

CHAIRMEN: Representative Miner

MEMBERS PRESENT:

SENATORS: Frantz, Guglielmo,
Hartley, Kissel, Looney,
Witkos

REPRESENTATIVES: Carter, Dargan, Giegler,
Godfrey, Rebimbas

REP. MINER: Good afternoon. Good afternoon.
Senator Looney, who's trying to finish his
lunch, and I would like to welcome everybody
here along with the rest of the Task Force.
This is an opportunity for us to finish the
conversation that we started, I think, last
Monday.

And so if you would like to, first of all, if
there was anything else that you wanted to
offer, we're here to listen. And then
Subcommittee Members, if there are questions,
perhaps you could prepare yourself, and we'll
see how long this takes. Thank you.

LAWRENCE KEANE: Good afternoon, Senator Looney and
Representative Miner and Distinguished Members
of the Task Force. We, again, welcome the
opportunity to be here before you and to
continue our conversation from last Monday.
And we hope to answer some of your questions
that you were not able to get to at last
Monday's hearing.

We do have some material we'd like to present
to you at the conclusion of today, which is a
package of information about the National
Shooting Sports Foundation and a number of the
firearms safety education programs that we run
throughout the United States as well as efforts

that we have to cooperate with law enforcement, particularly the Bureau of Alcohol, Tobacco, Firearms and Explosives, which regulates our industry.

We do a number of different things with ATF to enhance compliance with the federal laws and regulations that pertain to the lawful commerce and firearms. And we're very proud of our cooperative relationship with ATF on projects, efforts like Don't Lie for the Other Guy, which is a program we've been doing for over a decade with ATF to assist them in educating and training firearms retailers throughout the United States in how to be better able to identify and prevent illegal straw purchases of firearms, which is something that's been discussed quite a bit in the media lately and certainly has been raised at last week's U.S. Senate Judiciary Committee.

We also do public service announcements as part of that program to educate the would-be straw purchaser long before they ever enter a gun store that it's a serious crime to illegally straw purchase a firearm. And you can receive, under current federal law, up to ten years in prison and a fine of up to a quarter of a million dollars.

We actually go further than that, and we would support and have for many years now supported making that a mandatory minimum sentence for somebody convicted in federal court for illegally straw purchasing a firearm. We've been very disappointed by what we see as the lack of aggressive prosecution by U.S. attorneys across the United States for straw purchasing violations.

So that it something that's certainly been discussed in Washington in recent days. And I don't know if that's something that the Committee has been discussing, but that, I want you to be aware of where the industry is on that issue. We also talked a little bit about our Project ChildSafe program that we do and have done for over a decade now. Project ChildSafe is the largest firearm safety education program in the United States.

We have distributed over 35 million firearm safety education kits throughout the United States in every state and territory. Our partners in this effort are local law enforcement throughout the United States. We work with just about every single police department in the country. And we distributed these kits, which included a free gun lock.

And it's a safety education campaign that's designed to educate the gun owner, sometimes who are not very familiar with firearms or are new to owning firearms, about the importance of making firearms inaccessible to unauthorized individuals, including but not limited to children. We distribute a gun lock, a cable-style gun lock, but it is not just a lock giveaway program.

And, in fact, the materials that are provided as part of the kit talk about the fact that if you have multiple firearms, you need to look at other alternatives than just a simple gun lock, more robust storage like gun safes, gun cabinets, and other locking mechanisms. We are going to be expanding that messaging on that program to address the issue of at-risk individuals, not just, as I said before, not just children.

We think the core and the fundamental point we believe that needs to be focused on is preventing unauthorized access to firearms. Whatever firearm it is, whatever kind of firearm it is, from unauthorized individuals, children, criminals, at-risk individuals, we think that that is fundamental, that had the firearms been inaccessible to Adam Lanza, that this tragedy may not have happened.

So we think that is a very critical area, and we think, and we hope, that that's an area where there can be consensus and common ground. As I said last week, reasonable minds can disagree about how to achieve the shared goal of wanting to reduce violence and make our country and Connecticut safer.

So we hope that the area of preventing unauthorized access is one of those areas where there can be common ground. We are expanding the program, as I said. We are, we will be putting substantial industry resources into the program. Several companies in the industry have indicated their willingness to contribute to that effort as well.

Unfortunately, under the current Department of Justice, we, U.S. Department of Justice, we have not received any grant funding in the last several years. Under the prior administration, we received \$92 million in grant funding over a number of years. When we work with our law enforcement partners, we ask them to please write a letter to Attorney General Holder and ask him to support the program through grant funding.

We have over 300 letters to the Attorney General, and we've not received a single, any response from the Attorney General nor have any

of our law enforcement partners. We think that is unfortunate, and when the President signed the executive order talking about creating a national fire and safety campaign, you know, as I said last week, I believe, the firearms industry, we're the gun experts, we're the gun safety experts.

And we have a national program about gun safety called Project ChildSafe. And as I mentioned just a moment ago, it's the largest such program in the United States. But we have many, many other firearm safety education programs, and we hope to provide you with some of that information today and some of the law enforcement cooperation efforts that we've made.

Another area we think is important is the background check. The industry actually supported and conceived of the notion of background checks long before the Brady Act was enacted. And we have consistently supported background checks throughout their existence.

After the tragic incident at Virginia Tech, we supported the National Instant Check Improvement Act and that the federal government would provide funding and resources to the states in order to get the records on prohibited persons into the system. Last spring, Governor McDonnell of Virginia sent a letter to every governor in the country urging the governors to please get the records into the system and to get them into the NICS system. And we endorsed and supported that letter.

When I spoke at a conference at the NICS facility, the FBI NICS facility in West Virginia, we endorsed that. We supported that.

We were, in fact, attacked by some that thought that we were somehow surrendering the Second Amendment. That's absolutely not correct. We support the background checks.

We think it is outrageous that Congress appropriated, or authorized \$125 million and only appropriated \$5 million in the last government fiscal year to get records into the system. That, to us, is unacceptable.

