

March 22nd, 2011

Dear Senators and Representatives of the Judiciary Committee,

My name is Peter Kuck and I am a member of the Board of Firearms Permit examiners. I have previously appeared before this committee a number of times in the past 5 years.

In the name of full disclosure I am also one of the individuals who have an ongoing Civil Rights suit against the Department of Public Safety.

I oppose Raised Bill 1094 **AN ACT BANNING LARGE CAPACITY AMMUNITION MAGAZINES.**

There is a reason that governments should not pass laws that they are not prepared to enforce. Passage of unenforceable laws breeds contempt for the law and the legislature that passed the law. In Connecticut we have approximately 173,000 pistol permit holders, we have an unknown number of individuals who own rifles with high capacity magazines, and we have individuals who legally own class three weapons, yes that's machine guns. Does this committee favor making a large percentage of them felons for owning a high capacity magazine? Has this committee considered the implications of what a 25% refusal rate by the states gun owners to abide by this law will mean?

This bill is nothing more than a fool's errand designed to punish individuals who are viewed as political enemies. Please remember that these political enemies have seen the affirmation of their individual second amendment rights under the U.S. Constitution for the first time since Nicholas Katzenbach was the U.S. Attorney General under Lyndon Johnson who argued that the second amendment was not an individual right but a state right.

The U.S. Supreme Court ruling in DISTRICT OF COLUMBIA v. HELLER that the 2nd Amendment of the U.S. Constitution is an individual right and the ruling in McDonald v. Chicago that the 2nd amendment is binding on the states in the same manor as the other nine rights enumerated in the bill of rights has restored a right that some continue to argue is a privilege. I hope that you will consider this in your votes during this season. What this legislature passes this year will either pass Constitutional muster or face Court challenge after Court challenge in Federal Court. Laws that were and are based on the erroneous belief that there was no individual right to keep and bear arms are now patently unconstitutional. Laws that are arbitrary or capricious in their enforcement as well as laws that are based on "local variation or experimentation" will be challenged.

Thank you

Peter Kuck
602 Park Road
West Hartford, CT 06107