

March 14, 2013

Public Hearing before the Committee on Public Safety and Security

Good day, Distinguished Members of the Public Safety and Security Committee.

My name is Tom Violante and I reside in New Haven. I'm here to testify primarily on Senate Bill 1076 and also on Senate Bills 299, 505, 506, 710, 897, 1071 and House Bills 6162, 6251, 6595 and 6598, all in the three minutes I'm allowed. I'm astounded that we have 11 bills before this committee and that we had over 120 gun bills proposed during this session. We can surmise that somebody doesn't want CT's law-abiding gun owners to possess firearms or their components guessing by the sheer number of proposed bills, but maybe I'm wrong. If you **oppose** the anti-gun bills, as do I, then I thank you in advance and ask that you vote accordingly. However, if you **support** the anti-gun bills, then I have issues to raise.

Have each of you read and do you fully understand what's contained in these bills? SB1076 alone is 38 pages long and constitutes a *de facto* ban on most modern firearms and magazines in use today, focusing primarily on the .223 caliber modern sporting rifle with a pistol grip, barrel shroud and detachable magazine and erroneously named an "assault rifle." This firearm, and most modern handguns and long guns, are identified and protected under the U.S. Supreme Court's *Washington DC vs Heller* decision, wherein Justice Antonin Scalia wrote: "... the Second Amendment extends, *prima facie*, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding." Scalia also referenced the 1939 Supreme Court case *United States vs. Miller*, writing: "... as we have said, the conception of the militia at the time of the Second Amendment's ratification was the body of all citizens capable of military service, who would bring the sorts of **lawful weapons that they possessed at home** to militia duty. [They] would require sophisticated arms that are highly unusual in society at large. Indeed, it may be true that no amount of small arms could be useful against modern-day bombers and tanks. But the fact that modern developments have limited the degree of fit between the prefatory clause and the protected right **cannot change our interpretation of the right.**"

I support and ask you also to support SB299, SB506 if there are no costs involved, SB710 which is already a practice, SB897 with its minor changes, and HB6251 whose practice is already employed but not required in CT.

I oppose and ask you also to oppose all of SB1076, SB505, SB1071 as onerous, HB6162 because it pertains to persons outside the control of a firearm owner, HB6595 unless clarified as to the discharge of a firearm for lawful purposes is added, and HB6598 unless a hearing before a court of competent jurisdiction is required before a warrant issues.

How can anyone possibly justify passing bills to help prevent another tragedy without first reviewing all of the pertinent facts necessary to understand the Newtown tragedy? Passing laws now would be an exploitation of that tragedy so we can all feel like we did something good. The people of Newtown listened to both sides and applauded opposing points of view.

It's wrong that some legislators and the governor want to rush the process either to satisfy special interests or put these issues behind them. Some legislators speak of a compromise in order to pass ill-conceived bills for their own sake or to further their own personal agendas. It is the legislators' duty to arrive at solutions based on real facts and evidence, not to come up with a series of band-aids that seemingly pacify one side or the other.

All the facts must be in evidence before these problems can be solved. Meaningful bipartisan solutions that don't demonize a segment of our society are what's needed. What possible good would it do to criminalize a half-million law-abiding gun owners – your constituents – by passing bad laws and making them felons? What kind of a message would it send to the other 3 million people of CT that they may be the next targets of some other ill-conceived set of laws?

Enforce the existing gun laws. Let me repeat that: **Enforce the existing gun laws.** Fully fund the task force on illegal guns at \$1 million a year or more. Enforce mandatory 5-year sentences on anyone who commits a crime with a gun. Punish judges and prosecutors who plea bargain gun sentences down by firing them. Do you have the courage to do these things? They will bring criminals to their knees if enacted. We ask that you not let your anger at the killer, or his mother for being so careless, or your emotional reaction at the horrible loss of 26 angels cause you to punish the thousands of law-abiding citizens of this state by trampling on our civil rights guaranteed under the state and federal Constitutions and especially the 2nd Amendment. We ask you to think about this with reason and without the deep emotion that we all share and come to the conclusion that the patriots in Connecticut that possess the legal right to keep and bear arms be afforded those rights guaranteed under the Bill of Rights.