

March 17, 2008

To: Distinguished Members of the Joint Committee on the Judiciary
From: Thomas R. Violante, 515C Woodward Ave., New Haven CT 06512; member of New Haven Raccoon Club and the National Rifle Association
Re: SB603 - Encoded Ammunition or Bullet Serialization; SB607 - Microstamping of Ammunition

Regarding SB603, Ammunition Coding, I urgently ask you to OPPOSE this proposed legislation on rational and reasonable, not emotional, grounds. In 2007, the sponsor of "encoded ammunition" legislation in Maryland urged lawmakers across the country to introduce the same kind of legislation in their states. Congress eliminated a similar requirement in the 1980s, because there was no law enforcement benefit. Federal law had required purchasers of handgun ammunition to sign a ledger, but Congress repealed that requirement in 1983 (.22 rimfire) and 1986 (center-fire handguns), because it burdened purchasers, vendors and police, with no law enforcement benefit. The bill would require ammunition manufacturers to engrave a serial number on "the base of the bullet and the inside of the cartridge casing of each round" of ammunition for popular sporting caliber center-fire rifles, all center-fire pistols, all .22 rimfire rifles and pistols, and all 12 gauge shotguns. There is no way to code shotgun pellets, which serve as the "bullets" in a shotshell.

Encoded Ammunition or Bullet Serialization would mean:

1. Forfeiture of Currently-Owned Ammunition
2. A Separate Registration for Every Box of New Ammunition
3. Outrageously Expensive Ammunition Costs for Police & Private Citizens Alike
4. A Waste of Taxpayer Money, Better Spent on Traditional Police Programs, especially the Statewide Firearms Anti-Trafficking Task Force
5. People would be required to forfeit all personally-owned non-encoded ammunition.
6. After a certain date, it would be illegal to possess non-encoded ammunition. How could this be enforced?
7. Gun owners possess hundreds of millions of rounds of ammunition for target shooting, hunting and personal protection. Consider that American manufacturers produce 8 billion rounds each year.
8. Reloading (re-using cartridge cases multiple times) would be abolished. There would be no way to correspond serial numbers on cartridge cases, and different sets and quantities of bullets..
9. Criminals could collect ammunition cases from shooting ranges, and reload them with molten lead bullets made without serial numbers.
10. People would be required to separately register every box of "encoded ammunition." This information would be supplied to the police. Most states do not even require registration of guns.
11. Each box of ammunition would have a unique serial number, thus a separate registration. This would encumber law enforcement and create huge, unmanageable databases most of which would be about law-abiding citizens ownership of ammunition.
12. Private citizens would have to maintain records, if they sold or gave ammunition to anyone, including family members or friends.
13. The cost of ammunition would soar, for police and private citizens alike. The Sporting Arms and Ammunition Manufacturing Institute estimates it would take three weeks to produce ammunition currently produced in a single day. For reason of cost, manufacturers would produce only ultra-expensive encoded ammunition, which police would have to buy, just like everyone else.
14. A tax of five cents a round would be imposed on private citizens, not only upon initial sale, but every time the ammunition changes hands thereafter.
15. Shotgun ammunition cannot be engraved. Shotgun pellets are too small to be individually engraved. Shotgun cartridge cases are made of plastic, which would be difficult to engrave, and once ejected, useless for tracing.
16. Criminals could beat the system. The great majority of criminals' ammunition and guns are stolen. And criminals don't follow the existing laws anyway. They almost always deface existing serial numbers on guns making it impossible to trace them.

Regarding SB607, "Micro-Stamping of Ammunition. I urgently ask you to OPPOSE this legislation on rational and reasonable, not emotional, grounds. This law would define (and prohibit the sale of) any newly-designed semi-automatic pistol as an "unsafe handgun," unless the pistol is equipped with two or more internal parts that imprint, onto the cartridge case of a fired round of ammunition, a microscopic array of characters that identify the make, model and serial number of the pistol. Despite claims by the bill's supporters that it benefits police efforts, it wasn't supported by most police groups.

