



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

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LAWRENCE G. KEANE
SENIOR VICE PRESIDENT &
GENERAL COUNSEL

March 17, 2008

Joint Committee on Judiciary
Legislative Office Building
Room 2500
Hartford, CT 06106

Position: Oppose

Re: Raised Bill S.B. 607 - An Act Concerning the Identification of Certain Firearms (Microstamping)

Dear Members of the Joint Committee on Judiciary:

The National Shooting Sports Foundation ("NSSF") is the non-profit trade association for America's firearms, ammunition, hunting and recreational shooting sports industry. Our manufacturer members make the firearms used by law-abiding Connecticut sportsmen, the U.S. military and law enforcement agencies throughout Connecticut. This letter is to express our **opposition** to raised bill SB 607. There is no rational basis upon which to justify the enactment of this proposed legislation.

The supporters of SB 607 greatly exaggerate the capabilities, if any, of this technology. SB 607 would mandate the use of a patented, sole-sourced technology, called "firearms microstamping," to microlaser engrave the make, model and serial number of the firearm on the tip of the firing pin and a second location on the firearm so, in theory, that information would be imprinted onto the cartridge case when the gun is fired. This technology is unproven and has been independently tested to confirm this conclusion. We are writing to ask you to oppose SB 607. Independent testing of this nascent technology has shown that a) the technology does not function reliably and b) the very shallow markings can be removed in mere seconds using common household tools. In addition, the marked parts can be removed and replaced with unmarked parts. The NSSF does not oppose raised bill SB 607 because it is "gun control." Our opposition is based on the fact that this technology has so far been shown by independent testing to be unreliable and easily defeated. NSSF has consistently supported further independent testing of the technology.

Just last week scientists at the National Research Council (NRC), an arm of the National Academy of Sciences, released a report that among its findings expresses concerns about sole-sourced technologies and recommends "**that for such a technology to be implemented successfully, in-depth investigations on several topics are needed.**"

These investigations need to focus on **“the cost implications and feasibility of adding these technologies to established manufacturing processes.”** The NRC expressed concerns with these alternative technologies and stressed the necessity for further study to determine the susceptibility to tampering and countermeasures. The Council does not want to see any implementation of technology that is maintained by a single vendor since the **“potential for advancement and innovation is limited.”** The NRC believes that an extensive study needs to be conducted before mandating any of these technologies as an answer to solving crime.

An independent peer reviewed study of microstamping by Professor George G. Krivosta, published in the Journal of the Association of Firearms and Toolmarks Examiners (AFTE) (Winter 2006), concluded, *“At the current time, the technology functions unreliably and can be easily defeated in mere seconds using commonly available household tools.”* This AFTE study recommended further study.

A more recent study of microstamping by experts at the University of California at Davis found this patented sole-source technology *“flawed”* and concluded, *“At the current time it is not recommended that a mandate for implementation of this technology in all semiautomatic handguns in the state of California be made. Further testing, analysis and evaluation is required.”*

Raised bill S.B. 607 also requires that a second location be microlaser engraved with the make, model and serial number of the firearm. Yet, to our knowledge, there have been no independent tests done to determine where those markings might be placed (there are only limited places where they could be placed and transfer the marks on the cartridge casing) and whether the technology will work reliably on those parts – all of which can be removed and replaced with unmarked parts widely available.

Mandating the use of this unreliable and easily defeated technology is predicated on the faulty assumption that most criminals obtain the firearms they use to commit crime from federally licensed firearm retailers. A 1997 survey of prison inmates shows criminals rarely obtain firearms from retail dealers. They obtain firearms primarily – about 80% – from the illegal black market and from friends and family.

The cost to implement this questionable technology will substantially increase the price for firearms for law-abiding consumers and taxpayers as the law enforcement agencies throughout the state will be forced to pay perhaps as much as \$200 more per firearm. It will also dramatically reduce the product selection available to law-abiding consumers as some manufacturers will stop selling firearms in the state rather than make radical changes to their manufacturing and assembly processes. There is precedent for firearms manufacturers stopping the sale of firearms into a state. Several years ago Massachusetts adopted vague regulations that made it impossible for manufacturers to know whether their products complied. Rather than risk selling non-compliant products, they stopped selling into Massachusetts.

The cost of compliance is not a dollar a gun, as claimed by the patent holder and gun control groups supporting this legislation -- all of whom are ignorant of the manufacturing complexities involved and the associated cost. A number of manufacturers have estimated the cost could approach \$200 per firearm.

The implementation of microstamping in Connecticut and other states will not only adversely affect the market but also will award to one individual company exclusive rights to use its sole-sourced patented technology. Throughout the entire process, Todd Lizotte, from ID Dynamics, has continually made statements to the contrary. The patent still is not in the public domain, and Mr. Lizotte has an obvious financial stake in this technology and stands to profit handsomely with the passage of legislation even though he refutes this in much of his testimony.

Allowing one company to monopolize an unproven technology that will only burden Connecticut's law-abiding citizens is neither the best public safety policy nor economic decision for the State.

Even if the technology functioned well -- and it does not -- it is questionable whether it would be a particularly useful law enforcement tool. ATF has determined that most firearms traced by law enforcement in Connecticut were not handguns and were originally sold at retail over 12 years earlier, which is greater than the national average by over two years. In addition, most were not pistols.

We would urge you to oppose SB 607 and instead support the recommendations of the researchers around the country who unanimously support further in-depth study of this nascent technology.

Sincerely,



Lawrence G. Keane