That's why the industry will be launching a program in the near future called Fix NICS in which we will be hiring contract lobbyists in the several states, the states that have been identified by the GAO report as not having done a very good job in getting the mental health records and other prohibiting records, not just mental health records, into the NICS system.

I'm happy to say that Connecticut is not on that list, and Connecticut has done a very good job in getting the records into the system. But many other states have not done that, so we will be spending industry resources to push for that to get these states to change their government, their privacy laws, as this is sometimes the case, and to spend the resources to collect the information and to get it into the NICS system. And we'll be working in Congress to make sure that there is funding available for that.

After the incident in Tucson, the President asked for meetings and a dialogue. The Department of Justice asked the National Shooting Sports Foundation and a number of other groups, including some of the large retailers that are in the country, and one of the folks is here, Cabela's. We went in, and we met with officials from the Department of

Justice, and they asked us for ideas and proposals.

And we gave them several, one of which was, of course, that they should fix the NICS system and that they should get these records in and that they should use federal resources, federal dollars that are already appropriated and put conditions and strings on them, very much the way the federal government used highway dollars and the highway fund money that when it goes back out to the states, they conditioned that money and said, if you take this money, you have to lower your drunk driving threshold from 1 to 08.

And the states did that in response to that, because they wanted the highway dollars. We see no reason why federal government can't pursue a similar strategy or policy with the NICS records. We're not, it's, you're not even necessarily talking about new spending. We know what a challenging situation that is in Washington and here in Hartford because of budget constraints.

But, so you're not even talking about spending, new spending. You're just conditioning spending that's going to take place anyway. We asked them to do that over a year ago, and unfortunately it hasn't happened. We also suggested that they make the NICS system available to licensees in order that they could check current and prospective employees to make sure that anybody they hire is not a prohibited person.

They liked that idea. We gave them data on how much that would increase NICS. It would be a roughly two percent increase in the NICS volume that is currently at the time taking place.

And nothing was done. That would require a change to the Brady Act in order to allow retailers or licensees, including manufacturers who supported it, to have access to the background check system to screen current and prospective employees to make sure that they're not hiring somebody that's a prohibited person.

So these are some of the initiatives that we're working on. We also support, for example, legislation that we're drafting to have introduced in Congress that would provide for a tax credit for anybody who purchases a firearms locking device, which could be as simple as a trigger lock or something much more robust like a gun safe and everything in between that would make firearms inaccessible.

Again, going back to the beginning, we think that's really what needs to be focused on, is making firearms, whatever kind they are, whatever type they are, inaccessible to unauthorized individuals and criminals. And we think that should be the focus of what we talk about and what we do in order to try to achieve a safer community for all of us.

I could introduce the other members of the panel that were here last week. We have one new member, if you will, from the group that's present here that was not here last weekend. That's Rob Cicero, who's the general counsel and vice president for Smith and Wesson. There were a number of questions that came up last week regarding Smith and Wesson.

So, you know, they felt it would be appropriate for them to be here and to try to answer any questions that the Task Force might have on that. So, you know, I would be happy to try to answer any questions, and I'm sure members of

the group would also like to try and answer any questions you might have.

REP. MINER: Thank you very much. Senator Looney has some questions. And if anyone else on the panel has questions, if you just kind of raise your hand and let me know, we'll make a list.

SENATOR LOONEY: Good afternoon, Mr. Keane (inaudible).

LAWRENCE KEAN: Good afternoon, Senator.

SENATOR LOONEY: Last week, I believe that several of the people on the panel stated that, as you said again today, that unauthorized access to firearms is really the biggest problem that we face. And I think you referred last week to what you called owner authorized only firearms technology, which you said is sometimes inartfully referred to as smart guns.

And you said, I believe, that the technology is not yet mature enough to be used. And it seems to me that this, that maturation of that technology would be a very significant advance in preventing unauthorized use and that biometrically-based technology that only allows the firearm to be used by its lawful owner would really be sort of the ultimate state of the art in terms of safety.

So I would ask you, what have the, and to the Members of the panel, what have your companies done to date with regard to the biometric-based personalized user technology or anything that might be called a smart, quote, smart gun technology, and when do you think it might be mature enough to be used on a large scale?

LAWRENCE KEANE: If I knew the answer to that question, I'd probably be answering your questions from my yacht. It's, it is, a couple things about this issue. First of all, you know, we've heard claims that somehow the industry is opposed to the development of this technology. Not true.

We have also heard claims that somehow the industry is trying to suppress the development of this technology. Not true. In fact, the company that would bring this to market would have a market advantage over their competitors. It has been looked at in the past.

Companies, some of them are present today, have spent considerable R and D dollars trying to overcome the rather significant technological challenges in order to bring something to market. It is, there are a couple of premises you have to begin with. One is you, the technology would have to be at least as reliable as current technology, because you, the manufacturer is not going to put on the market a product that is less reliable and less safe.

All of the technology that's been looked at, that I am aware of anyway, all involves the use of batteries. Batteries die. They fail. We all know we're supposed to change our smoke detectors, but I assure you not everybody in this room does that. So what happens when the battery fails is an important question for the manufacturer.

It's also an important product liability question. If the battery fails, does the gun default to a mode in which the gun can function, or does it default to a mode in which the gun cannot function? And I can present

different factual scenarios that will yield a good or bad outcome in either of those scenarios.

And so if you have a situation where the battery fails, but the homeowner or the person needs the firearm for self-protection in a moment of need, and the gun doesn't function, and they have the gun for self-protection, that's a problem, and you can certainly see where the manufacturer could get sued for having a defective product.

If you have the firearm where the battery fails, and it defaults to a nonfunctioning mode, and you have a child that finds the gun, because it's been left accessible, then you have a good outcome, because the gun can't be used.

Another issue of concern is the fact the ten commandments of firearm safety education, which you will find in every single product firearms owners' manual you can see, all talk about the importance of keeping the firearm locked and unloaded when not in use and that the ammunition is stored separately.

