. Kates, Jr., "Scholars' ignorant bias causes anti-gun sentiments," *Handguns*, June 1991, pp. 12-13.
 31. "Gun Critic Shifts His Position," *The Denver Post*, 28 November 1985.
 32. James D. Wright, "Second Thoughts About Gun Control," *The Public Interest*, 91 (Spring 1988):23, 25.
 33. Dave Kopel, "Guns, Germs, and Science: Public Health Approaches to Gun Control," 84 *The Journal of the Medical Association of Georgia* (June 1995): 272.
 34. *Id.*
 35. *Congressional Record*, 8 May 1991, pp. H 2859, H 2862.
 36. *Wall Street Journal*, 3 March 1994 at A10.
 37. Jonathan T. Lovitt, "Survival for the armed," *USA Today*, 4 May 1992.
 38. Department of Justice, "Survey of Incarcerated Felons," p. 36.
 39. Pierre Thomas, "In the Line of Fire: The 'Straw Purchase' Scam," *The Washington Post*, 18 August 1991; and Thomas, "Va. Driver's License is Loophole for Guns: Fake Addresses Used in No-Wait Sales," *The Washington Post*, 20 January 1992.
 40. U.S. Senate, "The Right to Keep and Bear Arms," Report of the Subcommittee on the Constitution of the Committee on the Judiciary, (1982):12.
 41. *U.S. v. Verdugo-Urquidez*, Sup. Ct. case No. 88-1353 (1990).
 42. The court stated, "The fact that the liberty of the press may be abused by miscreant purveyors of scandal does not make any less necessary the immunity of the press from previous restraint in dealing with official misconduct. Subsequent punishment for such abuses as may exist is the appropriate remedy, consistent with constitutional privilege." *Near v. Minnesota*, 283 U.S. 697, 51 S. Ct. 625, 75 L. Ed. 1357 (1931).
 43. Richard B. Abell, Assistant Attorney General, Task Force Chairman, Report to the Attorney General on Systems for Identifying Felons Who Attempt to Purchase Firearms, October 1989, p. 75.
 44. This attempt at registration has since been defeated in the courts. Bureau of Justice Assistance, Grant Manager's Memorandum, Pt. 1: Project Summary, September 30, 1994, Project Number: 94-DD-CX-0166.
 45. Copy of "FIST" (Firearms Inquiry Statistical Tracking) software at GOA headquarters, Springfield, VA. See also *Pennsylvania Sportsmen's News*, (Oct./Nov. 1996). The default in the "FIST" computer software is for the police officials to indefinitely retain the information on gun owners — despite the fact that the Brady law only allows officials to retain this data for 20 days. One wonders who will ensure that this information will be deleted after the 20th day.
 46. Mike Slavonic, NRA Director and Chairman of the Legislative Committee for the Allegheny County Sportsmen's

League, states that the instant background check could be "our downfall." He notes that, "What most Americans don't know is that once instant check goes into effect in 1998 the purpose of Brady could be used to set the stage for national confiscation. Instant check could eventually keep guns out of the hands of everyone by registering everyone who purchases a handgun, rifle and shotgun and who obtained concealed weapons permits in a computerized database like 'FIST'. The most difficult problem with a gun ban is locating the firearms. FIST [with the help of the instant check], over time, could solve that problem." Slavonic, "Another Gun Database Discovered," *Pennsylvania Sportsmen's News*, at 7.

