

**Testimony supporting H.B. 7218 (gun storage in the home) and H.B. 7219 (“ghost guns”), with a suggested amendment, and comment on H.B. 7223 (gun storage in vehicles)**

Senator Winfield, Representative Stafstrom, and distinguished members of the Joint Committee on Judiciary:

We are Marci Bellows, a resident of Chester and rabbi at Congregation Beth Shalom Rodfe Zedek in Chester (CBSRZ), and Andy Schatz, a resident of Westbrook and chair of the Social Action Committee (SAC) at CBSRZ. We respectfully and passionately submit this testimony on behalf of CBSRZ in support of H.B. 7218 to regulate safe storage of firearms in residences and H.B. 7219 to regulate “ghost guns,” to suggest an amendment to H.B. 7219 that may impact both bills, and to comment on H.B. 7223, which seeks to regulate storage of certain firearms in motor vehicles.

Many of our neighbors gave moral support to CBSRZ and Jewish communities throughout the country, which experienced collective grief following the horrible massacre in a Pittsburgh synagogue last fall. Gun violence has been a terrible scourge on our society for many years, to the point where some no longer even feel the pain of each unnecessary and unwarranted death, and ever more frequent examples of school and other mass shootings in public places, reported nearly daily.

Perhaps there is nothing more destructive of U.S. society than gun violence – other than the increasing unwillingness to discuss this issue (and others) openly and respectfully with those who hold different views than our own. Toward this end, CBSRZ has long advocated complete and honest discussion of controversial issues, and we have held forums on such issues so that all positions and approaches to issues can be heard.

We held a public forum at CBSRZ on March 7 addressing gun violence – and specifically focused on several of the bills before the Judiciary Committee at this public hearing. Guest panelists included Michael Song, whose son, Ethan, was tragically killed in January 2018 by a gun at a neighbor’s house that was not securely stored, and Dom Basile, a firearms instructor and executive committee member of the Connecticut Citizens Defense League (CCDL), a Second Amendment organization referred to us by the National Rifle Association (NRA), which works with CCDL on firearm issues in Connecticut. Synagogue members, members of the public, Kristin Song (Ethan’s mother) and members of CCDL, including numerous members of its executive committee, also attended the forum. We invited several “gun-control” organizations, but one withdrew, and others declined to participate. The discussion was extensive (extending well beyond the time planned), respectful and enlightening, with several areas of common ground between the panelists and the positions. Specifically, the gun experts – from CCDL – all agree that a handgun is potentially dangerous and should be locked and stored securely when the owner is not carrying the handgun. Our discussion with CCDL helped guide us to recommendations to this committee in connection with several pieces of legislation before you, some of which include amendments to your proposed definition of “firearm.” This is all discussed in detail below.

Jewish text has long taught us of the balance between the legitimate need for self-defense and the need to ensure the safety of others, particularly when inherently dangerous objects are involved. For instance, there was a Jewish legal discussion about a family’s responsibility if they owned a dangerous dog (meant to protect the family from robbers), which was not uncommon in the 5<sup>th</sup> or 6<sup>th</sup> centuries. However, the owner of such a dog was not given full freedom to do as he wished with his animal. It is written in the *Shulchan Aruch*, the preeminent 16th-century Jewish

law code, that in a normal city it is forbidden to raise a dangerous dog unless he is tied up with a metal chain (*Choshen Mishpat* 409:3). The thinking behind this ruling is that while a barking dog can deter robbers, the liability of letting the dog go free is too much since we don't know whom the dog might attack. Note that classical Jewish law permits killing for self-defense: The Talmud teaches that if someone breaks into your house, you have a right to defend yourself, even if it is not clear that they mean to kill you (*Sanhedrin* 72a). However, the principle of self-defense isn't limitless. The village dog mentioned earlier still must be tied up by day because of the liability associated with letting it roam free. When danger is not at its most acute, **societal accountability trumps personal protection.**

The Religious Action Center for Reform Judaism (RAC), which is the national organization of the largest denomination of Judaism in the U.S., has also called for laws necessary to protect all in this country from gun violence, based on Biblical teachings. Gun Violence is one of our national priorities as a national movement. Jewish tradition emphasizes the sanctity and primary value of human life. The Bible commands us, "Thou shalt not murder" (*Exodus* 20:13). The Talmud teaches us that "he who takes one life it is as though he has destroyed the universe and he who saves one life it is as though he has saved the universe" (*Mishnah Sanhedrin* 4:5). In an increasingly impersonal and alienating society, the dehumanizing of the human being and the carelessness with which human life is taken stand in direct violation of these affirmations of our tradition.<sup>1</sup>

### **H.B. 7218 (raised) – Safe Storage of Firearms in the Home**

H.B. 7218, sometimes referred to as "Ethan's Law," provides for a few minor language changes – and a huge behavior change – from existing law. We heartily endorse all these changes and support the bill with a request for review of possible clarifications or amendments.