One of the concerns that we have as an industry on this issue is that the advent of this technology could encourage individuals to violate decades and decades of firearm safety education by relying upon technology and leaving a gun loaded, because, well, no one else can use it but me. And if the technology fails, and all devices, mechanical devices fail, you could have a very bad outcome.

So it seems to run counter to basic firearm safety education. But I am not aware of any technology now that is as reliable as current

technology that would enable somebody to put this into market. There used to be grant funding from the Department of Justice or NIJ on this. There hasn't been for many, many years.

The New Jersey Institute of Technology has looked at this technology. There was some grant funding from the Legislature there. I, that has stopped. Several gun companies worked with NJIT on the development of this, their R and D effort.

It is not, the technology hurdles are so significant it's hard for me anyway to see how any one individual company in the industry has the resources to overcome all of those challenges and to bring to market something that's as reliable.

You know, most of the companies in the industry are very small, and they are not publicly traded, and they are not, they don't have the ability to fund that sort of research and development to overcome those challenges. So if the President, through his executive order or through Congress, wants to commit grant funding so that there could be a collaborative effort between companies that might want to engage in that and the government, that's fine.

We see that certainly in many other areas, and we've seen it in the past. So, I mean, I think that's sort of a general overview. I can't speak to what any individual company has done or is currently doing.

As I said I think last week, that would be, you know, research and development. It would be highly confidential and not the kind of information they would share with me as the

trade association and certainly not with their competitors. So, Joe, I think you can contribute.

JOSEPH BARTOZZI: I won't go over all the things that Larry has just said, but as many of you know, Mossberg has been engaged for a number of years in developing and in fact holds several patents for a so-called smart gun or RFID user technology for firearms.

SENATOR LOONEY: Sir, if you could just identify yourself for the record first.

JOSEPH BARTOZZI: I beg your pardon. My name is Joe Bartozzi. I'm the senior vice president and general counsel for O.F. Mossberg & Sons, North Haven, Connecticut. We have spent considerable time and effort on developing the technology and in fact have several U.S. and foreign patents on the technology.

As Larry said, our problem was we didn't have a vision of what was good. What was the end gain here? When it, if it fails, does it fail safe, or does it fail active? We had done focus groups with consumers and law enforcement alike, and the technology of the idea was widely panned, because, well, I have to have a ring. What if I don't have a ring? What if I have to switch hands? Now the ring is deactivated unless I switch hands with the ring.

Law enforcement said, I don't want a product that's going to fail safe, because if I need to use it, and my battery dies, that's going to be a problem in a life or death situation potentially. Users, people that want to use a firearm for home protection, said the same

thing. If the battery dies, I'm going to be without the useable firearm.

The other point I'll talk about is more technical, and that is, the amount of energy, the amount of force on a firing mechanism when a firearm, in our case, it was a shotgun, when a shotgun is fired is significant. Many, many G's of force are exerted on the internal components.

And the problem we have, without getting into too much proprietary, is that the connections to those batteries, the wires and so forth, would fray and break over a very short period of time. And it created a failsafe condition where we basically couldn't do anything with that gun once it failed.

So, again, Larry has covered much of the talking points that I had here, but, you know, we've invested considerable time and money in this technology, and it's something that we're just not convinced is going to be any better than what we have now, which are cable locks, trigger locks.

In fact, if you look at the shooting accidents data for the last hundred years, the number is going down dramatically to the lowest points ever recorded. So going into some other technology when what we are doing now is working, I think it might be the wrong move, so --

LAWRENCE KEANE: Well, I would just contribute one last point on that. New Jersey, back in 2001 or thereabouts, passed a law that mandates that if the technology does come to market and is commercially available, then only handguns that were so equipped could be sold in New Jersey.

And we had a couple of, we objected to that legislation, not because we object, again, not because we object to the development of the technology, we objected to the mandate, because in effect, you would then have a government-endorsed, government-sponsored monopoly for the company that got there first.

And while it may be a feature that's attractive to some users, it may not be a feature that's attractive to all users, and you have a one-size-fits-all approach. And, again, every firearm can be locked and made inaccessible. If that technology is developed, that may be one way of achieving that, but other ways, there are many, many other ways of achieving that through the kinds of locks that are provided with guns when they're sold now.

Every handgun sold by a retailer in the United States is required to be accompanied with a locking device. The manufacturers, as I think we discussed last week, had been providing locking mechanisms with their firearms for many, many years and in the case of Ruger and Mossberg and Smith and Wesson as well for decades. And, again, we have our program, the Project ChildSafe.

So we do agree that renting unauthorized access is key. There are many ways of achieving that. You know, every owner's situation varies. Do you have children in the house? Do you not have children in the house? How familiar are you with firearms? How unfamiliar are you? Can you afford to have a safe?

Some people can't afford to spend several hundred dollars on the kinds of safes that you could find in Cabela's, for example, in East

Hartford. And some people can only afford, you know, a cable-style trigger lock, which could cost, you know, 10, 15 dollars, something on that order. So, again, we're not opposed to the technology. We're opposed to mandates.

So far as I know, the technology is not mature enough. I think there needs to be a commitment of government resources for the R and D in this area and working in partnership with industry members who want to pursue that and think that there's a market for that product.

REP. MINER: And I think Senator Looney has one more question, and then it'll be Senator Kissel.

SENATOR LOONEY: Thanks, a follow-up here. If the time came when there was a feasible safety feature such as personalized biometric technology that could be implemented as part of the guns design, and would you believe that a manufacturer could then be sued under a product liability basis where if that technology was not installed, if a minor then unlawfully gained access to a parent's gun and caused a death to himself or someone else by using it in that way?

LAWRENCE KEANE: Senator, I've litigated in a prior life a case in which a manufacturer was sued, because they didn't, under the claim that the gun was defectively designed because it didn't have that technology, and that was in the 1990s. So manufacturers can get sued for lots of reasons. Some of them are, can be very frivolous, but you nevertheless can get sued for them.

