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Written Testimony Concerning Raised Bills #603 and #607

I would like to thank this committee for the opportunity to submit these comments and address significant concerns which I have with both proposed bills. As the problems each of these bills have are similar, I have chosen to address them together. Putting aside for the moment that both bills may seriously implicate the Commerce Clause of the U.S. Constitution, they both are over ambitious in that they place significant, costly burdens on manufacturers, while passing on legal controversies to future legislative bodies to wrestle with.

Bill 603 prohibits the manufacture or sale all handgun and assault weapon ammunition within this state unless the bullet for each piece of ammunition has etched onto its base a unique identifier. Bill 607 requires that future semiautomatic handguns have the capability to imprint a unique identifying mark onto each ammunition casing as it is discharged. So that each individual semiautomatic pistol will place a mark unique to that individual firearm onto the casing of any ammunition fired from it.

Clearly the state has a legitimate interest in controlling violent crime and investigating those crimes that do occur. I am making the assumption that this is the intent of the authors of there bills, although each may have the effect of banning the future sale of semiautomatic firearms in this state. Whether or not that is the true intention of the authors I will leave to others to debate.

Consider for a moment the genuine problems associated with the requirements of Bill 603. Is the technology required for this bill commercially available? Let's assume that every

piece of semiautomatic handgun and assault weapon ammunition starts to be coded on January 1, 2010. Even if we start at the unique identifier, number "1" and advance consecutively from there, the space required to so "etch" or mark each bullet will quickly exceed the space on any caliber of ammunition. The average semiautomatic handgun bullet seldom exceeds 3/8 of an inch at its base and in the case of .22 cartridges the space is significantly less still.

How can, what will become an increasingly complex unique identifier, fit onto such a finite space? Who is to decide which manufacturer gets which series of numbers and or letters? What happens when a given manufacturer exceeds the number/letter sequences allotted to it? To see that these are very real concerns one need only spend any afternoon at a public shooting range to begin to grasp the logistical consequences and dilemmas posed by this bill.

I also have significant doubts as to the durability of this unique mark on any bullet, once it has been fired and impacts with any solid material. Many smaller caliber bullets fragment considerably upon impact larger caliber bullets that don't fragment, deform significantly. How such compromised data will be probative in criminal investigations, beyond what our current and very impressive level of firearms ballistics offers, is entirely uncertain.

Like Bill 603, Raised Bill 607 seems to be aimed at allowing law enforcement to connect ammunition fired in the commission of a crime to be objectively connected to the firearm which discharged it. Again, these the results that modern firearms ballistics already produce? What added advantage would be gained by having the firing pin mark the casing of each round of ammunition it fires?

Raised Bill 607 at least concedes that the technology for its implementation is not yet at hand. Raised Bill 603 is not nearly that honest, although the same manufacturing problems exist. In enacting legislation requiring the use of technology which is not yet commercially available

you would be passing on the burdens of implementation to future legislators, law enforcement personnel, judiciary, as well as manufacturers.

If Connecticut shooters, both civilian and law enforcement alike, used only ammunition and firearms manufactured within our state, Raised Bills 603 and 607 would be less likely to raise constitutional challenge. However this is not the case. In placing significant expense upon manufacturers to bring product up to significantly and materially higher standards than that required for other states, this legislature would be erecting major barriers to interstate commerce and thereby implicating the Commerce Clause of the United States Constitution.

This is particularly true in light of the fact that it would require out of state manufacturers to create and utilize manufacturing processes that do not exist at this time. Such a burden would not be outweighed by the state's law enforcement interests, especially since the ballistic mark, currently made by most firearms, including non-semiautomatics, yields the same results without imposing the significant burdens and expense required by Raised Bills 603 and 607.

In conclusion these bills require the implementation of techniques which are impractical, expensive, not yet commercially available and amount to constitutionally impermissible barriers to interstate commerce to produce results which are duplicative of those obtainable through current ballistics technology. Thank you.

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