By applying to "unloaded" as well as "loaded" guns, this law will protect against the type of horrific accident that happened to Ethan Song – and occurs far too frequently. Loading a bullet into a gun should not be the measure of safety. Not only are bullets fairly easy to procure, but examples of bullets being left in guns are legion; whether the bullet is left in the gun intentionally (which would be covered by the current law) or mistakenly (which might not be covered by current law) should not be determinative, particularly where kids are concerned. The proposal to

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<sup>1</sup> The North American Federation of Temple Youth (our high school youth organization), jointly with RAC, sent a letter to Congress on February 23, 2018, which urged the following:

- Banning the purchase and sale of assault weapons and high capacity ammunition magazines.
- Establishing universal background checks, closing the private sale loophole, and strengthening the National Instant Criminal Background Check System.
- Opposing expanded concealed carry reciprocity legislation, which would allow anyone with a concealed carry permit in one state to carry a concealed weapon in all states.
- Repealing the Dickey Amendment and restoring funding to the Centers for Disease Control and Prevention for research on gun violence.
- Enacting a gun violence restraining order law, which would temporarily prohibit an individual from purchasing or possessing firearms when deemed by a judge to pose a danger to self or others.
- Closing the Charleston loophole, which permits federally licensed dealers to sell guns to purchasers if three business days pass without a positive verdict on their background check from the FBI.
- Opposing legislative efforts to deregulate the purchase and sale of gun silencers.
- Closing the boyfriend loophole, which allows convicted abusers and stalkers to buy and own firearms.

cover all guns, whether or not loaded, will lead to behavior that will ensure that even a mistake doesn't become tragic.<sup>2</sup>

The Torah teaches us, "When you build a new house, you shall make a parapet for your roof, so that you do not bring bloodguilt on your house if anyone should fall from it." (Deut. 22:8) Maimonides expounds: "Both the roof and any other object of potential danger, by which it is likely that a person could be fatally injured, require that the owner take action... just as the Torah commands us to make a fence on the roof... and so, too, regarding any obstacle which could cause mortal danger, one, not just the owner, has a positive commandment to remove it... **if one does not remove it but leaves those obstacles constituting potential danger**, one transgresses a positive commandment and negates a negative commandment 'Thou shall not spill blood' (Mishneh Torah, Laws of the Murderer and Protecting Life, 11:4)." It is each individual's responsibility to make their homes as safe as possible, including by ensuring the safest possible storage of their firearms.

We therefore support H.B. 7218, **but** we request an amendment or clarification discussed below.

### **H.B. 7219 (raised) – Ghost Guns**

H.B. 7219, regulating "ghost guns," seeks to ensure the ability to track guns that are not tracked through the federal system. These may be created from molds by hobbyists or others (*i.e.*, not by manufacturers licensed by the federal government) or through new technology such as 3D printers. We strongly endorse the concept behind the "ghost gun" bill and support the bill with a request for review of possible clarifications or amendments.

All guns, however created or transferred, should be registered or permitted. The purpose of such laws is to ensure that guns may be tracked when necessary should tragedy befall anyone. Although fees are raised from permits, and there may be argument that someone who creates his own gun should not be subject to such fees (an issue we do not address), registration/permitting is necessary and appropriate for purposes of public safety.

At our forum, the only real objections to the ghost gun law posed by gun owners and enthusiasts were problems with language that can and should be addressed and clarified. First, as discussed below, we think the change in the definition of "firearm" may be mistaken and should be addressed. Second, the registration process set forth by this law would require the state to provide serial numbers, but there is no timeframe for that to occur nor any mechanism yet established; some consideration should be given to providing that this process would start when the state's ability to process the applications is up and running.<sup>3</sup>

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<sup>2</sup> We support the change to raise the age of youth covered by the law from "under 16" to "under 18" and the change of "location" to "manner." As we understand the latter change to reflect the view that use of biometrics, such as fingerprints, for gun safety, we think it will encourage further use of those changes. We also applaud the stance taken by the recently retired Connecticut State Treasurer, along with other institutional investors, to place pressure on gun manufacturers to standardize such safety measures through adoption last year of the "Principles for a Responsible Civilian Firearms Industry."

<sup>3</sup> The other objection, aired by individual gun owners but not in the public forum, is important to understand why some of the suggested amendments should be seriously addressed. There is a

We therefore support H.B. 7219, **but** we request an amendment or clarification discussed below.

