From: James Ritchie <james_ritchie@sbcglobal.net>
Sent: Tuesday, March 19, 2013 12:14 AM
To: INSTestimony
Subject: Raised Bill No. 6656, "An Act Concerning Liability Insurance For Firearm Possessors Or Owners."

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Committee Members: Crisco, Joseph J.; Megna, Robert W.; Hartley, Joan V.; Wright, Christopher A.; Kelly, Kevin C.; Sampson, Robert C.; Abercrombie, Catherine F.; Alberts, Mike; Altobello, Emil; Camillo, Fred; Cuevas, Victor; Dargan, Stephen D.; Hwang, Tony; Johnson, Susan M.; Maroney, James; Riley, Emmett D.; Rutigliano, David; Santiago, Hilda E.; Yaccarino, Dave W.

After reading the proposed bill listed above, several question come to mind. Yes, I have had a pistol permit for the last 40 years only to cover myself when going to the range to enjoy a sport that I love. After seeing this proposed bill, I called my insurance company. My policy already covers and is not a separate policy as so stated in you requirements whether or not if I use the firearm, rifle or shotgun for defense in my premise. So this raises the question of infringement of the State and Federal Constitution on the "Right to Bear Arms". Is this bill a way to create undue burden to lawful gun owners and take away the 2nd Amendment?

In DISTRICT OF COLUMBIA et al. *v.* HELLER,[1] the following rulings were made:

"1 The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home. Pp. 2–53.

(a) The Amendment's prefatory clause announces a purpose, but does not limit or expand the scope of the second part, the operative clause. The operative clause's text and history demonstrate that it connotes an individual right to keep and bear arms. Pp. 2–22.

(b) The prefatory clause comports with the Court's interpretation of the operative clause. The "militia" comprised all males physically capable of acting in concert for the common defense. The Antifederalists feared that the Federal Government would disarm the people in order to disable this citizens' militia, enabling a politicized standing army or a select militia to rule. The response was to deny Congress power to abridge the ancient right of individuals to keep and bear arms, so that the ideal of a citizens' militia would be preserved. Pp. 22–28.

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(f) None of the Court's precedents forecloses the Court's interpretation. Neither United States v. Cruikshank, 92 U. S. 542 , nor Presser v. Illinois, 116 U. S. 252 , refutes the individual-rights interpretation. United States v. Miller, 307 U. S. 174 , does not limit the right to keep and bear arms to militia purposes, <u>but rather limits the type of weapon to which the right applies to those used by the militia, i.e., those in common use for lawful purposes.</u> Pp. 47–54.

2. Like most rights, the <u>Second Amendment</u> right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose: For example, concealed weapons prohibitions have been upheld under the Amendment or state analogues. The Court's opinion should not be

taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms. *Miller*'s holding that the sorts of weapons protected are those "in common use at the time" finds support in the historical tradition of prohibiting the carrying of dangerous and unusual weapons. Pp. 54–56."

This proposed bill is attacking the lawful ownership of firearms and creates undue burden of the 2nd Amendment and infringes on those rights, while also requiring double indemnity and criminalize the 2nd Amendment . I am requesting that this committee VOTE NO ON THIS BILL.

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[i] http://www.law.cornell.edu/supct/html/07-290.ZS.html