



CT Against Gun Violence

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**Testimony to the Public Safety Committee
Ron Pinciaro, Executive Director**

Testimony re: HB 5408 - Support; HB 5409 - Oppose; SB 20 - Support

CT Against Gun Violence (CAGV) supports HB 5408 Presenting Permits to Carry

The bill would require holders of permits to carry handguns in public to keep their permits on their person at all times when carrying outside of the home. It would require persons carrying handguns in public to produce their permit when requested by police officers in situations where the officer reasonably believes the person is carrying a handgun and seeks to verify the validity of the holder's permit.

There have been numerous recent situations, including at a Subway shop in Bridgeport and a WalMart in Hartford where persons carrying handguns openly have refused to show their permits when asked by police officers because the permit holders interpret the current statute to mean they are not required to show their permits.

Since under current statute, the officer is only authorized to see the permit in situations where there is reasonable suspicion of a crime, officers are often hesitant to press the issue and demand to see permits. The current proposal thus clarifies potentially conflicting interpretations of the statute and avoids possibly confrontational encounters.

Carrying handguns openly in public and in stores is very intimidating to shoppers. It is additionally alarming to learn that a police officer on the scene is not allowed to see the permit of the person to insure that the permit is valid unless there is reasonable suspicion of a crime.

For a police officer to ask to verify the validity of a person carrying in public does not rise to the level of illegal search and seizure. There is a compelling public safety interest in allowing police officers this discretion, since the public is frightened and disturbed in these situations.

The question of Constitutionality has also been raised but the authority exists in a number of other states, some of which are: Kansas: § 75-7c03; Michigan § 28.425f; NC

Gen. Stat. § 14-415.11. Oklahoma -SB 1733; VA Sec. 18.2-308. No constitutional challenges have been successfully brought against these statutes or states.

HB 5049 Application Requirements for Permit to Carry - Oppose

The proposed bill would modify the current statute regarding applications for permits to carry handguns outside the home by removing the authority from police chiefs or local authorities to seek additional information about the suitability of the applicant beyond what is requested on the application forms listed in the statute.

Police Chiefs need the discretion to take reasonable care that permits are not granted to persons who may not be deemed suitable to be carrying firearms outside the home. The issuing authorities should be allowed to seek information that can help in their decision. If the person denied feels aggrieved there is protection in the appeal process.

Our courts have made clear rulings on the importance of the suitability authority:

“Connecticut courts have made clear that the purpose of imposing a suitability requirement is to ensure that persons who potentially would pose a danger to the public if entrusted with a handgun do not receive a permit” (Kuck v. Danaher et al., 822 F. Supp. 2d 109, p. 128).

“[It] is impossible for the legislature to conceive in advance each and every circumstance in which a person could pose an unacceptable danger to the public if entrusted with a firearm” (822 F. Supp. 2d 109, p. 129).

“[t]his Court does not believe it to be possible for Connecticut to discharge its duty to protect the public unless DPS [Now DESPP] and also the [Firearms] Board on appeal is afforded circumscribed discretion to determine whether a particular applicant seeking a pistol permit would pose a danger to the public if entrusted with a firearm” (id. at p. 129).

Researchers from the Johns Hopkins Center for Gun Policy and Research studied Connecticut’s homicide rates during the 10 years following implementation of the law requiring persons to apply for a permit in person with the local police. They then compared the rates that would have been expected had the law not been implemented. They found that the law was associated with a 40 percent reduction in the state’s firearm-related homicides. The large drop in homicides was found only in firearm-related killings, not in homicides by other means.¹

Smart gun laws work. Connecticut has the second strongest gun laws in the nation and the second lowest rate of gun deaths. The research clearly shows that our suitability statute works. The courts have found it necessary and important for the public safety of

¹ <http://www.jhsph.edu/news/news-releases/2015/connecticut-handgun-licensing-law-associated-with-40-percent-drop-in-gun-homicides.html>

our citizens. An appeal process is in place if the applicant for the permit claims to have been unjustly denied. There is no justification for tinkering with a statute that is so clearly beneficial to the state.

SB 20 Carrying A Firearm While Intoxicated - Support

We support the proposed bill that would change the blood alcohol level standard for the crime of carrying a firearm while intoxicated from the current ten-hundredths to eight-hundredths of one per cent or more of alcohol by weight. This would conform with the standard for driving while intoxicated.

The bill also proposes that the blood alcohol standard for intoxication for a person under twenty-one years of age engaged in hunting while under the influence of intoxicating liquor or any drug, or both, is two-hundredths of one per cent or more of alcohol, by weight. We support this as well.

In the context of public safety, it is just as reasonable to require that an armed man is no more intoxicated than a motor vehicle operator. In fact, for the first time in 2015, gun deaths will exceed automobile deaths in the U.S. according to data from the Center for Disease Control.

A number of states, including Michigan, Kansas and Oregon have adopted the BAC (Blood Alcohol Concentration) standard for carrying firearms while intoxicated at .08, the same as the standard for driving while intoxicated.

There is no valid reason that the standard for Blood Alcohol level in determining intoxication should be different for different activities, particularly in recognition of the danger of carrying a firearm while intoxicated. The standard set for driving while intoxicated should be the standard for defining intoxication under any circumstances. Lowering the standard for carrying a firearm while intoxicated is in the interest of public safety.