So if the, I think it's a, the concern is that, is if you bring a product to market, and it fails to function when, as designed and

intended in a time of need, there is potentially liability exposure to the manufacturer. Perhaps it could be addressed in legislation, and in that case, there would be no product liability claim, but, so that's something that could be looked at when and if we get to that point.

SENATOR LOONEY: Just, and one follow-up on that. In terms of, there was a recent book about the penetration of the American market by the Glock handgun. It's brought into this country from Austria and how it came a standard, became the standard weapon for police departments in replacing other weapons.

And one of the assertions in the book, that there were initially at least some problems caused because the trigger pressure required for the Glock was less than the, than some of the guns that police had been used to and that in some cases you had injuries of people shooting themselves in the leg by being not aware of how sensitive the trigger was. Is there an industry standard for the amount of pressure that should be applied to a trigger before the gun fires?

LAWRENCE KEANE: Is there a standard? There's no standard (inaudible).

A VOICE: There is a (inaudible).

LAWRENCE KEANE: There's the, Joe is the, is also the vice chairman of the Sporting Arms and Ammunition Manufacturers' Institute that I believe I mentioned last week, which is the industry manufacturer's organization that works to set standards. So you'd probably be better answering that.

JOSEPH BARTOZZI: There are no definitive standards for each and every manufacturer. Every, I mean, I know Mossberg has its own internal standards. SAAMI, the Sporting Arms Ammunition Manufacturers' Institute, does set standards for target type, you know, Olympic-style target pistols and so forth, which would certainly be different from hunting-style firearms. But there aren't any required standards for each individual manufacturer. That's set internally.

LAWRENCE KEANE: There are some issues related to the trigger pressure. So like you can have a double action and a single action, or you could have a gun that is both double action/single action where in a double action, the trigger pull is longer and requires more force, but in a single action, the distance the trigger travels and the pressure required is less.

In target shooting, the trigger pressure that's required is less, because, for accuracy purposes, and so for a lot of law enforcement, the first shot will be double action, and then after that it's single action, because the first shot, you know, you want to make sure that they know they're pulling the trigger. And then follow-up shots you want for accuracy purposes that they don't have to pull the trigger as, with as much force. So there are some factors that play into that, but --

JOSEPH BARTOZZI: I would just say one other thing, Senator Looney, and that is the whole notion of what we call trigger control and muzzle control, you know, muzzle discipline, keeping the firearm pointed in a safe direction, keeping your finger off the trigger until you're on target and have actually decided to fire.

I don't disagree that there were accidents. We saw them when Larry litigated them. Frankly, Mossberg litigates those things as well, like everyone does. But people unfortunately put their finger on the trigger when they shouldn't. And that's an unfortunate consequence of --

REP. MINER: Thank you. Senator Kissel had a couple questions.

SENATOR KISSEL: Thank you very much. Thank you very much, ladies and gentlemen. Thank you very much for coming this afternoon for a follow-up hearing. Connecticut has a storied history when it comes to gun manufacturers. I mean, we really were the bastion for the strength of the Union Army in the Civil War. And, you know, up in my neck of the woods we have places in Enfield still called Powder Hollow where we manufactured the gunpowder.

And, in fact, the folks in those factories, facilities had three-legged stools, because if they fell asleep, something bad was going to happen, so they had to be alert at all times. And also one of my political opponents, who has become a good friend, Bill Hosley, actually wrote a book about Samuel Colt and Colt Manufacturing.

As ranking on Judiciary, I remember a couple years ago we did have an extensively long public hearing on the magazine clip issue. And that's what I want to focus on just for a couple of minutes this afternoon while we have you.

On the one hand, we have up to 30 bullets in a clip or a magazine for rifles. I have also

heard that in handguns in the year 2013 that it is standard to have 11 bullets in a magazine or in the clip or 17 and that that's not really large capacity, but it's standard with the purchase of a gun. New York has just gone forward, and I believe they limited their magazine or their clips to seven.

So I have a few questions, because I don't know what the right answer is. And on the one hand, I'm looking for what your perspective is as to what is reasonable. And I've heard from some of my constituents who have told me, for example, up in Enfield just last Tuesday I went and met with folks, and they said, it's tough, tough regulations in Connecticut. If I go to a competition up in Massachusetts, the gun has to be in a different part of the car than the ammunition.

But then if I cross over into Brattleboro, Vermont, I can carry a gun on my side, and the rules are much less strict in that state, so it really depends on where you land. When it comes to rifles, which is a very small but scary part of the equation given what took place at Sandy Hook Elementary School, I hear on the one hand that 30 is not unreasonable. Virginia Tech, the gentleman used ten and just kept switching them out. But for other of my constituents, 30 seems to be a lot.

Now let's move to handguns. Last week, Mayor DeStefano and others indicated so much of our gun violence that's in our urban areas tends to be handguns. And so why is 17 the magic number? Why couldn't it be ten? And is New York so out of proportion with the rest of the country by pushing for seven? I understand.

I want to set aside the Second Amendment freedom rights, and I'd actually like to perhaps set aside for the moment the I need as many bullets as possible before people break into my house. I'm looking for what's the rational basis for these numbers, because clearly we have a top end where I don't think anybody would say 500 is appropriate. And it appears that there's a consensus that one bullet probably isn't reasonable either despite what some people may have proposed as bills.

So how do we find the happy medium and address the concerns the people have with both rifles, especially the, and I hate to say assault-weapon style, but that style, and our new, very high technology handguns, because when I first start learning about this a couple of years ago, I guess I was old-fashioned, and I'm thinking in terms of like six bullets per gun. And I guess over the last 20 years, that's been long gone.

And the last thing I want to say, the last part of these questions is, so there are three parts, is there a difference between a clip and a magazine, are those the same, synonymous, and what's the magic number for both rifles and handguns, A?

B, if we go down the path, whether it's by unanimous votes here in this Legislature or a simple majority, of limiting the capacity of magazines, will that impact the industries that are in our state providing jobs? And I know that some of my constituents say it doesn't matter, put that aside, but I think jobs has to be part of at least the discussion. Okay?

