

**Public Hearing Testimony for the Public Safety and Security Committee Hearing  
March 14, 2013**

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Senator Guglielmo, Senator Giegler, and Members of the Committee:

My name is Matthew S. Cahill. I am here today to speak in opposition to the following proposed bills:

**SB 505 (Proposed) AN ACT CONCERNING THE MINIMUM AGE TO BUY A RIFLE.**

I oppose raising the minimum age to purchase a rifle to 21 because it would foreclose upon the individual right to keep and bear arms for self defense by citizens who are considered adults with regards to the exercise of all their other constitutional rights without a commensurate increase in public safety. After age 18, many young adults leave home to accept adult responsibilities, such as assuming sole responsibility for their own self-defense. A person under 21 cannot purchase a handgun in CT and a long gun is the only other option for armed self defense. As a society, we do not limit other individual enumerated rights, such as free speech, after a person reaches the age of majority. The Second Amendment should be no different.

**SB 506 (Committee) AN ACT REQUIRING CRIMINAL BACKGROUND CHECKS FOR ALL PRIVATE FIREARM SALES.**

I oppose 506 because it adds the unnecessary burden of a NICS background check for the private sale of long guns without a commensurate increase in overall public safety. According to the FBI, there was a total of one homicide committed with a long gun in CT for all of 2011.<sup>1</sup> That's right – one. Criminals use handguns in the commission of most crimes, not long guns. The event at Sandy Hook was committed with a stolen rifle. To my knowledge, there is no compelling evidence that long guns sold in private sale are used in the commission of crimes in CT. As such, the additional background checks contemplated by SB 506 will only serve to infringe upon a person's right to engage in private transactions for the sale of their lawfully owned property.

**HB 897 (Raised) AN ACT CONCERNING THE REGULATION OF FIREARMS.**

HB 897 prohibits carrying a firearm while under the influence, which is not unreasonable. However, I oppose it because it does not make exceptions for defense of self, family, or property while on one's own land. The statute should be modified to reflect those exceptions.

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<sup>1</sup> See <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/tables/table-20> This is not an anomaly. CT's figures are in keeping with national statistics, where more people are killed with blunt objects and hammers than rifles! See <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/tables/expanded-homicide-data-table-11> Bottom line, the truth about guns is that there no epidemic of deaths caused by modern sporting rifles that would necessitate further gun control or expanded so called "assault weapons" bans.

## **SB 1076 (Raised) AN ACT CONCERNING THE REDUCTION OF GUN VIOLENCE.**

The title of SB 1076 is a misnomer. No provision contained in SB 1076 reduces “gun violence.” Criminals will always be able to obtain firearms. In fact, they do so readily in those countries that civilian disarmament advocates wish to emulate, such as the UK, which has startlingly high amounts of violence and property crimes.<sup>2</sup> Instead of its stated goals, SB 1076 will impose onerous and patently unconstitutional restrictions on gun ownership. It is, in a word, intolerable. As such, I oppose SB 1076 in its entirety. Among the Sections of the Act that I oppose:

1. **ASSAULT WEAPONS BAN:** SB 1076, Section 1, expands the definition of “assault weapon” so broadly that almost ANY magazine fed semiautomatic is, in effect, an assault weapon. Under Section 1, there are no real assault weapons, just different excuses to ban the majority of semi-automatic weapons many of which, i.e., the AR-15, are commonly used for both self defense and sporting purposes. Because Section 1 precludes an entire class of firearms in common use it runs into the problem the Supreme Court had with the District’s handgun ban in *District of Columbia v. Heller*, 554 U.S. 570 (2008). Namely, it bans ownership of a weapon that large numbers of Americans rely on for everyday defense. Just like a handgun, the semi-auto carbine, e.g., the AR-15, with its inherent accuracy, ability to accept 20 and 30 round standard capacity magazines, and low recoil, is an effective choice for personal defense.<sup>3</sup> I find it hard to believe that post *Heller* that SB 1076 would pass constitutional muster when challenged, which it would be. To add insult to injury, a Justice Department report determined that the 1994 Federal AWB had little to no effect on overall crime.<sup>4</sup> As such, there is no reason to pass such an onerous and restriction bill in the first place other than to advance the goal of civilian disarmament in direct contravention of the Second Amendment.

