

To the distinguished members of the Insurance and Real Estate Committee,

I have spent the last several days talking to insurance professionals regarding H.B. 6656 AN ACT CONCERNING LIABILITY INSURANCE FOR FIREARM POSSESSORS OR OWNERS. I must state clearly and up front that I am absolutely against this proposed bill.

The bill states that the person must procure and maintain excess personal liability insurance and self-defense insurance. It does not state as to what the gun owner must be in excess of, nor provide an underlying limit of coverage amount. In order to have excess personal liability insurance there must first be primary or underlying coverage. Since primary coverage is not mandated ~ this excess coverage is then capacious and arbitrary. And its' ambiguity is not worthy of a hearing, for it cannot be fully examined in its' full and final text.

I have learned that my personal liability insurance, to what coverage amounts it already extends, already covers any legal grounds of self-defense and other logical means of using any tangible item in such a way,

My seasoned insurance agent, as well as other veteran insurance professionals has stated quite clearly that lawsuits can be brought on a whim. Some examples included a \$25,000 suit for a child that was "warming up on deck" in a baseball game, where he unintentionally stuck another player with his bat while that player was walking by, causing injury to such other player. The said defendant *was* defended under his existing home and liability insurance while any awards to the plaintiff *were covered under the existing liability insurance*. Another example was while given was an adult sliding head first into home base during yet another baseball game. Said plaintiff sued the catcher for the swiping "tag" which broke the plaintiff's nose. The defendant's existing insurance covered legal fees and a sum of \$15,000 was paid to said plaintiff. These awards were paid out of the liability insurance while the defendant was again *defended pursuant to the existing insurance policy*.

Quite simply, as I was advised, any accidental, or even semi-reckless or negligent act is already covered under existing provisions of the insured's liability coverage, even outside of the home. The same coverage is afforded with even more stringent terms in the home under self defense or in the defense of (himself) or others regardless of the object used to ensure said defense. *Again, much like the Heller Decision, the court has time and time again ruled that these protections exist outside of the home.*

Meanwhile, criminal acts, as always, are often not covered or are only partially covered dependent on the circumstances. This allows for such a suit to be brought fourth in a court of equity and a judicial ruling to be made at such time.

Translation ~ most people already have coverage and this bill as proposed is either trying to duplicate what is already out there or confuse the issue. To date, there are no standard exclusions for firearms or the use of firearms. This means there is coverage for accidental and unintended situations. Intentional and deliberate situations are seldom covered ~ and those are usually solely criminal in nature are excluded. The

question over gun ownership being insured and applying to intentional acts is inaccurate. It would condone illegal acts.

This bill is also targeting lower income gun owners (non-property owners) that may not carry a renter's insurance policy.

This bill, as drafted, does nothing to alleviate the current situation and/or if in place – it would have done nothing to prevent the tragedy in Newtown. Instead this bill acts to confuse and misdirect the public about the intent and use of insurance.

A person can carry an infinite amount of insurance, which may or may not cover a suit in a court of equity dependent upon the award, if any. Meanwhile, unlawful or criminal acts would not be covered – for example, the actions of one Adam Lanza in Sandy Hook. Furthermore, these nominal proposals for further insurance are not something that is not even offered by insurance carriers. What exactly is your underlying intention? Is it to make it impossible to own a firearm without insurance that is neither necessary nor does not exist? I believe this is the case for I asked my insurance agent to examine the largest amount of coverage possible for my own liability. I then asked the question of whether or not it would cover crime that resulted from the theft of a firearm, or any imaginable circumstance that my current insurance would not cover. The answer was an unequivocal, "no."

Insurance is simply just not the answer; it is not even a question. Current insurance coverage, like all of the other erroneous firearms proposals under consideration is already sufficient under current rule of law. And the furtherance of either brings neither clarity nor solution to the underlying issue. Criminals will still continue in their natural course of business and law-abiding, legal gun owners will be made to pay. This disingenuous proposal attacks a *class of citizens* – those who have done nothing wrong.

It is your official obligation to dismiss such unlawful proposals and discontinue your attack on the not only the 2nd Amendment, but the 5th Amendment as well where the interpretation and common usage of the phrase, 'innocent until proven guilty' is derived. What this means, in plain terms, is that constitutionally you cannot be executed, imprisoned, or fined without the proper course of justice taking place. This proposal is an actual fine of ownership. And as you know, due process itself is not defined in the constitution, but is universally recognized as meaning what we term as "a fair trial of the facts." This proposal is completely void of fact and is filled with nothing but fruitless speculation.

As was coined by the Declaration of Independence, "We hold these truths to be self-evident." You are obligated to do the same.

I vehemently oppose H.B. 6656.

Respectfully Submitted,

Brian N Harte