

Dear Senators and Representatives,

My name is Peter Kuck and I am a member of the Board of Firearms Permit examiners.
I am here today speaking for myself.

I have in the past filed a Civil Rights suit against the State of Connecticut for the denial of Due process rights due to the creation of a 17 to 22 month delay for hearings before the Board of firearms permit examiners. I lost that case when the state claimed that the backlog was declining and that a 17 to 22 month waiting period for an administrative hearing was not a denial of due process rights. The court case took seven years and tens of thousands of dollars to pursue. (Please note that the current waiting period for a hearing before the board is now 29 months and I still consider that to be a denial of due process rights).

This legislature is now offering more laws that would deny the citizens of this state their due process rights. Due process rights protection extends to all government proceedings that can result in the loss of a citizen's rights or property.

Due process rights demand the following:

1. An unbiased tribunal.
2. Notice of the proposed action and the grounds asserted for it.
3. Opportunity to present reasons why the proposed action should not be taken.
4. The right to present evidence, including the right to call witnesses.
5. The right to know opposing evidence.
6. The right to cross-examine adverse witnesses.
7. A decision based exclusively on the evidence presented.
8. Opportunity to be represented by counsel.
9. Requirement that the tribunal prepare a record of the evidence presented.
10. Requirement that the tribunal prepare written findings of fact and reasons for its decision.

Governors Bill 6848 is unconstitutional.

Governors Bill 6848 in Section 29-36k section 1, 1(a) Fails to provide the accused with the Most basic requirements of the Constitution in that it removes from state statutes the language that allows a citizen to defend himself from false and malicious charges prior to being stripped of his Constitutional and private property rights. The removal of this language replaces the presumption of innocence with a presumption of guilt. Furthermore it limits a citizens' right to transfer his property to an individual of his choice, so that he may regain his property after any and all unproven charges have been dismissed.

Section 53a-217 (a) and Section 53a-217(c) of this Bill also fails to provide the accused with the most basic requirements of the Constitution by removing from state statutes the language that allows a citizen to defend himself from false and malicious charges prior to being stripped of his Constitutional and private property rights. The removal of this language also replaces the presumption of innocence with a presumption of guilt.

Proposed Bill 650 is unconstitutional.

Proposed Bill 650 is unconstitutional in that it also allows the seizure of citizen's firearms prior to giving him the opportunity to defend himself from false and malicious charges before being stripped of his Constitutional and private property rights. The removal of this language also replaces the presumption of innocence with a presumption of guilt.

Raised Bill 6962 is unconstitutional.

Raised Bill 6962 is unconstitutional in that it fails to comply with the U.S Supreme court ruling in Heller.

A trigger-lock requirement (as applied to self-defense) violates the Second Amendment. The total ban on handgun possession in the home amounts to a prohibition on an entire class of arms that Americans overwhelmingly choose for the lawful purpose of self-defense. This prohibition would fail constitutional muster under any standard of scrutiny. Similarly, the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is therefore unconstitutional. The addition of language to this bill also replaces the presumption of innocence with a presumption of guilt for state citizens.

Summation

These proposed changes to state statute include the very definition of the denial of due process rights for individuals who own firearms under the U.S. and State Constitutions. They also invite the “use of the process as the punishment” through the deliberate delay and “slow walking” of cases through administrative and judicial processes.

In closing I offer you a quote from Justice Brandeis from his dissent in *Olmstead v. United States*, and the decision from the U.S. Supreme Court in the *Cantwell v. Connecticut*.

The Justice Brandeis from his dissent in *Olmstead v. United States*

“Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that, in the administration of the criminal law, the end justifies the means -- to declare that the Government may commit crimes in order to secure the conviction of a private criminal -- would bring terrible retribution.”

The U.S. Supreme Court in the *Cantwell v. Connecticut* decision.

The fact that arbitrary or capricious action by the licensing officer is subject to judicial review cannot validate the statute. A previous restraint by judicial decision after trial is as obnoxious under the Constitution as restraint by administrative action.

Your votes count in this matter.
Please consider the potential repercussions of that vote.

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