47. David B. Kopel, *Policy Review* 63 (Winter 1993):6.
48. Kopel, ed., *Guns: Who Should Have Them?*, (1995) at 88, 117 (fn. 75), and 122 (fn. 124).
49. "NM Gun Shop Owners Upset Over BATF's Searches," *The New Gun Week*, 19 November 1993; "Suit takes shot at inspections - Gun shop owner says copying weapons registration illegal," *Cincinnati Enquirer*, 7 December 1989.
50. On August 16, 1991, New York City Mayor David Dinkins signed Local Law 78 which banned the possession and sale of certain rifles and shotguns.
51. John Marzulli, "Weapons ban defied: S.L. man, arsenal seized," *Daily News*, 5 September 1992.
52. David Kopel, "Trust the People: The Case Against Gun Control," [Cato Institute] *Policy Analysis* 109 (July 11, 1988):25.
53. Jay Simkin, Aaron Zelman and Alan M. Rice, *Lethal Laws: "Gun Control" is the Key to Genocide*, (Milwaukee: Jews for the Preservation of Firearms Ownership, 1994).
54. Senate, "Handgun Violence," at 107, citing *Novae Russkae Slovo*, Vol. LXXII, No. 26.291, (6 Nov. 1983).
55. Kopel, "Trust the People," at 26.
56. *Id.*, at 25-26.
57. *U.S. News & World Report*, (17 January 1994): 8.
58. *Lamont v. Postmaster General*, 381 U.S. 301, 85 S. Ct. 1493, 14 L. Ed. 2d 398 (1965).
59. See General Accounting Office, *Gun Control: Implementation of the Brady Handgun Violence Prevention Act*, January 1996, p. 8.
60. Of persons denied the right to purchase a firearm under the Brady Law, 7.6 percent of the denials involved routine traffic stops. Another 38.9 percent were the result of administrative snafus. Only 44.7 percent of denials were as a result of felony convictions, and many of these resulted from white collar crimes and ancient peccadilloes which would not suggest that the person would pose a danger. *Id.*, at 39-40, 64-65.
61. *Id.*, at 4.
62. *Id.*
63. Dr. Edward Ezell presented testimony before the Senate Subcommittee on the Constitution in 1989, and while doing so, helped clarify the true definition of an "assault rifle." The subcommittee record reports the following credentials for Dr. Ezell: Curator of the National Firearms Collection at the Smithsonian Institution's National Museum of American History, and founding Director of the Institute for Research on Small Arms in International Security.
64. Statement by Edward Ezell, "Assault Weapons," Hearings Before the Subcommittee on the Constitution of the Committee on the Judiciary, U.S. Senate, (5 May 1989):396.
65. Defense Intelligence Agency, *Small Arms Identification and Operation Guide - Eurasian Communist Countries* (Washington, D.C.: Government Printing Office, 1988):105, cited in Kopel, *Guns: Who Should Have Them?*, at 162.
66. Kleck, *Point Blank*, at 70.
67. Senate, "Assault Weapons," at 396.
68. Officer William R. McGrath, "An Open Letter to American Politicians," *The Police Marksman*, (May/June 1989): 19.
69. *Id.*
70. *Id.*
71. *Congressional Record*, 13 September 1990:E 2826, citing [Police Advertisement], Roll Call, 3 September 1990. Also, see Howard Schneider, "Gun Owners Take Shot at Schaefer Assault-Weapon Bill," *The Washington Post*, February 15, 1991.
72. Iver Peterson, "Both Sides Say Trenton's Ban on Assault Rifles Has Little Effect on Crime," *The New York Times*, 20 June 1993.
73. *Id.*
74. U.S. Department of Justice, Bureau of Justice Statistics, "Survey of State Prison Inmates, 1991," (March 1993):18.
75. FBI, "Crime in the United States," (1994):18.
76. Matt L. Rodriguez, Superintendent of Police for the City of Chicago, 1993 Murder Analysis at 12, 13.
77. Compare FBI, "Law Enforcement Officers Killed and Assaulted," *Uniform Crime Reports*, for the years 1989 (0 officers); 1990 (two officers), at 24, 36; 1991 (three officers), at 40, 41, 45; 1992 (two officers), at 46; 1993 (2 officers),

at 41, 45.

Note: In 1993, there were three officers who died by unknown firearms which possibly could have been classified as semi-automatic "assault weapons." (FBI, "Law Enforcement Officers Killed and Assaulted, 1993," at 55.) These three died at Waco, Texas — a jury later finding that authorities had provoked the residents at Mt. Carmel into firing. (Carol Moore, *The Davidian Massacre* (1995): 450.) Also supporting this view were two BATF agents who initially told the Texas Rangers that authorities had fired first upon the Davidians. (J.L.Pate, "Prosecution Against Waco Survivors Begins," *The New Gun Week*, (11 February 1994):5.) Despite the jury's finding that authorities provoked the residents in Mt. Carmel into firing, *Newsweek* and other news sources have pointed out that the officers might have died from "friendly fire." ("Was it Friendly Fire? In the bungled Waco raid, federal agents may have been shot by their own men," *Newsweek*, (5 April 1993):50.)

