Testimony for Public Hearing Concerning HB 5040 on February 27, 2020.

I am writing to oppose the advancement of HB 5040. HB 5040 is a punitive tax levied against the lawful gun owners in Connecticut on the lawful purchase of ammunition in Connecticut. The right to keep and bear arms for the protection of oneself, home, state and country is a protected right under both the Constitution of the State of Connecticut (Sec. 15) and the U.S. Constitution (2nd Amendment).

A 35% excise tax is an offensively high amount of taxation in addition to the sales tax of 6.35% levied on most other goods and services sold in the state. While Representative Jillian Gilchrist, the main proponent of this excise tax, has stated its purpose is to raise funding for gun violence prevention and reduction efforts, the true effect of the tax will be to reduce the amount of ammunition sold in this state. This is clearly evident, as a very similar excise tax of 50% per round was proposed by Representative Gilchrest in last year’s session, with the stated goal of treating gun violence like a healthcare epidemic, with the “cure” being a reduction in ammunition that is available to lawful gun owners.

While the goals of raising funds for gun violence prevention and reduction efforts is certainly laudable and can be appreciated by everyone, it is unclear to me as to why the burden of funding such efforts (mostly being provided by private non-for-profit organizations with political agendas) should rest solely on the shoulders of law abiding gun owners. The only reason I can conclude is that such a tax is punitive in nature. Representative Gilchrist must think there is something immoral with lawfully purchasing ammunition for self-defense, home defense and firearms instruction and training, and therefore should be burdened with a “sin tax” similar to tobacco and alcohol (both of which are known to cause actual health damage, but the purchase of which are not constitutionally protected).

The issue at hand is actually bigger than just ammunition. It is really a fundamental question of whether a constitutionally protected right can be taxed into oblivion. Taxing ammunition at such a prohibitively high amount is akin to removing that right from the people - and most especially from the least advantaged and poorest among us. Saying something is free to do, but charging an additional 35% to do it, for many is basically saying you cannot do it at all.

Election officials cannot charge poll taxes, as that infringes on a citizen’s right to vote. Municipalities cannot charge prohibitively large fees for groups to lawfully gather in public spaces as that infringes on the freedom of assembly. Thus too, states should not be able to charge prohibitively high taxes on the sale of ammunition, as that infringes on the right to keep and bear arms.

From a practical standpoint, a punitive ammunition tax has already been attempted elsewhere in the U.S. In 2016, Seattle pass a similar ammunition tax with the state goal of reducing gun violence and using the projected revenue to fund a gun violence research project at the Harborview Medical Center. As was predicted by the opponents to Seattle’s ammo tax, violent crime actually went up year-over-year in the three years since enactment in 2016. Also, as predicted by its opponents, the projected revenues from the ammo tax failed to materialize, leaving the gun violence research project under funded. And, of course, the two renaming brick and mortar firearms retailers in the city closed. Thus, the Seattle ammo tax failed in its stated mission, but succeeded in making the lawful purchase of ammunition by the law abiding citizens of Seattle much more costly, which was probably the goal all along.

In closing, I would like to draw an analogy that might bring to light the plight of those most negatively affected by HB 5040 to those people who are seemingly least affected by it, but may feel similarly offended by a prohibitive taxation on other constitutionally protected rights.

There is a constitutionally protected right to have an abortion (see Roe v. Wade). If an elected official sought to tax abortion service providers in Connecticut by 35% of the cost for each abortion provided and the state used those excise tax proceeds to fund adoption agencies, would supporters of HB 5040 be okay with that? The funds would be used for a good cause, as the costs of adoptions would be go down, making adopting children more accessible to parents willing to adopt. The side effect could be that less abortions may be provided as the cost of providing abortions has gone up. Would that be an okay sacrifice to further a good cause? And if you were okay with a 35% excise tax on abortion services providers, would you be okay with a 100% excise tax, or a 1,000% excise tax? After all, the funds would be used for something good, like finding good homes for children without parents.

Isn’t taxing ammunition at an exorbitant rate to promote anti-gun violence programs the same? The right to keep and bear arms and the right to an abortion are both constitutionally protected. If the government can charge an exorbitant excise tax for one, in the name of supporting a good cause, can’t it do the same for another? The fact that the funds would be used to promote something good should really be irrelevant, if, in order to fund those good services, a constitutionally protected right is rendered inaccessible.

At what point does the tax on a constitutionally protected right become unpalatable? I would say 35% is pretty unpalatable.

Thank you for your time.

cc:
House District 19 (Representative Tammy Exum)
Senate District 05 (Senator Derek Slap)