

Dear Senators and Representatives,

My name is Adam Cook. I am here today to oppose HB No. 7028, specifically, the last few lines of the bill regarding Sec. 24. Subsection (b) of section 29-35. More specifically this added sentence: ***Such holder shall present his or her permit upon the request of a law enforcement officer for purposes of verification of the validity of the permit or identification of the holder.***

Since pistol permit holders in CT are already required to present their permits in the course of ***a legal investigation***, one can only assume that legislative intent in this case is to nullify the 4th amendment protections afforded to everyone else in the state; this is of course unconstitutional and if I've misinterpreted legislative intent, please enlighten me.

The Supreme Court has held in Terry v Ohio that in order for police to legally detain a suspect the detainee has to be just that, a suspect. Police must be able to articulate a reasonable suspicion that the detainee has committed, is committing or is about to commit a crime; otherwise, the officer would be in violation of the detainee's 4th amendment rights.

In BOFPE case No. 10-301-R, involving the revocation of a man's permit to carry pistols and revolvers due to him carrying a gun in plain sight, the board found that openly carrying a pistol or revolver in the State of CT does not rise to the level of RAS or probable cause and that there must be illegal activity involved in addition to the legal and constitutionally protected act of carrying a firearm. The man's permit was reinstated by unanimous decision.

Last week, many of us sat in this building for 14+ hours speaking against the unconstitutional bypassing of due process regarding the removal of a person's firearms for currently, 2.42 years based solely on accusations of one person. (Kuck, Peter)

The average pistol permit holder in CT feels as though we are being targeted for some reason because in addition to attempting to do away with our due process rights last week with redundant legislation at the behest of the governor himself, the state of Connecticut is, one week later, is attempting to do away with our 4th amendment rights with yet another round of proposed unconstitutional legislation.

In light of the serious financial difficulties besetting this state (of which we were assured was NOT the case during the gubernatorial election) and the mass exodus of small and large businesses, one must be forgiven for wondering why CT is spending such an inordinate amount of time and resources focusing on restricting the rights of arguably the least likely segment of our population to commit violent crimes; the CT pistol permit holder.

Proponents of this change say that because CT law requires permit holders to carry their permit on them when carrying, "obvious" legislative intent was that free, law abiding citizens could be stopped and forced to identify anytime without cause; I hold a different view. It could be that CT permit holders are required to carry their permits to speed the investigatory process should there be a legitimate gun use by a permit holder. Legislative intent in CT, especially regarding firearms restrictions are never cut and dry.

In altering Sec. 24. Subsection (b) of section 29-35, the state opens itself up to legal action by anybody who is illegally detained and forced to identify. This would be an irresponsible, unconstitutional and potentially very costly move again, by a state currently facing serious financial problems; a state we've just been told, that will increase borrowing by **40% this year.**

I urge the committee to drop this language from this otherwise unrelated bill in order to protect the state of Connecticut and its already hard-pressed tax payers from potentially costly civil actions.

Thank You for your time.

Adam Cook
Cheshire, CT

Citation(s)

Kuck, Peter. "HB-06848 Kuck, Peter." *Http://www.cga.ct.gov/*. State of Connecticut, 9 Mar. 2015. Web. 19 Mar. 2015. <<http://www.cga.ct.gov/2015/juddata/tmy/2015HB-06848-R000311-Kuck, Peter-TMY.PDF>>.