78. In the five years of 1989 to 1993, 30 officers were killed by their own service weapons. By contrast, only 9 officers were killed by so-called assault weapons. *Id.*, for the years 1989, at 4; 1990, at 4, 24, 36; 1991, at 4, 40, 41, 45; 1992, at 4, 46; 1993, at 4, 41, 45.

79. In the five years of 1989 to 1993, 15 officers were killed by knives and blunt objects. By contrast, only nine officers were killed by so-called assault weapons. Compare FBI, "Officers Killed," for the years 1989, at 4, 13, 26; 1990, at 4, 12, 24, 36; and 1991, at 4, 40, 41, 45; 1992, at 4, 46; 1993, at 4, 13, 41, 45.

80. By using an inflated definition of "assault weapon," HCI attempts to "show" that these guns killed 36 percent (a minority) of the policemen who were murdered between January 1, 1994 and September 30, 1995. Of course, HCI's figure wildly departs from the 1% figure given by official government studies. (See *supra* note 74.) See Handgun Control, Inc., *Cops Under Fire: Law Enforcement Officers Killed with Assault Weapons or Guns with High Capacity Magazines*, (29 November 1995):2.

81. *Id.* The HCI study borrowed the very expansive definition of semi-automatic firearm from the Clinton gun ban which passed in 1994. This definition is so broad that it covers over 180 types of firearms, including reproductions of the 1873 Winchester and the 1860 Henry Rifles. (While the Clinton gun ban exempted reproductions of these two guns under section 922(v)(3) of Title 18 — the provisions defining what a semi-automatic "assault weapon" is — the ban did not exempt these rifles under section 922(w) — the provision banning high-capacity magazines. Both of these rifles have tubular-fed magazines holding over 10 rounds, thus making them banned firearms.)

The generic definition for an "assault weapon" in the Clinton gun ban would include many, many other guns, had the law failed to specifically exclude several hundreds of common guns which would have easily fallen under the definition of an "assault weapon."

Not surprisingly, by using President Clinton's over-inflated definition of an "assault weapon," HCI was able to find more and more of these guns killing officers. To extend their logic, if HCI figures a way to define ALL guns as "assault weapons," then it will be able to claim that these "assault weapons" comprise 100 percent of the guns that kill policemen.

Even so, HCI has now encountered a dilemma with the publishing of their study: their study "shows" that there has been a dramatic increase in the number of policemen being killed by so-called assault weapons AFTER the ban was put in place. (HCI claims that 36% of the guns killing officers are "assault weapons," but the government's own pre-ban figures show the number was only one percent. See *supra* note 74.) Thus, either HCI's data is wrong, or it must concede that gun control INCREASES the threat to police officers.

82. Keith Bea, Congressional Research Service, "Assault Weapons: Military-Style Semiautomatic Firearms Facts and Issues," CRS Report for Congress (13 May 1992, Technical Revisions: 4 June 1992): 65.

83. *Id.* at 67.

84. *Id.* at 69.

85. Kleck, *Point Blank*, at 75.

86. Massad Ayoub, "Defending Firepower," *Combat Handguns*, October 1990, p. 71.

87. *Id.* at 70.

88. *Id.* at 25.

89. *Id.* at 71.

90. "Korcans make armed stand to protect shops from looters," *Roanoke Times & World-News*, 3 May 1992.

91. U.S. Senate, "The Right to Keep and Bear Arms," Report of the Subcommittee on the Constitution of the Committee on the Judiciary, (1982):7.

92. *U.S. v. Miller*, 307 U.S. 174 (1939).

93. From 1970 to 1991, the number of fatal gun accidents for children aged 0-14 declined from 530 to 227. Kopel, *Guns: Who Should Have Them?*, at 311. According to the National Safety Council, there were only 205 fatal gun accidents for children in that age group in 1993. National Safety Council, *Accident Facts: 1996 Edition*, at 121.

94. Kleck, *Point Blank*, at 271, 276.

95. *Id.* at 286.

96. *Id.* at 276, 277.