2. **RIFLE PERMITS:** Section 7 establishes a state rifle license and lays out the procedure to obtain one. The only question, really, is why. CT has managed to safely exist without a rifle permitting process for hundreds of years. Keeping in mind, the first semi-auto rifle was introduced in 1885!<sup>5</sup> There is no compelling reason to create a rifle permit now. Yes, Sandy Hook was a tragedy. But tragedies should not be used for political gain or push agendas, especially in the absence of any true need. As noted above, the FBI reports that one homicide was committed in CT in 2011 with a long gun. One unfortunate incident is relation to the millions of times weapons are used lawfully, including in self defense, is not enough reason to abrogate the Second Amendment. At the end of the day, a state rifle permit is a knee jerk reaction to Sandy Hook which would not have prevented that tragedy.

3. **FIREARMS PURCHASE LIMITATIONS:** Section 5 (g)2 would restrict the purchase of any firearm, other than a pistol or revolver, to no more than one in a 30 day period. The State does not control, say, the number of cars I can buy in a month, or how many gallons of gas I can purchase. And unlike many of the products that I purchase every month, my right to keep and bear arms is protected by the Second Amendment. The one gun a month rule is an odious abridgment of Second Amendment

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<sup>2</sup> *Would banning firearms reduce murder and suicide? A Review of International and Some Domestic Evidence*, Harvard Journal of Law and Public Policy Vol. 30 No. 2, 650 (2007).

[http://www.law.harvard.edu/students/orgs/jlpp/Vol30\\_No2\\_KatesMauseronline.pdf](http://www.law.harvard.edu/students/orgs/jlpp/Vol30_No2_KatesMauseronline.pdf)

<sup>3</sup> Personal Defense Weapons Solicitation, DHS (ICE) Solicitation Number: HSCEMS-12-R-00011.

<https://www.fbo.gov/?s=opportunity&mode=form&id=d791b6aa0fd9d3d8833b2efa08300033&tab=core&cvview=Q>

See also **\*\*AR-15 To Save A Life - A Conversation With The General Assembly\*\*** Feb. 5, 2013,

<http://www.youtube.com/watch?v=jxNBRNrDTE&feature=youtu.be>

<sup>4</sup> [http://www.sas.upenn.edu/jerrylee/research/aw\\_final2004.pdf](http://www.sas.upenn.edu/jerrylee/research/aw_final2004.pdf)

<sup>5</sup> <http://www.nraila.org/news-issues/issues/assault-weapons-and-semi-automatic-firearms.aspx>

that will not serve to increase public safety one iota. Also, firearms purchase limitations would seem to implicate an unreasonable restriction on interstate commerce and, hence, a probable violation of the Commerce Clause.

4. **AMMUNITION SALES:** Section 33 (a) requires firearm identification card to purchase or possess specific types of ammunition. This provision would not prevent gun violence. Criminals will obtain ammunition, as they always have, from alternative means. After all, we see how well prohibition worked with alcohol and our ongoing "war on drugs." Currently, a law abiding citizen can walk into Cabella's to pick a box of ammo to go target shooting, hunting, etc. He might even buy some ammo for a gun he is thinking of buying, or for a friend he will be hunting or shooting with. At home, he may have a bunch of oddball rounds that he picked up over the years sitting in a cigar box in his safe. This is not a loophole but the simple and, until quite recently, normal exercise of an individual that does not need to justify his purchases to State. That same person, under SB 1076, will be forced to "show their papers" like the subjects of some totalitarian state, or else be deemed a felon. The real felons of, of course, will be purchasing the ammo elsewhere, presumably without having to provide their firearm identification card.

5. **UNIVERSAL REGISTRATION OF FIREARMS:** Section 32 mandates the registration of almost EVERY firearm in the CT. The FBI reports that were approximately 1.8 million NICS checks in CT from 12/98 – 01/13.<sup>6</sup> A NICS check could represent the purchase of multiple firearms. There are probably more guns than people in CT. As such, the cost and breadth to administer the firearms registry would be financially devastating for our all ready cash strapped tiny state, as well as pointless. We know this because a similar scheme was implemented by Canada in 1994 and, with the exception of restricted weapons, ended in 2012. An estimated 1 billion was spent on the registry by 2002.<sup>7</sup> It was so effective that 70% of firearms were never registered.<sup>8</sup> As Canadian Public Safety Minister Vic Toews remarked on the registries effectiveness on the eve it was effectively ended, "[i]t does nothing to help put an end to gun crimes, nor has it saved one . . . life."<sup>9</sup> CT does not need to spend the time and effort to repeat a failed experiment in tyranny and governmental overreach.

Moreover, the language of Section 31 – 43, and SB 1076 in general, is convoluted and vague enough to result in felony prosecutions for those who cannot follow its myriad strands of red tape, or those who, like the 70% of Canadians, will follow the dictates of their conscience.