The theory of "micro-stamping" is that a firearm's firing pin or other internal parts could bear microscopic codes unique to the firearm, that could imprint the codes on fired cartridge cases, and that the codes could be entered into a computerized database before the firearm leaves the factory. Then, the theory continues, if such a gun were used in a crime, police investigators could pick up a cartridge case left at the crime scene, identify the markings on the case, run the markings against the database, and thereby identify the criminal involved.

The Numerous and Varied Problems with Micro-Stamping:

1. Micro-stamping has repeatedly failed in tests. In 2006, a study by forensic experts and researchers at the University of California (Davis) 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."² Results of the study were consistent with earlier peer-reviewed tests published by the Association of Firearms and Toolmarks Examiners.³
2. Firearms examiner George Krivosta, of the Suffolk County, N.Y., crime lab, found that the "vast majority" of micro-stamped characters in the alphanumeric serial number couldn't be read on "any of the expended cartridge cases generated and examined."

3. Micro-stampings are easily removed. In the tests noted above, firing pins were removed in minutes, and serial numbers were obliterated in less than a minute, with household tools.
4. Most gun crimes cannot be solved by micro-stamping, or do not require micro-stamping to be solved.
5. Most gun crimes do not involve shots being fired, thus there are no cartridge cases left at crime scenes for police to recover. Also, a large percentage of crimes involving guns, involve guns that don't eject fired cartridge cases.
6. Notwithstanding TV shows that portray crime-solving as impossible without high-technology, most crimes can be solved by traditional means. For example, of murders in which the victim-offender relationship is known, 77% involve family members, friends and other acquaintances. Only 23% involve strangers.⁴
7. Most criminals who use guns get them through unregulated channels. According to the BATFE, 88% of crime guns are acquired through unregulated channels, and the median time between a crime gun's acquisition and its use in crime is 6.6 years.⁵
8. According to the Bureau of Justice Statistics, most criminals get guns via theft or the black market.⁶
9. Micro-stamping may increase gun thefts, home invasions and other burglaries, and expand the black market in guns. Criminals will be further encouraged to get guns illegally, if they believe that guns bought legally will be linked to them in a computerized database.
10. Most guns do not automatically eject fired cartridge cases. Revolvers can fire five or more rounds without any fired cases being ejected. Pump-action, bolt-action, lever-action and other types of guns eject fired cases only if the user manually operates the gun's unloading mechanism. If a fired case is not ejected at a crime scene, it cannot be recovered for examination.
11. Only a small percentage of guns will be micro-stamped. There are about 250 million guns in the U.S. already.⁷ New guns sold annually account for only 2% of that total, new semi-automatic pistols less than 0.5%,⁸ and guns to which AB1471 applies will account for a tiny fraction, at most.
12. Most violent crimes are committed without guns. According to the FBI, ¾ of violent crimes, including 1/3 of murders and 3/5 of robberies, are committed without guns.⁹
13. Micro-stamping wastes money, including that which is better spent on traditional crime-fighting and crime-solving efforts, like fully funding the Statewide Firearms Anti-Trafficking Task Force.
14. It will require a costly computerized database, separate from the also-proposed ammunition coding database and the current firearms database to track micro-stamped handguns, costs that will be passed along to all taxpayers and consumers, including law enforcement agencies, thereby creating an even bigger state bureaucracy.
15. It will require a redesign of the handgun manufacturing process, and could require payment of licensing fees to the sole-source micro-stamping patent holder, which is NOT a Connecticut-based company but one based in Washington state.

Problems for law enforcement.

16. Micro-stamping exposes police departments to lawsuits if officers fire "unsafe handguns" at suspects. Departments will have to spend taxpayer money destroying all cases fired in training, to prevent cases from being reused at crime scenes.
17. Criminals can obtain fired cases from practice ranges, and use them to "seed" crime scenes, to confuse investigators.
18. Gun control supporters have also advocated empowering the Consumer Products Safety Commission or BATFE to dictate firearm manufacturing standards that no manufacturer could achieve, advocated prohibiting the manufacture of guns that do not possess gadgetry intended to identify whether the person holding the gun is its owner, and try to bankrupt gun manufacturers by suing them for damages caused by criminals who misuse guns.

Sources

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