

Testimony to the Public safety and Security Committee, March 3, 2016

Oppose HB 5408, AN ACT CONCERNING THE PRESENTATION OF A CARRY PERMIT

Senator Larson, Representative Dargan, and Members of the Committee,

I am writing today in **opposition of HB 5408, An Act Concerning the Presentation of a Carry Permit.**

Some people in support of this bill are claiming the language of the existing law is unclear. I would point out that the existing language was added last year to clarify exactly under what circumstances a police officer may demand to see a Permit to Carry from an individual carrying a firearm. This legislature wrote into law what was already the policy of most police departments and clarified, for the few outlier municipalities, the legislative intent in remaining consistent with Fourth Amendment jurisprudence.

In case any confusion remained over the requirement of 'Reasonable Suspicion' before demanding to see a Permit to Carry, the language of this existing bill is further clarified by the Office of the Chief State's Attorney Memorandum published February 5th, 2016. In that Memo, the Office of the Chief State's Attorney explains exactly what the law requires and provides police with a number of helpful scenarios to illustrate how to gather enough observations to meet the required level of suspicion. Based on my reading of the memo, very little is actually required.

Another claim is that this bill would only apply to people who are openly carrying firearms. This is not true. In fact, the language of HB 5408 is so board as to enable, and perhaps even encourage, Stop-and-Frisk-like policies within the State of Connecticut. Where the existing law requires a police officer to have a reasonable suspicion of a crime, the language in HB 5408 requires only that police officers believe the a person is carrying a firearm. An amateur radio operator carrying a two-way radio on their belt or the bulge of a cell phone in the pocket are all the justification police officers would need to believe a person may be carrying a firearm. These justifications fly in the face of the Fourth Amendment's guarantees against unreasonable searches and seizures.

I hope you take these into consideration and join me in opposing HB 5408.

Thank you,
Kevin Holian-Borgnis
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