**SB 6162 (Committee) AN ACT CONCERNING INELIGIBILITY FOR A PERMIT TO CARRY A PISTOL OR REVOLVER OR AN ELIGIBILITY CERTIFICATE BASED ON A PRIOR HOSPITALIZATION.**

SB 6162 is well intended but extends the already extensive tentacles of government intrusion into the foundations and privacy of the fundamental unit of our society: the family. At its core, the bill authorizes law enforcement to conduct investigations of ALL members of an applicant's family. Moreover, the twenty four month period regarding confinement only serves to further dissuade people who are mentally ill from seeking the help they may need and unfairly penalizing and stigmatizing people with mental illness who have taken the steps to address their issues. The best way to address

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<sup>6</sup> [http://www.fbi.gov/about-us/cjis/nics/reports/20130205\\_1998\\_2013\\_state\\_monthly\\_totals.pdf](http://www.fbi.gov/about-us/cjis/nics/reports/20130205_1998_2013_state_monthly_totals.pdf)

<sup>7</sup> <http://www.cbc.ca/news/canada/story/2009/10/06/f-gun-registry.html>

<http://www.cbc.ca/news/canada/story/2002/12/03/auditor021203.html>

<sup>8</sup> <http://www.lufa.ca/quickfacts.asp>

<sup>9</sup> <http://news.nationalpost.com/2012/02/15/conservatives-and-enthusiasts-cheer-the-end-of-the-long-gun-registry/>

the underlying concerns of SB 6162, i.e., access to firearms by people with a history of severe mental illness, in the same way we do with households with minor children: restrict their access to firearms not under the immediate control of their owners with gun locks and/or safes.

**HB 6521 (Proposed) AN ACT REQUIRING FINGERPRINTING AND CRIMINAL BACKGROUND CHECKS PRIOR TO THE SALE, DELIVERY OR TRANSFER OF ALL LONG GUNS.**

As drafted, HB 6521 requires the actual physical fingerprinting of a person who wanted to buy, sell or transfer a long gun at retail or via private transaction without any actual provisions regarding how the fingerprinting would be practically implemented. In addition, it is unnecessary. NICS checks are already completed for long guns in retail sales and valid identification needs to be presented. As noted above, there is no reason for a NICS check in the first place in private sales in the absence of any real evidence that such sales are in anyway causing issues, other than psychological ones in the minds of civilian disarmament advocates. Individuals have the right to dispose of their lawfully owned property without unnecessary interference.

**HB 6595 (Raised) AN ACT PROHIBITING THE DISCHARGE OF FIREARMS NEAR PRIVATE RESIDENCES.**

Conn. Gen. Stat. § 53-203 currently defines the unlawful discharge of a firearm is "intentionally, negligently or carelessly discharges any firearm in such a manner as to be likely to cause bodily injury or death to persons or domestic animals, or the wanton destruction of property." While the standard is somewhat ambiguous, it does allow the application of common sense to individual situations. The addition of an arbitrary distance requirement is a restriction on individual property and Second Amendment rights. 500 feet of clearance is hard to find in many parts of CT. With the proper backstop, reasonable acreage, the proper set up, and, of course, adherence to local noise ordinances, a personal range that did not endanger neighbors could be built.

I also oppose HB 6595 because there will be times when a firearm may need to be discharged within 500 feet of another residence, such as in lawful self defense, and the change in the statute could result in a person who was defending their property being charged with unlawful discharge. As such, the current statute should not be amended.

**HB 6598 (Raised) AN ACT CONCERNING PUBLIC PROTECTION.**

I object to HB 6598 on the basis that if the State fails to meet its burden in proving that a person poses a risk of imminent personal injury to himself and others, and the court orders that seized arms be returned to the individual, the State should return the property that it has deprived him immediately. Think about it, the State has come in, abridged a citizen's Second Amendment rights, and then failed to present clear and convincing evidence that its seizure of the property was lawful. It is the citizen who has been stripped of his lawfully owned property. Accordingly, the onus should be on the State to return the property to the citizen, not the other way around. Moreover, the State, in failing to justify an extreme and coercive measure, should certainly be liable if, after that point, it disposes of his property without making every reasonable attempt to return it.

I would like to close by saying that with regards to the above, and any other, civilian disarmament legislation, I will do everything in my power to ensue any politician who votes in favor of these bills is not reelected. I urge every person that owns a firearm to do the same. From now on there are no longer Democrats, Republicans, Liberals or Conservatives -- only Second Amendment voters who will not rest until the rights of CT Citizens are protected from attack by the plethora of intolerable and

ineffective civilian disarmament acts and legislation emanating from a minority of Progressive politicians who are profoundly disquieted by the essential truth that our founders knew lay at the heart of our Republic -- an armed citizenry is, at the end of the day, the best bulwark against tyranny.