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Against H.B. 5818

I am a dad, husband and business owner in the community. My dad was murdered by three men who stole a pistol and tried to rob him. Despite this fact, I am against this bill and I can say unequivocally that I speak for my dad along with a great number of other gun owners across the state. The purported reason for the bill, fighting straw purchases of guns is a good and noble cause. However the means do not justify the ends because of a gaping loop in the middle of the bill and its unconstitutional effects on legitimate gun owners and ownership.

First, the gaping loophole. Straw purchasers need only report pistols stolen to avoid criminal liability under the proposed bill.

However, lawful community members are treated like criminals if they suffer the awful trauma of a burglary. They must prove that the guns were stored so as to reduce the risk of theft. The bill language in this area is vague, and therefore unconstitutional, because the required conduct is unclear on its face. As a result, well intended gun owners risk prosecution for failing to satisfy the vague requirement. Is locking their home a reduction of risk? How about living in a low crime neighborhood or having a german shepherd? Is locking a gun in the trunk of a car a reduction of risk.

Further, by leaving this question vague for the courts to interpret, an unconstitutional deterrent, a chilling effect on lawful conduct, gun ownership, can result. This chilling effect would result from judicial overbroad interpretation of statute language. Overbroad interpretation would also be an end run around constitutional protections on gun ownership.

In addition, the statute creates a guilty until proven innocent status for gun owners who suffer the theft of a pistol and do not know of the theft before it is used in a crime. This is absurd. Under this logic, if your car is stolen from your garage while you are away on vacation, you would be required to prove that you were not party to the theft of your car. In our free society, one of the pillars of our judicial system is that we are innocent until proven guilty.

This statute is overbroad in its scope because it criminalizes lawful citizens and straw purchasers alike. Any statute that has as its purpose, to prevent straw purchases of guns must focus on the criminal activity and not persecute the lawful. Because of vagueness, overbreadth, a chilling effect on lawful activity and the end run around the constitution that this statute makes, anyone who now still supports it is hereby admonished of their duty to uphold the laws and Constitution of the State of Connecticut and of these United States.

I am not only willing, but interested in providing support in any lawful attempt to cut down on illegal gun traffic. You will remember, my dad was murdered by three men using a car and a stolen gun. Why don't we criminalize the use of cars in conjunction with violent crime instead of going after our own community? Instead we released the first my dad's three killers from prison last Monday. Think about it.