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Testimony for the Public Safety and Security Committee public hearing on Thursday, March 3, 2016

In regards to Raised Bill No. 5408, *AN ACT CONCERNING THE PRESENTATION OF A CARRY PERMIT*

I oppose the wording of this raised bill for a number of reasons.

The text of the bill removes an important safeguard for persons who are obeying the law, and by removing the wording for a permit holder

**[who has reasonable suspicion of a crime]**

for purposes of verification of the validity of the permit or identification of the holder creates a scenario of arbitrary, capricious and PROFILED stops at the random whim of an officer under color of law.

This is further exasperated by including a truly vague criteria "law enforcement officer has reason to believe" Such holder is carrying a pistol or revolver.

This excruciatingly vague criteria, without defining acceptable "reasons" is made ripe for abuse by then removing the criteria of any direct observation [that is observed by such law enforcement officer.]

So, under a revised law, any officer could profile any individual, and for any arbitrary or capricious reason stop, detain an individual and demand production of papers anywhere and anytime without cause, simply on a stated belief (real or feigned) that an individual "may" be armed, regardless if there's any visible or any other clue to suggest that.

Among the possibilities, is the wearing of an NRA-logo baseball cap sufficient reason for an unconstitutional stop and frisk, absent of any cause, probable or not, that a crime is being committed.

Is it sufficient reason that the wearing of a commercial logo tee-shirt bearing an image of a gun or manufacturer is that scarlet letter for an officer to assume the wearer is armed?

Is it acceptable to enable a mechanism for a citizen to be detained absent of any cause whatsoever, other than the excuse that someone believes an individual may be lawfully armed, meriting detention, threat of prosecution, false charges of interfering with an officer, etc? NO! That is not acceptable.

This committee must recognize these facts. Permit holders are all people who have passed multiple background checks, have been fingerprinted, and obey the laws.

There have been a scant few instances where officers, not educated in the actualities of the law have insisted on production of papers beyond what the current law provides. And in those few instances, a

very small number of people have “stood their ground”, cooperating up to, but not beyond what the law required.

Some of these people had been arrested, and charges later dropped, because no law was broken.

This bill is a horrible attempt to fix a non-problem, and one which sets a most dangerous precedent of eliminating probable cause entirely, this being an essential protection against unwarranted police action. It enables a mechanism for profiling-type abuse, and while this is in no way intended to presume such abuse would take place, as most members of law enforcement work hard to be professionals; the law itself must retain the essential protections supposedly granted by basic civil rights to be secure in ones’ person and effects other than on probable cause.

There’s no need for 5408, it is poorly worded, and it should not pass out of your committee.

Respectfully,

Bill Hillman