**Amendment or Clarification to H.B. 7218 and/or H.B. 7219** - We have a concern with language proposed in H.B. 7219 ("ghost guns") that suggests, and may create, a mistaken understanding of guns, and appears to needlessly alienate gun owners and undermine the desire to work together to continue to achieve meaningful gun reform. In H.B. 7219, the definition of "firearms" in CGS Section 53a-3 (19) is amended to add the phrase: "and any unfinished 'frame or lower receiver', as that term is defined in this section." Two concerns arise, both stemming from the addition of the "frame or lower receiver," which is not a gun and cannot fire a bullet, to the definition of firearm, which otherwise is limited to a "weapon, whether loaded or unloaded from which a shot may be discharged."

First, there is a problem with the use of the term "unfinished" with the term "frame or lower receiver." As we understand it, under federal law, an "80 percent" finished product (frame or lower receiver) produced by a standard manufacturer must have a serial number. This is still not readily usable as a gun, but from this stage someone could add a barrel, trigger, hammer, etc. to make a gun, which is why this is the stage at which a serial number is required to be placed on the product. This would appear to be a "finished" "frame or lower receiver."

However, there are also frames or lower receivers that are much less finished, starting with simple forged steel into the general shape of a frame, that would need substantial millwork before it can be used as a frame or lower receiver for a gun. This would commonly be seen as an "unfinished" frame or lower receiver. These items are apparently used by gun enthusiasts for bookends and paperweights, and are nowhere close to being finished frames or lower receivers; indeed, it would seem that the millwork required to turn them into finished products (to which one could attach the barrel, trigger, etc.) would likely erase the required serial number. Is this truly "unfinished" frame or lower receiver really intended to be covered by either H.B. 7218 or H.B. 7219?

This change of definition also creates potential mischief – or challenge and non-compliance – with the safe storage law (Ethan's Law). If either a "finished" or "unfinished" frame or lower receiver is considered a "firearm" under H.B. 7218 (*i.e.*, if the definitions in CGS Section 53a-3(19), as amended by H.B. 7219, apply to H.B. 7218), that "frame or lower receiver" would have to be stored in a safe, even though it clearly cannot "discharge a shot" and could not cause the type of injury of concern under the law.

We urge the Judiciary Committee to examine and address these concerns by changing the definition of "firearm," limiting the changed definition of firearm to the ghost gun legislation or specifying what is intended to be covered in the safe home storage law.<sup>4</sup>

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concern that the government is extremely hostile to them and their guns. As part of our Jewish tradition, we value "Eilu v'Eilu" ("these and these") – an invitation to validate the opinions from various sides, even when we disagree.

<sup>4</sup> H.B. 7223 (safe storage of a pistol or revolver in a motor vehicle) does not face the same issue, as it limits coverage to "pistol or revolver" and does not refer to "firearm."

## **H.B. 7223 (raised) – safe storage of a pistol or revolver in a motor vehicle**

CBSRZ takes no official position on H.B. 7223 (safe storage in a motor vehicle) because we do not think we have the practical understanding to make a decision at this time as to whether the requirements in this bill would make our world more or less safe. But we think that is the issue that the Judiciary Committee and legislature should focus upon when considering this bill.

As discussed above, we are committed to support measures for gun safety. We are therefore inclined to support any measure on safe storage of weapons. We also think this measure might not only lead to less chance of injury if someone other than the gun owner is in the car, but it would help stem the theft that has resulted in huge numbers of handguns being stolen and re-routed illegally to non-permitted persons who use them in the commission of crime. At the forum, we discussed these concerns, and Kristin Song, Ethan's mother, actively engaged with questioners of both points of view in sharing some of the work she is doing to combat this problem.

However, as the bill requires storage in a separate "safe" in the motor vehicle, we discussed at the forum what that would mean as a practical matter, and many of the participants on both sides shared their concerns. These stem largely from concerns about gun owners having to transfer their guns in public. All of the gun owners at the forum agreed that leaving an accessible gun (loaded or unloaded) is neither safe nor standard practice. Although gun storage in a locked glove compartment (and locked car) seemed to be standard, the gun owners expressed that most gun owners required to have a separate safe would likely keep it in the trunk of a car. This raised concerns about what would happen if non-carrying members of the public see a gun being carried by someone (who might be putting it in the trunk), such as in a parking lot. Concerns were also expressed about whether the visibility might lead to more stolen cars or whether the police reaction might be more troublesome than the potential danger from keeping the gun in a locked glove compartment. Are safes realistically available that would fit in the glove compartment or under the car seat? In addition, although we think a separate safe if inside the car is probably more secure than a locked glove compartment, would a thief be able to steal a safe more readily than stealing the car?

We encourage the Judiciary Committee to obtain the answers to these questions and to seek and share guidelines for gun owners and the public in these situations. And we commend the efforts to take whatever steps will increase the overall safety from illegal or careless gun use.

Respectfully submitted,

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