

My name is Peter Kuck and I am here today as a citizen of the state of Connecticut. I am also a member of the Board of Firearms Permit examiners and in the name of full disclosure one of the individuals who has filed a Civil Rights suit (Kuck v. Danaher) against the Department of Public Safety in Federal Court. I have previously appeared before this committee on February 18th, 2010 and February 24th 2009.

Since I have appeared before this committee the U.S. Supreme Court has ruled in DISTRICT OF COLUMBIA v. HELLER that the 2nd Amendment of the US Constitution is an individual right and 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.

I hope 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 as well as laws that are based on "local variation or experimentation" will be challenged.

This legislature must be prepared to comply with and fund any court mandated changes that will become necessary to assure the due process and constitutional rights that have been addressed by these two Supreme Courts decisions. We have yet to address 2nd amendment rights in the Manner of Cantwell V Connecticut in which the US Supreme Court ruled (1940) in Part that "*the availability of a judicial remedy for abuses in the system of licensing still leaves that system one of previous restraint which, in the field of free speech and press, we have held inadmissible. A statute authorizing previous restraint upon the exercise of the guaranteed freedom by judicial decision after trial is as obnoxious to the Constitution as one providing for like restraint by administrative action.*" When the 2nd amendment was ruled to be an individual right it gained the same constitutional protection as all other individual rights in the US Constitution and therefore even the fees for pistol permits are in all likelihood unlawful.

An argument that a permit is not a license is specious at best. Changing the name does not change reality.

Specific comments in regards to the contents of raised Bill No. 5800 An Act requiring registration of all firearms.

I oppose any language in any bill that would give the Commissioner of Public safety any additional authority regarding the transfer or registration of firearms. DPS has failed to maintain the firearms data base they currently possess as evidenced by over 10,000 missing DPS 3 registration forms in 2009. In cases where the DPS data base is incorrect, it is the citizen who must prove his innocence. DPS has been known to use the process as the punishment against citizens in cases such as these. (email exhibit next page)

I might add that DPS currently requires the submission of DPS 3 registration forms for the sale or transfer of long arms from FFL dealers in the State of Connecticut even though the requirement is not supported by State Statute. By doing this they have proven their unworthiness to be given any more authority.

From: Mancini, Seth [mailto:Seth.Mancini@po.state.ct.us]
Sent: Tuesday, October 20, 2009 2:28 PM
To: Ed Peruta
Subject: RE: FOI REQUEST

Mr. Peruta:

I appreciate it. Here's what I have been advised by SLFU staff:

There were 3125 letters sent out originally on 10/7/09, then new letters were sent to the same people the next week with an explanatory cover letter. The total number of missing DPS-3s (currently) is 10927. Because the system only keeps a running total, I cannot account for those DPS-3s that have been turned in between 10/7 and today, and therefore now do not show up on the list of outstanding authorization numbers. The oldest authorization number for which we sent a reminder letter was from June, 2000.

DPS has known that not all DPS-3s have been returned, but SLFU recently completed entering a substantial back-log of DPS-3s, and the completion of that task prompted the letters to go out for those that remained unaccounted for after all the DPS-3s had been entered into the system. DPS has no record of receiving DPS-3s that were not properly accounted for. Authorization numbers and submission of DPS-3s are not required for private sales of long guns.

I trust this response answers your questions.

Seth

Sgt. Seth G. Mancini, Esq.

Commissioner's Staff

Specific comments in regards to the contents of raised Bill No. 552 An Act concerning retired officers' authority to carry concealed firearms registration of all firearms.

I support this bill but I would like a change to the bill to allow retired police officers the same rights to carry as the other citizen of this state without mandating concealment for them as a separate class of citizen.

Specific comments in regards to the contents of raised Bill No. 554 An Act concerning firearms the pistol permit appeals process.

I support this bill as a means of enforcing the requirement that the Department of Public Safety investigate the reason for the revocation of a pistol permit and to determine if the revocation was for lawful reason within 10 days of the revocation. The written statement will require the Department of Public Safety to document the Statute that authorizes the revocation without avoiding the legal justification for unlawfully revoked permits. The proper solution is to hold pre-revocation hearings as is due on any constitutional right

Specific comments in regards to the contents of raised Bill No. 547 An Act concerning firearms.

I support this bill as a breath of fresh air in that it returns to Connecticut's citizens the rights and privileges granted to them by The United States government as collectors of federally defined antiques and Curio and Relic firearms.

Specific comments in regards to the contents of raised Bill No. 5263 and 5270 Acts Authorizing renewal of state permits to carry a pistol or revolver by mail (or by electronic submission).

I support this bill as it removes the ability of the Department of Public Safety from adding requirements to the process not supported by law, lowers the cost of processing firearms permit renewals, and adds convenience for the citizens of the state.

Specific comments in regards to the contents of raised Bill No. 5643 An Act concerning the carrying of firearms by out-of-state residents.

I support this bill as it confirms the right of a citizen of the United States to carry a firearm that he is lawfully permitted to carry in his home state. This bill should also protect citizens from Connecticut when traveling in other states through the requirement of reciprocal agreements among the states.

Specific comments in regards to the contents of raised Bills No. 695 and 6185 An Act establishing a gun offender registry.

I oppose this Bill as being unnecessarily redundant, wasteful, and in that it misses the point that we do track violent criminals whether they use knives, gun, or clubs. Do we need another computer system or is this a plan to pad the bloated DPS budget? How will another computer system assist law enforcement in the investigation of firearms offenses when these records already exist in other Department of Safety computer systems?
Why wouldn't we register all violent felons, or do we believe that violent felons don't count unless they use guns?

Specific comments in regards to the contents of raised Bill No. 5898 An Act increasing the penalty for the possession of an assault weapon.

I oppose this bill as it fails to provide any deterrent to violent criminals. Conviction of a felony at any level is a disqualifier for the possession of firearms. This bill is meaningless. It would be wise to note that when Connecticut's assault rifle ban is considered on a national level it is a "local variation or experimentation" and it will be challenged in federal court over time.

Specific comments in regards to the contents of raised Bill No. 42 An Act concerning gun safety standards for firing ranges.

I oppose this bill as it only provides for bureaucratic meddling for political purposes by individuals who would most likely be ignorant of firearms safety. My best bet is that this bill is aimed squarely at Blue Trails range with the intent of closing down a range that has been in existence since World War II.