97. Kleck, cited in Kopel, *Guns: Who Should Have Them?*, at 323.

98. Alan Korwin, *Gun Laws of America: Every Federal Gun Law on the Books* (1995): 22, 23.
99. Kopel, *Guns: Who Should Have Them?*, at 355.
100. *Id.*, at 356.
101. *Id.*, at 359.
102. *Id.*, at 360. Kopel notes how several infamous criminals — such as John Hinckley (who shot Jim Brady) and George Hennard (who killed 22 people at Luby's Cafeteria in Killeen, Texas) — were each reenacting scenes from movies that they had previously seen or studied.
103. Steve Twomey, "Indiscretions That Are Not So Youthful," *The Washington Post*, 6 December 1993.
104. Christine Biegler, "Fearing crime, more women buy firearms," *The Washington Times*, 19 Nov. 1992.
105. Paxton Quigley, *Armed & Female* (1989): 7.
106. According to Dr. Gary Kleck, about 205,000 women use guns every year to protect themselves against sexual abuse. Kleck and Gertz, "Armed Resistance to Crime," at 185.
107. Don B. Kates, Jr., *Guns, Murders, and the Constitution: A Realistic Assessment of Gun Control*, (1990), at 29, citing U.S. Bureau of Justice Statistics.
108. *Id.*, at 25, 26.
109. Kleck, *Point Blank*, at 393, 394; Colin Greenwood, *Chief Inspector of West Yorkshire Constabulary, Firearms Control: A Study of Armed Crime and Firearms Control in England and Wales*, (1972):31; David Kopel, *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies*, (1992):91, 154.
110. For example, Great Britain's Pistols Act of 1903 has not stopped murders from increasing. In 1902, there were 181 murders; in 1904 there were 208 murders. By 1974, the number of murders in the country had risen almost 200% since before the passage of the 1903 Pistols Act. (Compare Greenwood, *supra* note 93, with Greenwood, "Comparative Cross-Cultural Statistics," in Don B. Kates, ed., *Restricting Handguns: The Liberal Skeptics Speak Out*, (1979):44.) Moreover, from 1946 through 1969, the number of cases where firearms were used or carried in a crime skyrocketed almost 1,000 percent. (Greenwood, *Firearms Control*, at 158.) See also Kevin Helliker, "As Gun Crimes Rise, Britain is Considering Cutting Legal Arsenal," *The Wall Street Journal*, 19 April 1994; Clyde H. Farnsworth, "Tough Gun Control Near Approval in Canada," *The New York Times*, 17 October 1991; John E. Woodruff, "A crime wave alarms Japan, once gun-free," *The Philadelphia Inquirer*, 11 July 1992.
111. Erik Eckholm, "A Basic Issue: Whose Hands Should Guns Be Kept Out of?" *The New York Times*, 3 April 1992; and Kates, *Guns, Murders, and the Constitution*, at 42.
112. Dr. Edgar A. Suter, "Guns in the Medical Literature — A Failure of Peer Review," *The Journal of the Medical Association of Georgia*, vol. 83, (March 1994):136.
113. Kleck and Gertz, "Armed Resistance to Crime," at 173, 185.
114. Criminal histories of murder victims is based on statistics from the city of Chicago: Matt L. Rodriguez, Superintendent of Police for the City of Chicago, 1992 Murder Analysis, at 23; 1993 Murder Analysis, at 23; and 1994 Murder Analysis, at 24. For criminal histories of murderers nationwide, see Bureau of Justice Statistics, *National Update*, (October 1991): 4.
115. Bureau of Justice Statistics, *National Update*, at 4.
116. FBI, "Crime in the United States," (1996): 58.
117. United States Senate, *A Majority Staff Report prepared for the use of the Committee on the Judiciary, 1991 Murder Toll: Initial Projections* (August 1991).
118. U.S. Senate, "The Right to Keep and Bear Arms," Report of the Subcommittee on the Constitution of the Committee on the Judiciary, (1982): 8-17.
119. *Id.*, at 12.
120. U.S. Senate, "The Right to Keep and Bear Arms," at 9. See also Stephen P. Halbrook, *That Every Man be Armed: The Evolution of a Constitutional Right* (1984): 107-153. The Senate sponsor of the 14th Amendment, Senator Jacob Howard (R-MI), said the Amendment would force the states to respect "the personal rights guaranteed and secured by the first eight amendments of the Constitution; such as freedom of speech and of the press; . . . the right to keep and bear arms . . ." *Cong. Globe*, 39th Cong., 1st Sess., pt. 3, 2765 (23 May 1866), cited in Halbrook, at 112. The House author of the 14th Amendment, Rep. John Bingham (R-OH), said that the first eight amendments to the U.S. Constitution "never were limitations upon the power of the States, until made so by the fourteenth amendment. The words of that amendment, 'no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States,' are an express prohibition upon every State of the Union." *Cong. Globe*, 42d Cong., 1st Sess., pt. 2, Appendix, 84 (31 Mr. 1871), cited in Halbrook, at 146. (Rep. Bingham stated that the "privileges and immunities of citizens of a State, are chiefly defined in the first eight amendments to the Constitution of the United States.") That the Fourteenth Amendment was intended, among other things, to prevent states from disarming black citizens