And the third part I want to bring to everybody's attention is the hearing was very

different two years ago, because so many people from all walks of life were buying handguns in light of the Cheshire triple homicide.

They felt that the police just couldn't get there in time, and so the breakdown as far as demographics is far different than what people suspect when it comes to handgun ownership in Connecticut, because people were fearful for their own lives. And that's part of my mental trying to figure this out as well. So if you could just in a nutshell --

LAWRENCE KEANE: Sure.

SENATOR KISSEL: -- address those areas. What is it, what are the magic numbers for rifles and handguns?

LAWRENCE KEANE: Well, I don't know that there's a magic number. I think, first, the correct terminology would be magazine. Okay. I think the, the question, going back to achieving what we all want is a safer community, make our kids safer, so the question is would restricting magazine capacity to some number, and whatever number you pick I think is going to be fundamentally arbitrary, will that make us safer? And I think the answer to that question is, I think, two parts.

First, the average number of shots fired in a criminal shooting is less than four. That's less than the average standard garden variety revolver you could purchase. So while incidents where lots of shots were fired, you know, make a lot of, make the headlines, make the news, they are atypical. They are not the norm.

Most shootings involve four, less than four rounds according to the studies that are out there. I think last week, I happened to watch the testimony of a gentleman, Marshall Robinson I believe is his name, who talked about looking at the records in the City of Bridgeport, which is a large city in our state, which has its share of crime, unfortunately.

And I believe that he presented testimony or provided to you what his own analysis of the crime reports and the ballistics evidence you covered in Bridgeport over many, many years indicated that there, you know, typically were not many shots fired and that whether it had more than ten shots, I think he said, and this is just from memory, so I may be getting this wrong, but that where there were more than ten shots, there were more than two guns involved. So that's the first thing.

The second thing I would say is we tried a magazine capacity restriction in the United States for ten years, federally. And the studies that have been done about the effectiveness of that law, the so-called Assault Weapons Ban, which restricted magazine capacity to ten rounds, there's no evidence that it reduced crime in the United States.

Crime had started to decline, fortunately, prior to the ban, continued to decline right through the ban, and since the ban sunset in 2004, crime has gone down, and violent crime in the United States has gone down another 17 percent. So in the meantime, you know, for modern sporting rifles, the standard size magazine that comes with that gun is a 30-round magazine.

There are millions and millions of those in the United States that are owned by law-abiding citizens who acquired them after a background check when they purchased it at stores like Cabela's and other stores throughout the country from licensed dealers. Crime continues to go down.

So, and in the handgun arena, you know, I think the largest handgun I'm aware of that, the standard magazine for which is 20 rounds, most are in, I think more in the order of 15, or it just depends on the gun, it depends upon whether it's a single stack or a double stack, so there are some variables in that.

But, you know, if you're using your gun for self-defense, you know, and retailers are asked this question all the time, what do the police carry? What do, because if it's good enough for the police, or it's good enough for the military, then that's what I want when I'm using that firearm for self-protection. And the other question that gets asked, I think it's a legitimate question, is why, because why, if you restrict, we see this all the time, you restrict the civilian but exempt law enforcement.

SENATOR KISSEL: Okay. I know others want to ask questions, and I really don't want to be rude. I want to get to the, are you going to pick up and leave and take your jobs, A, real quick answer, and, if we limit magazines. Okay?

And, B, in a situation like Sandy Hook, I heard loud and clear last Wednesday from person after person after person while limiting the bullets in a clip to less than 30 for rifles may not address overall criminal statistics, they are saying if the individual had to change that

clip even two seconds, some little kids could have ran out of there, some teachers and professionals could have ran out of there.

And so I can see if you're going to competitions with a rifle, so what if you have ten bullets in a clip versus 30? You're just going to have to change more often. But you know what? It's not a life or death situation when you're competing on a sports team. With the handguns, I understand the concern, because maybe you have that fear in your house.

But I don't know what the magic is about 30, and that's what I'm hearing right now in light of what took place in Newtown, because people are shocked. And I can't, I don't know from the state police yet whether, you know, every clip that had 30 in it was used. There's different descriptions as to what actually took place in the school, and I really wish we had that information.

But to just say 30 is what we're using nowadays and just live with it, because it's not going to make a big difference in the vast majority of crimes I think is unfair if it might make a difference in a situation like Sandy Hook. So just real quick, and then I know that the Chairs want to move on.

LAWRENCE KEANE: Well, I can't answer what any one company or, will do. There are, there is a company here that manufactures magazine, and they are concerned about the impact that that would have on their business. So, but I can't speak for what decisions that business will make about its future.

We do know that one large magazine manufacturer has left the state already since the

Legislature took this issue up two years ago, as I understand it. So I'm not, I don't know the reason why 30 is the standard size, frankly. There may be a technical aspect to it. I don't know. But you can always change your magazine. It takes no time at all to change your magazine.

So limit, and limiting the size of the magazine, you just carry more magazines and change it in a split second. I can't, maybe the scenario you (inaudible) would take place, but the, you can change your magazine in a split second. So even if you limited whatever number you choose, the person can just carry more of them and change a magazine very quickly.

So I don't, I mean, I think in terms of whether that will really have a meaningful impact and an effect on making the community safer -- you know, when we see crime is going down -- and so many millions and millions of Americans own these. We estimate conservatively there are 130 million magazines in the United States. And I think that's a very low estimate.

REP. MINER: Thank you. Senator Hartley.

SENATOR HARTLEY: Thank you very much, Mr. Chair. And to the industry, thanks for obliging us and being back here again with us today. So the last time we met, I recall that it was the day after the New York Times piece ran, and in response to that query, I think perhaps maybe you all didn't have a chance to read it. I'm sure you have now.

And so I guess I would once, I'd like to at least initially ask you, what's your reaction to that piece, because there was a lot of

information which seemed to have been based on reports from various members, some of which were publications involved with the industry and the promotion of guns.

