Opposition to Raised Bill 1094

Dear Members of the Judiciary Committee,

My name is Jon Femia. I would like to voice my opposition to Raised Bill 1094 regarding magazine capacity restrictions.

I am a police officer in one of Connecticut's urban cities and also an attorney. I have ten years of law enforcement experience. I have also served as an Assistant Attorney General and have had the opportunity to intern for a Federal judge and both the Chief State's Attorney's Office and the United States Attorney's Office while a law student. As such, I have a broad array of experiences which shape my beliefs on this bill.

I believe this bill is problematic on a number of levels:

1. There are likely hundreds of thousands of CT residents who lawfully own at least one of the types of magazines this bill would restrict. These people are all law abiding citizens. This bill would unjustly turn them all into potential felons, despite the fact they have done nothing wrong and do not participate in criminal behavior.

2. This bill would also require citizens to surrender or otherwise dispose of property they lawfully purchased and that the State of Connecticut gladly collected sales tax on. This is unfair. Imagine if you were asked to surrender valuable personal property without just compensation and under penalty of felony prosecution.

3. This bill would have no impact on crime or on criminal behavior, especially in the State's urban areas. In my experience as a law enforcement officer, gun control restrictions have done nothing to prevent the criminals I have arrested from illegally obtaining or carrying weapons. The criminals I have arrested don't bother to get pistol permits. They don't purchase their guns lawfully, don't carry or possess them legally, and they don't abide by any restrictions on "assault weapons." They won't care about magazine restrictions, either.

4. It is realistic to think that there are probably over one million magazines holding more than ten rounds that are lawfully in private hands in the State of Connecticut. Despite the fact there is such a large number of these magazines, we do not have a regular rash of mass killings or other crimes with them. Thus banning lawful possession of such magazines would do nothing to "prevent" what is already a non-existent problem.

5. In those tragic circumstances where criminals do misuse firearms, we need to punish the individual for their crime, not punish law abiding citizens for someone else's criminal behavior. Just as we don't blame the alcohol for a person committing DWI or the matches for an arsonist's crime, we should not blame the gun or its magazines for a person's criminal behavior. Just as we don't abridge the freedoms of speech, religion, or assembly because some people misuse those rights, we cannot and should not abridge the rights of our citizens concerning firearms because some people misuse those freedoms.

6. These magazines have legitimate value in self-defense scenarios, including multiple assailant home invasions. They give law abiding citizens, especially women, the infirm, and the elderly a potentially life saving chance over assailants who are typically young men who are stronger and more violent than their victims.

7. These magazines have legitimate sporting purposes in shooting sports such as IDPA, IPSC, and "3 gun" competitions.

8. These magazines have legitimate collector value and can be worth substantial amounts of money. There are also some guns that collectors own for which there are no ten round magazines made, so requiring the owners of such weapons to give up their current magazines would essentially amount to a de facto seizure of their firearm as well.

9. Connecticut currently has effective laws in place to screen out mentally unfit people from obtaining weapons as well as procedures for confiscating weapons from the mentally unfit. I have used these tools as a law enforcement officer. They work fine already. This proposed legislation would not meaningfully prevent such mentally unfit people from harming others.

10. This proposed legislation would be very costly and the cost would become an unfunded mandate on local police agencies. If everyone turned in a million or more lawfully possessed magazines to the police, the record keeping and storage costs would be astronomical. The bill would also engender resentment against both the police and government from people who have to give up their lawfully owned property under threat of arrest, despite having done nothing wrong. Such feelings would not help with restoring a level of civility back into our public discourse or otherwise help to unite a deeply fractured electorate.

11. This legislation would be the subject of costly litigation for the State as it is an unconstitutional law in violation of both the Second Amendment and Due Process clauses of the United States Constitution and also the equivalent sections of the Connecticut Constitution.

I appreciate you for taking the time to understand my opposition to this bill. This is the first time I have ever become involved in the legislative process and I am only doing so because I am deeply troubled by this proposed legislation. I strongly urge you to vote against this legislation.

Respectfully,

Jon Femia