is clear. During debate over the 14th Amendment, Senator Thomas Hendricks (D-IN) bragged that "colored" people in his state do not enjoy the same rights as white people. Thus, he opposed adoption of the 14th Amendment because among other things, it would grant Second Amendment rights to the "negroes, the coolies, and the Indians." Cong. Globe, 39th Cong., 1st Sess., pt. 3, 2939 (4 June 1866) cited in Halbrook, at 113.

121. Public Law 99-308, Sect. 1(b).

[Up to Home](#)

[Back to Fact Sheet Menu Table](#)

[Copyright, Contact and Credits](#)

THE LEAGUE OF
WOMEN VOTERS OF
CONNECTICUT, INC.



**Testimony
before the Judiciary Committee
March 16, 1998**

I am Marlene Wenograd representing the 3000 members of the League of Women Voters of Connecticut. I will be speaking in support of Raised Bill 5746 and 5604.

The League of Women Voters of the United States has had a position on Gun Control since 1990. We believe in protecting the health and safety of citizens through limiting the accessibility and regulating the ownership of guns. In Connecticut, we worked for the assault weapon ban of 1993 and the 1994 legislation tightening up restrictions. At that time we felt pride that Connecticut was in the forefront in this field.

It is now 1998 and events have taken place and new ideas have evolved around the country that we need to discuss here.

The issue of trigger locks has been pursued by President Clinton, who reached an agreement with eight major gun manufacturers to equip 80% of new handguns with trigger locks by the end of this year. However, the adequacy of the trigger locks does not seem to have been addressed. We need safety standards set for adequate locks. This bill calls for the Department of Public Safety to establish standards.

We have learned that some manufacturers developed devices decades ago that could lower the risk of accidental shooting, but have failed to incorporate them in their designs. Since Connecticut is the home of some of the major companies, we urge the formation of a task force to look into the issue of firearms technology and safety mechanisms. Guns can be personalized so that only the legitimate owner can fire them.

We urge the enactment of a required FBI check of fingerprints. The current law gives the issuing authority permission to send the fingerprints, but does not mandate this. This suggests the possibility of unequal treatment of applicants. We think it should be a standard requirement for all. Reports on both the federal Brady Bill and in Connecticut show that a number of people with felony convictions do file applications for guns. If they think they will not be checked up on, they will continue to do so.

We favor a law prohibiting the carrying of a weapon when a person is under the influence of alcohol or drugs. (Some states are discussing legislation that would require a specific reason for carrying a concealed weapon.) It seems reasonable to give businesses the right to prohibit weapons from their premises.

We must make it easier for law enforcement officials to trace guns seized in crimes. This might be through a better communications system, marking serial numbers in a different way, or some other means, such as requiring use of the National Tracing Center.

There is a national ban on the import of "junk guns" or "Saturday night specials" which seemed to control them for a few years, but now there are reports of manufacturers in California producing them. We need a state ban on such "Unsafe Guns." This bill gives a clear definition of "unsafe handguns" and calls for a performance test and a safety test.

In conclusion, the League of Women Voters urges your passage of all of this important legislation. Let's put Connecticut in the forefront again.