LAWRENCE KEANE: We were very disappointed by the tone of that article, and we think it was very misleading. And so we were very disappointed. As you may recall, we granted the reporter an interview and spent, staff spent considerable time talking with him and educating him about new shooting initiatives.

And as I think one of the members mentioned last week, you know, families taking their children to the range and teaching them firearm safety and teaching them how to shoot is very common. There are, you know, lots of programs. For example, the Boy Scouts have a program that they run where you can get a merit badge, I believe, for, and a shooting patch.

We get targets sent in from Boy Scouts all across the United States where they've gone to the range, adult supervised -- I cannot stress that enough -- learned to shoot, shot proficiently, and submitted a target, and we send them a patch. There is also a program, for example, through 4H. Even the Salvation Army, I'm aware, has a huge shooting program.

So it is very commonplace, very normal, nothing untoward about youth shooting or taking children hunting. Even some of the people that testified that I heard last week testifying talked about their own experiences as children learning to go hunting and shooting with their parents, you know, as young as, I think the gentleman said, 8, 10, 12.

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We work with state fish and game agencies all across the United States to assist them in providing resources to introduce the next generation to hunting in the United States. And we have an initiative called Families Afield where we work to help lower the requirements, the barriers to entry for youth to go learn how to hunt. But, again, it's adult supervised. It's not, you know, kids running around with guns unsupervised.

SENATOR HARTLEY: Mm. So I understand all those good things, and it's part of an outdoor recreation and so forth. But I guess what I'm wondering about is the things that, for example, talk about the targeting of marketing towards youth and also the introduction of children to high-powered rifles.

LAWRENCE KEANE: Well, first of all, I don't believe that's an accurate description that you, first of all, you can't, children can't buy the firearms, so what would be the point of marketing to children? You're not --

SENATOR HARTLEY: Well, I don't know, but there's an ad here that says, Make Dad Jealous. That's clearly targeting a child. We don't let them do this for sugary foods and other things, but that's clearly targeting youth.

LAWRENCE KEANE: We have a difference of opinion on that.

SENATOR HARTLEY: Well, well, but it's right here. It's right here.

LAWRENCE KEANE: Well, I don't see it that way.

SENATOR HARTLEY: So I don't know what that difference is. But I understand what you're

saying. So tell me about your R and D. I did hear someone testify last week to the fact that, in fact, I think it was Colt that said about five years ago there was decisions made with regard to marketing and that the decision was made to begin to focus and target the commercial market. Can you tell me what that meant, commercial market? Or perhaps maybe I should ask the Colt individual.

LAWRENCE KEANE: I can't, I obviously can't speak for Colt, but the commercial market would be --

SENATOR HARTLEY: No, but maybe, I think she's right here, yeah.

LAWRENCE KEANE: You have the law enforcement market, the military market, and the commercial market, are really the three markets that (inaudible).

SENATOR HARTLEY: So the commercial market is the individual market?

LAWRENCE KEANE: It's the non-, the commercial market, yes.

SENATOR HARTLEY: Yes, I understand. So then, and would it be okay to perhaps ask the representative from Colt to --

COLT REPRESENTATIVE: Certainly.

SENATOR HARTLEY: Because I want to make sure I understood your statement.

COLT REPRESENTATIVE: By commercial market, I meant non-law enforcement and non-military --

SENATOR HARTLEY: Non-military, uh-huh.

COLT REPRESENTATIVE: -- whether it's U.S. government or foreign military.

SENATOR HARTLEY: Uh-huh, so it was the individual market. I understand. And so could you just tell me, for example, from Colt's perspective, have they done marketing targeting youth?

COLT REPRESENTATIVE: Not specifically. We've just embarked on our commercial marketing campaign in the last couple of years, and it's really focused on brand awareness to get our name back out into the marketing community and let them know that Colt has a concerted effort in producing product again for the commercial marketplace.

SENATOR HARTLEY: And in doing that, when you design these programs, I'm assuming you are tracking gun deaths, because you're targeting the individual market, and that is whom we are experiencing fatalities, significant fatalities from.

COLT REPRESENTATIVE: I'm not familiar with how to track that information.

SENATOR HARTLEY: Well, is, the company, does the company look at that in view of their marketing? Do they, are they measuring that in any way? Are, is that in any way reflected into the top esculent of the corporate initiatives?

COLT REPRESENTATIVE: No, ma'am, I'm not, we're not tracking that information.

SENATOR HARTLEY: Uh-huh. Now let me ask another question. For example, and there are differences in all these industries, but the gambling industry, the tobacco industry have

all recognized the fact that their products can have some very deleterious effects in a commercial market. Has, for example, your company recognized that in any way?

COLT REPRESENTATIVE: Again, I'm, I can't answer that question. I'm not --

SENATOR HARTLEY: And so then perhaps if I ask the representative from the industry. Does the industry in any way recognize that, and have they done anything, because we see funds for anti-gambling, tobacco cessation, and so forth? What, you talked about your not-for-profit initiatives, but I didn't hear you talk about anything with regard to victims of gun violence.

LAWRENCE KEANE: Well, I'm not quite sure I understand the question. We do have a number of efforts we work with the law enforcement to ensure that the federally licensed firearms retailers sell the guns to law-abiding Americans after background checks so they do not get into the hands of criminals.

We do what I described before, for example, Don't Lie for the Other Guy, where we work with law enforcement, ATF, and we work with local law enforcement in this effort as well, where we have spent millions of dollars to send public awareness messages to over 35 communities selected by ATF where they believe that there's a need for this to make the would-be straw purchaser aware that it's a crime to prevent the illegal acquisition of firearms.

SENATOR HARTLEY: Uh-huh. And I don't mean to interrupt you. And I understand, because I've heard you testify to this before, but that wasn't my question. My question was, does the

industry as a whole or any company, Colt or any other, in any way recognize the fatalities, the deleterious effect of the product? And is there anything that they have done other than the safety programs and, quite frankly, I think the marketing programs to support victims of gun violence? That was the question.

LAWRENCE KEANE: We abhor, like all Americans, abhor the criminal mysteries of firearms.

