



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400

Memorandum of Opposition

Date: March 3, 2016

To: Honorable Members of the Public Safety and Security Committee

From: Christopher G. Kopacki, Ph.D.

RE: House Bill 5408 - OPPOSE

On behalf of the National Rifle Association and all those who wish to lawfully exercise their Second Amendment rights in Connecticut, I would like to communicate our opposition for House Bill 5408, which would require the holder of a permit for the carrying of a handgun to present such permit upon the request of a law enforcement officer.

HB 5408 would allow police officers to demand Connecticut handgun permit holders present their permit if the officer has reason to believe they are carrying a handgun. As such, the bill violates the freedom from unreasonable search and seizure guaranteed by the U.S. Constitution.

The Fourth Amendment allows police to stop and briefly detain a person for investigation only if the officer has a reasonable suspicion, supported by articulable facts, that criminal activity is occurring. This is why current Connecticut law requires that officers must have a “reasonable suspicion” that a crime is being committed before they can request proof of a permit. The current law should not be amended, because HB 5408 infringes on the rights of those who choose to exercise their Second Amendment right to keep and bear arms, while doing nothing to deter criminals.

There is a strong legal argument to support our stance. In *United States v. Drayton* (2002), the U.S. Supreme Court recognized that the Fourth Amendment does not prevent the police from initiating “consensual encounters” with individuals on public streets and in other public places to ask questions. The Supreme Court did, however, in *Terry v. Ohio* (1968), established that the Fourth Amendment DOES prevent the police from detaining individuals for a stop and frisk in the absence of “reasonable suspicion” that the individual has committed, or is about to commit, a crime. More than a “hunch” is needed to detain an individual. An officer must identify “specific and articulable facts” to support a reasonable suspicion of criminality. As recognized by the federal 10th Circuit in *United States v. King* (1993), allowing a stop without reasonable suspicion “would effectively eliminate Fourth Amendment protections for lawfully armed persons.” Because current Connecticut law conforms with *Drayton*, *Terry*, and *King*, it should not be changed.

Beyond the legal argument, which clearly shows HB 5408 to be unconstitutional, there is an academic argument to our stance. There is no scholarly research or empirical evidence to suggest that this law would make the people of Connecticut any safer. Furthermore, this bill has the potential to allow for the constant

harassment and abuse of law abiding citizens. In a time when police-community relations are significantly strained, especially in minority communities, this bill could have dangerous consequences and infringe upon the rights of all those that call Connecticut home.

It is for these reasons that we oppose House Bill 5408. We ask that you also oppose HB 5408. As always, I am available at (703) 267-1192 should you wish to further discuss the NRA's position on this proposal.

Sincerely,

Christopher G. Kopacki, Ph.D.
Connecticut State Liaison
National Rifle Association