Marlene Wenograd
LWVCT Gun Control Specialist

1890 DIXWELL AVENUE, SUITE 113
HAMDEN, CONNECTICUT 06514-3183
Phone (203) 288-7996 Fax (203) 288-7998
E-Mail lwvct@ct2.nai.net Web Site www.lwvct.org

Comments on HB5746 ACC Handgun Safety

Good afternoon Mr. Chairman and distinguished members of the Committee. I would like to thank you for allowing me the opportunity to speak to you today about the very important issue of gun violence. My name is Rebecca Nathanson and I am here today as a member of the board of the Connecticut Collaborative for Education Against Gun Violence. I am also the Criminal Justice Program Coordinator at Housatonic Community-Technical College and I was a police officer for fourteen years prior to my employment at the College. I am here today to address the various gun issues which will be coming before the legislature during it's current session.

Let me start by saying that I am not a person who believes it is either practical nor possible to ban guns from our society all together. Our country has a very

deep rooted historical and cultural attachment to guns, whether we like that or not. Our founding fathers needed guns for protection and eventually brought their guns and joined together to overthrow British rule and become independent. The rationale behind the second amendment of the United States Constitution, which most people generally interpret as giving each citizen the "right to bear arms", was that the founding fathers wanted to be able to raise a well armed militia to defend the security of the nation at a moments notice if it was required. They considered this a very important issue. As our country expanded westward, guns again played a very central role in that expansion process. Because the west was such a vast, unsettled area there was little in the way of societal control. People moving to the west often had to rely on each other for protection from all variety of

threats and guns were an important part of their defense from these threats.

Most people will agree that gun ownership and access did not become a matter for serious public concern until the explosion of violence that came with the crack epidemic in the 1980s. During that time we saw violence, and particularly violence involving guns, rise dramatically. It was during that time that we also saw several very high profile crimes committed via the use of hand guns. People began to become very concerned about the issues of gun ownership and access in terms of the violence potential. According to the Journal of American Medicine firearms homicides in the 15-19 year old age group rose 61% between 1979 and 1989. Gun violence is currently the second leading cause of death in the 15-19 year old age group. Because of the number of guns produced in our country it is

estimated that there are now enough guns in circulation to arm every adult and one-half of all the children in our country today. In 1980 less than 15% of the guns produced were handguns. By 1994 almost 40% of the guns produced were handguns. 50% of American homes contain at least 1 gun and according to the National Crime Victim Survey 7 in 10 homicides are committed with a firearm.

What does all this mean? It took five years to get the Brady Bill passed (1988-1993). The Brady Bill was widely supported by most major law enforcement organizations and the American public (with acceptance rates as high as 85% in polls). Since the passing of the Brady Bill a United States Department of Justice survey indicates that 175,000 potential gun buyers have been denied legal purchase of a gun because they do not qualify under the Brady Bill rules. No one will argue that violent crime rates have

dropped consistently over the past several years. Some of this drop can be attributed to the efforts to control gun ownership and access for persons who have been deemed unsatisfactory to own these weapons. But we still have a long way to go.

Each year in our country guns account for 35,000 deaths and 150,000 injuries. Most firearm deaths are the result of suicide not homicide as most people would believe. If the current trends continue guns will become the leading cause of death in our country by the year 2003. Studies show us that most gun violence occurs between parties who are aquatinted, not between strangers as most people would believe. Studies also show us that the presence of a gun in a household increases the potential for serious injury or death in a variety of situations . If we accept the fact that we will not ban guns completely I believe that we should focus on the safety issues.

While guns are a consumer product, just as food, toys, medications and other heavily regulated items are, there are basically no consumer regulations for guns. Gun manufacturers can produce anything they want to with the exception of a few regulated types of guns. Currently, teddy bears and toy guns are more strictly regulated than handguns. In a 1996 National Gun Policy survey it was determined that 75% of the American population surveyed favored governmental safety regulations for guns. There is legislation coming before you this session which deals with several issues of gun safety. The legislation deals with the issue of manufacturers being required to make guns safer through technology such as "personalized guns" which could only be fired by a person in possession of an apparatus which would interact with the gun to allow it to fire. Other types of safety technology that should be made available could

include child proof triggers, indicators to alert that the gun is loaded and various types of safety override mechanisms. The gun manufacturers in this country have been developing technology for a number of years which would make guns safer in terms of the consumer, however they have not rushed to provide guns with this technology, just as the tobacco industry did not rush to tell consumers smoking was dangerous and addictive. Why are they being allowed to market an unrestricted product that is so inherently dangerous without any governmental safety requirements? Gun manufacturers need to be compelled to produce safer guns and I believe they can do this, they just choose not to. Massachusetts is the only state currently regulating guns as a consumer safety issue.