SENATOR HARTLEY: No, no, I, that was the question.

LAWRENCE KEANE: I'm sorry.

SENATOR HARTLEY: Yeah, I'm just wondering yes or no.

LAWRENCE KEANE: You asked me a question. I thought you were interested in the answer, and (inaudible).

SENATOR HARTLEY: I am interested in the answer, and I guess it would start off with a yes or a no and then whatever.

LAWRENCE KEANE: Well, I still don't understand your question.

SENATOR HARTLEY: Do you have any kind of fund, any mechanism by which you have collectively or individually as companies brought resources to bear to help those who have been, or their families, victim of gun violence as other industries such as tobacco and gambling have, yes or no?

LAWRENCE KEANE: I'm not aware of that, but we did make a \$100,000 contribution to the Fraternal Order of Police, the National Fraternal Order of Police, to provide support and scholarships

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for the families of police officers who were slain in the line of duty. But I'm not familiar with any programs of the type that you describe, nor am I familiar with other industries doing that.

REP. MINER: Thank you, Senator.

SENATOR HARTLEY: Thank you, sir.

REP. MINER: Senator Witkos.

SENATOR WITKOS: Thank you, Mr. Chairman. While we heard testimony week that most shootings that result in injury, serious injury, or fatality are a result of handguns, it seems through my e-mail and my conversations with my constituents, the topic of conversation seems to be assault weapons. And when we talk about assault weapons, I have a two-part question. In the state of Connecticut, somebody could go in and buy an AR-15. That's basically a long gun. They go through a background check if they buy it from a commercial establishment. But then they can go and turn around and do a private sale to any individual in the state of Connecticut as they deem fit without any government regulation or intrusion or check, is that correct to the best of your knowledge?

LAWRENCE KEANE: To the best of my knowledge.

Again, you know, we represent the licensed industry, so the retail sale by a licensee of all firearms, new or used, requires a background check. I think you're correct with respect to Connecticut law that the transfer from a private person to a private person of a long gun does not involve a background check. It does, as I understand it, it does in the case of the handgun.

SENATOR WITKOS: Right. Now in order to go from a long gun or a rifle to an assault weapon, there are two or, I believe in Connecticut state statute it's two or three features to be added to that article. And from what I got from testimony, it could be a bayonet holder, pistol grip fire suppression, removable magazine, and a folding stock.

So anybody could take a long gun or a rifle and purchase those additional items to convert that long gun into an assault weapon. And we, at the beginning of your testimony, you spoke of access and control. And that's the most important thing. Do we monitor or control any additional items that could be, take a legal long gun and modify it to become an assault weapon?

LAWRENCE KEANE: Does the Connecticut State Police -
-

SENATOR WITKOS: Does, does, do your industry, does your industry, if somebody starts purchasing --

LAWRENCE KEANE: I'm not sure how we would be able to do that.

SENATOR WITKOS: If I have an AR-15, and I order a pistol grip, can I only, is there an after-market manufacturer that does it, or you have to buy that from the manufacturer itself? So does anybody monitor the fact that Kevin Witkos is buying all these different pieces? It looks like he's trying to assemble an assault weapon.

LAWRENCE KEANE: I'm not aware of or how companies would be able to monitor that or aggregate that. That would seem to be a law enforcement function. But if somebody assembled those and created a banned gun, they'd be a criminal, and

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they'd be in violation of the law. But I don't know how you would be able to, any company would be able to know, if they still have an after-market product, what was, you know, that it wasn't being used for such a purpose.

SENATOR WITKOS: So all these items that are available, they're all after-market as well? You don't have to buy them strictly from there, the manufacturer if there's not a patent on that?

LAWRENCE KEANE: I believe so, but I, again, I think it would depend upon what the item was. I mean, maybe, there may be some items that are, that are only available from the one company, the manufacturer. But, I mean, there's, there are obviously lots and lots of companies that sell after-market products.

SENATOR WITKOS: Right. Well, as the representative of all the industries behind you, they would know whether or not that item has come off a patent or if somebody is out in the industry selling what they would deem to be a flash suppressor or a folding stock that could be attached to their weapon.

LAWRENCE KEANE: I'm not sure I understand the question. I mean --

SENATOR WITKOS: If I chose Mossberg, for example, and they made a rifle, since Mossberg has the iron part or the steel part, I would know as a company whether somebody out there in the industry is selling things that could be attached to my weapon to make it an assault weapon. Or I would know that I have the market on all those items, so anything would have to be sold through my company or my representatives or agents.

LAWRENCE KEANE: I don't think that a company would know all the possible products that are out there in the market that are being sold by companies you've never heard of. I don't think you'd, it would be a formidable task to know every single product out there in the marketplace that might fit onto your firearm that you as a manufacturer sell.

So I don't know how you would accomplish that. As a company, you have the resources to track every single product out there to know whether it does or doesn't, could or could not be attached by a gunsmith to your firearm. I don't know anybody that does that or how you would go about doing that.

SENATOR WITKOS: And my last question, Mr. Chairman, is there anything that the industry tracks that they don't send to NICS for that could be used for background information on an individual attempting to purchase? If something comes to your light from a manufacturing standpoint, information, do you keep a databank of something that may be held internally that you don't feel is appropriate to share with NICS?

LAWRENCE KEANE: The manufacturers don't have that information about the consumer. I mean, the sale is by a licensed retailer to a non-licensee consumer.

SENATOR WITKOS: Mm-hmm.

LAWRENCE KEANE: I will tell you that if you ask ATF, they will tell you that on a regular basis, retailers contact ATF and tell them, you know, somebody was in here, they tried to buy a firearm, I didn't transfer the firearm, because it didn't feel right, or they said something

that made me suspicious even if they passed the background check.

ATF will tell you that the retail dealer is their partner in trying to prevent the illegal acquisition of firearms by criminals from a retail establishment. Most guns used in crime are stolen. Most guns used in crime were not being sold at retail and then the criminal goes out the next day and uses it in a crime.

