

LEGISLATIVE TESTIMONY, IN ABSENTIA,  
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IN OPPOSITION TO COMMITTEE BILLS 903 AND 904, ACTS  
CONCERNING LOST OR STOLEN FIREARMS  
10 APRIL 2007

Honorable Chairpersons and Members of the Committee:

The first part of my testimony is in the form of an open letter to all would-be firearms traffickers, the persons against whom this bill is, ostensibly, directed, as follows:

Dear would-be firearms trafficker:

The Connecticut Legislature's Judiciary Committee is considering bills that would criminalize the failure timely to report lost or stolen firearms. It is directed against you and your filling the black and gray markets with "illegal" firearms. But DON'T WORRY! This bill creates such a big loop-hole that you could drive an 18-wheeler through on your way to avoiding its criminal penalties.

All you have to do is to accumulate, over time, the firearms you want to dump into North Hartford, New Haven, Bridgeport and elsewhere at enormous profits. Once you have enough for this time, call the local or state police and report them as having been stolen yesterday. Give them all the required (but mostly phony) information about the theft (you still have all the pieces stashed away, of course.) After you've done that wait a couple of weeks then take your rides to the big cities and come home with no firearms and lots of cash.

At some point later on one or more of these firearms will be

seized by law enforcement folks because it/they was/were used in the commission of a crime. Since they already have the make, model and serial number of the piece(s), it or they will be traced back to you.

After the customary accusations and attempts at intimidation you will show them your copy of the police report of the (alleged) theft proving that you complied with the statute and reported the theft within required seventy-two hours: HOME FREE! Why worry about filing a false police report, who's going to prove that they WEREN'T stolen?

I hope that this information is helpful to you in the pursuit of your profitable activities!

. . . . .

When passion evolves into obsession, reason and rationality are abandoned. This is the case with these bills. The sponsors of these bills have become so obsessed with their passage, thereby showing the media and the gullible public that they have actually done something to make our streets safer, that they have (deliberately) failed to explain, by logic and reason, just how that will happen with these laws in place. Mere statements to that effect do not make it so!

Honorable Chairs and Members, this is bill is a perfect example of mere "feel good" legislation. No would-be trafficker with ANY brains at all will be caught by it. It will affect, as usually happens with this type of legislation (and, in fact, HAS happened in this state in several recent cases),

only the honest, law-abiding citizen who might not know of its provisions and might not comply due solely from inadvertence or lack of knowledge; a person no more a trafficker than any of you are! The publicity (and most assuredly there WOULD be publicity) surrounding the arrest of this person (an easy target) certainly would be designed to make law enforcement look good, but in the end, the REAL would-be trafficker will be on the outside with a smile on his face!

This bill, like its predecessor last session, criminalizes non-criminal conduct. You folks are good at doing that and avoiding the difficulties inherent in criminalizing real criminal conduct, such as trafficking. This is quite clear because, in trying to curb trafficking in firearms (the ostensible purpose of this bill), you have failed even to establish a definition of or crime relating to trafficking; yet you are preparing to fund a task force with half a million dollars the duties of which are undefined in the Connecticut General Statutes, to the best of my knowledge. Just like Supreme Court Justice Potter Stuart once said about pornography/obscenity (paraphrasing): I don't know if this is pornography/obscenity, "but know it when I see it." [!] The legitimate gun owner is NOT a "trafficker" (whatever that is)! Criminal statutes must establish a standard of proscribed conduct that can be easily understood by the average person. Wouldn't it be better and more logical to concentrate on Title 53a of the Connecticut General Statutes (the Penal Code) and define and criminalize "trafficking" (a criminal act) that is the ostensible purpose of these proposals than in criminalizing non-criminal conduct?

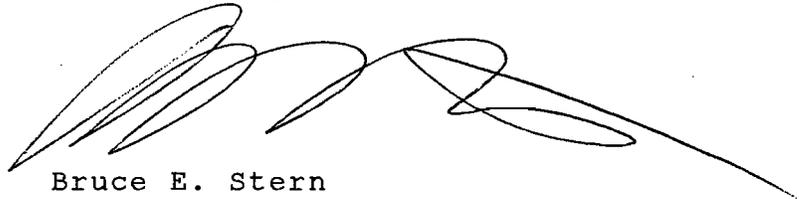
The statement of purpose of CB 903 is "To reduce the number of illegally obtained guns used in the commission of crimes". I don't know about you, but it seems to me that you got it backwards: hasn't the loss or theft already occurred before the duty to report attaches? How possibly can the reporting of the event that has already occurred prevent the event that has already occurred and its consequences?

The statement of purpose of CB 904 is even more obscure: "To reduce the number of *illegal* (emphasis mine) guns used in crimes". What is an illegal gun? To the best of my knowledge, firearms that are lost by or stolen from (especially the latter) are at least since 1968 are LEGAL! There is a paper trail established for every firearm manufactured in or imported into the U.S.A. since that date. An *illegal* gun is a sawed-off shotgun, unregistered machine gun, a firearm with a removed serial number, etc. I don't think we're talking about these in the context of these bills. So, your statement is not only misleading, it is untrue!

I have this to say about the standard of care set forth in Section 1(a) of CB 903: Who makes this stuff up?! As an attorney, I am embarrassed when I am asked what those words mean! I cannot explain the standard! It is so vague and so nebulous that I would be very, very concerned that someone, like an anti-gun judge, could determine that ANY attempt at safety or security employed by the "good guy" firearm owner would be found insufficient and, therefore, he or she becomes a criminal! After all, if the owner's attempts were suffi-

cient, the firearms would not have been stolen, would they? You and I well know how clever and resourceful criminals can be in the exercise of their criminal activities! I would hate to have my best, affordable efforts to protect my property be found, after the fact, to be insufficient merely because some clever and resourceful crook was able to steal it! Also is this mythical "reasonable person", the paragon for judging the standard of care, a firearm owner? From the language of section one, I don't believe that ANYONE could comply! Neither of these bills will have any effect on "trafficking" (whatever that is)!

Respectfully submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Bruce E. Stern