Connecticut needs to follow suit. Create a Firearms Technology and Safety Task Force comprised of gun manufacturers, legislators and public safety experts to

study this issue and make recommendations for future legislation mandating safety technology for handguns in Connecticut.

Another area of concern is the issue of "Saturday Night Specials" or "Junk Guns". These are guns which are defined as "non-sporting" in nature with a barrel length of under three inches. They are often very inaccurate and manufactured of cheap, substandard materials. The Federal Government was able to outlaw the importation of this type of cheap, easily concealable weapon in 1968 however the guns can still be legally manufactured and sold within the United States. These are the guns of choice for many criminals because of their inexpensiveness and the ease with which they can be concealed and carried. These also tend to be the guns which end up on the streets unregulated and being passed from owner to owner, used repeatedly in criminal activities. These

guns need to be taken out of the market. They should no longer be manufactured or sold anywhere in the United States. There should be funding for concerted efforts by law enforcement to target this type of gun on the street and remove as many of them as possible from the hands of criminals. These guns should be traced when they are recovered by law enforcement so that their source can be identified and shut off. Currently there are limited efforts in place to trace weapons which are recovered by law enforcement to determine their source and origin. This should become the standard and there should be sanctions available to law enforcement when a certain source becomes obviously involved with supplying guns for criminal uses. Manufacturers should be encouraged to include hidden or undetectable serial numbers in guns just as auto manufacturers have done with high theft vehicles to make identification easier.

Another issue in the legislation that should be endorsed is the expansion of fingerprint checks to include an FBI fingerprint checks for all persons purchasing a handgun in Connecticut. While the current checks being done according to the 1994 Anti-Gun Violence law have been very effective in keeping guns out of criminal hands, the checks only reveal crimes committed in Connecticut. As I'm sure many of you are aware, Connecticut residents can be a transient lot. Many of our residents were not born and raised here and have relocated here from all over the world for various reasons. For this reason it would be beneficial to check FBI records for any additional information which might be necessary in revealing the total picture of a prospective purchaser's past.

The last issue in the legislation that I would like to address is one that is extremely important because it specifically involves the safety of children. I don't

think that anyone will deny that children are our most precious resource and they need to be protected above all else. Part of the currently proposed legislation would improve the trigger lock laws by developing safety standards and requiring not only the primary seller of the gun to include a trigger lock as is done now, but would also require any secondary seller to be held to the same standard. 91% of handguns used in accidental shootings come from the home where the shooting occurs. Every trigger lock that is in place on a gun in the home reduces that statistic. Trigger locks are a low cost preventative for a very serious situation.

You have just listened to my views and concerns on gun issues. All the legislative efforts currently in process are very well meaning and I commend you for all of your efforts in this area. However, I would like to address one final area in closing. We need to

recognize gun violence in the public health and education arenas for the problem that it is and perhaps future legislation should be directed at public health programs and education programs geared toward the tremendous safety issues involved with gun violence. Again, taking into account the assumption that guns are a part of American culture and that it is not realistic to believe that we will ever ban them all together we really need to concentrate on educating our children to the dangers of violence in general and gun violence in particular. We need to raise our children to be responsible citizens and responsible gun owners should they choose to become one someday. I believe that teaching our children to responsibly react to guns is essential. I have a four year old daughter, and because my husband and I are both gun owners she has been taught that guns are not toys. She has been

discouraged from playing any type of "shooting" games, she does not have any toy guns or toys that resemble guns and she knows, at four years old, what to do if she should ever find an unattended gun. Some people may think this extreme, but her level of knowledge may save her life some day, or the life of a playmate, should they ever come across an unattended, unlocked gun somewhere. It is important to remember that you cannot always be with your child, even in your own home. Children are inherently curious and will investigate to the fullest of their ability anything that catches their attention. Education is a way to safe guard, at least to some degree, children for those times when we are not there to supervise them. We teach them about drugs, fire safety, stranger safety, why not make the same effort with violence and gun safety?

Mr. Chairman and members of the committee, I thank you for your time and the opportunity to speak to you today on this issue. I hope my comments will be helpful to you in your efforts.