But the ATF has a very good relationship with the retailers. They, retailers are the primary source of information to ATF on leads that lead to trafficking investigations, for example.

So retailers on a regular basis -- and I would encourage you to speak to them, and I don't know if Travis would want to speak that -- provide information to the local law enforcement and to ATF on a regular basis about somebody that, you know, that they think is involved in an illegal straw purchase, for example, where they could pass the background check but didn't transfer the gun or where retailers have allowed ATF to put people behind the counter under cover or wire up their stores to record and videotape transactions. That happens on a regular basis. Travis, do you want to speak?

REP. MINER: Representative Carter.

REP. CARTER: Thank you very much, Mr. Chairman, and thank you all for spending time here today with us. Earlier, we were talking about gun safes. And as a manufacturer, in your information that you provide to a customer, do you recommend any particular kind of gun safe for storage specifically, like maybe the type of gun safe?

LAWRENCE KEANE: I don't know that the manufacturers would recommend a, one manufacturer's gun safe over another manufacturer's gun safe.

REP. CARTER: How about I simplify it, quality of gun safe, ten-gauge steel, eight-gauge steel. There are --

LAWRENCE KEANE: Yeah, I think the information in the product manuals would say lock the firearm and make it inaccessible and store the ammunition separately. There are a multitude of ways of achieving that, a gun lock, like the kind that comes in the box now from manufacturers.

REP. CARTER: But you don't recommend any specific one necessarily?

LAWRENCE KEANE: Not, no, but I will tell you that, and this was interesting, because one of the President's executive orders spoke to the issue of lock standards.

REP. CARTER: Mm-hmm.

LAWRENCE KEANE: And, in fact, there are lock standards for gun locks that were developed over a decade ago. The National Shooting Sports Foundation, SAAMI, the Supporting Arms and Ammunition Manufacturers Institute, the Consumer Product Safety Commission, the companies that make gun locks like Master Lock and others, as well as gun control groups participated in an effort through the, what's called ASTM, the American Society of Testing and Materials, to develop lock standards for gun locks. And we're very proud of our participation in that effort.

And our Project ChildSafe locks, when we buy them from the vendor, are all required by contract to comply with the ASTM standard. There was also an ASTM standard developed for lock boxes, the kind of thing you might have in your, attached to your closet or under your bed or in your drawer or something like that.

And then there are U, I believe there are UL standards -- is that correct, Travis -- UL standards for gun safes, which can, you know, run up to, you know, thousands of dollars for big, large safes.

REP. CARTER: And the other question I had, I have two quick, more quick questions. First off, when you do marketing research, and you're developing a new handgun of some kind, what right now was the most popular handgun? And by the way, I don't want you all to fight over this. What right now is the most popular handgun out there, and what did market research say about the ammunition or the number rounds available in the magazine?

LAWRENCE KEANE: The companies themselves would do market research. I don't think we really have that. I think --

REP. CARTER: Okay.

LAWRENCE KEANE: I will say semiautomatic pistols are far more commonly sold now than revolvers, and that's been true for some time. As I said earlier, depending upon the pistol and its attributes, you could have one with fewer rounds like seven in a Model 1911, for example, or you could have a larger-framed gun that would have a larger magazine well that would hold more rounds.

So it would depend upon a number of variables. Is the gun used for target shooting? Is the gun used for self-protection? Is the gun used for concealed carry, personal protection you carry on your person? Is it a gun that you're going to use for hunting bear, for example?

REP. CARTER: Well, I guess that would be my question then. Through marketing research, is there any way to find out if people are buying handguns more for personal carry versus home defense?

LAWRENCE KEANE: I think the growth in the personal carry market has been significant in the United States as more and more states, now 49, allow their citizens to carry a firearm for personal protection with a, some, typically with some sort of permit or license and a background check. So that, there's been significant growth in that market.

If you look, for example, in Wisconsin, which is the 49th state to pass legislation to allow their citizens to carry a concealed firearm, there have been something in the order of 150,000 permits to the Wisconsin Department of Justice, or maybe approaching 200,000 now.

And I think it's safe to assume that the overwhelming majority of those are individuals who would go out and purchase a firearm suitable for that purpose that they probably don't have now, because they, prior to then, they weren't allowed to carry a firearm (inaudible).

REP. CARTER: And one last thing very quickly, Mr. Chairman, thank you, the ChildSafe program --

REP. MINER: You're cheating.

REP. CARTER: -- how much do you guys give to that each year?

LAWRENCE KEANE: We have given, it varies from year to year. We have received grant funding of \$92 million in the past.

REP. CARTER: Perfect. Thank you. That's what you've (inaudible) 92 million.

LAWRENCE KEANE: Yes.

REP. CARTER: Thank you.

REP. MINER: I can see you're not a beginner. If we could go to Representative Dargan, who was on the list, off the list, and back on the list.

REP. DARGAN: Thank you very much, Chairman. Thank you very much for being here.

LAWRENCE KEANE: You're welcome, Representative.

REP. DARGAN: And I know this issue is somewhat vocal. Since you started your testimony, I received over 80 e-mails just on this specific issue on both sides of the issue. So it'll be a fair assessment to say that there is concerns from both sides, and for the years that I've been an official in umpiring in baseball or officiating in basketball, usually the game ends somewhere, whether you go to overtime or extra innings.

My concern with this debate is we might never end the game, because there seems to be a lot of information on both sides of the issues out there. And I think it's important for our working group to get as much information as you

could give to us to educate us. But, I guess, my one question, there doesn't seem to be any resolution from any side to come to any agreement on anything.

So I guess my one question would be -- and I'm not sure from the NRA, you know, I hear at one time they were and one time they might, so this is a simple starting point. Would it be a fair assessment that all the groups here could agree on universal background checks or NICS?

LAWRENCE KEANE: Well, we certainly support the NICS system and having background checks through NICS. And as I indicated earlier, we supported that from inception. There are certain challenges to implementing a so-called universal background check. And we would have some concerns as an industry about how that would be implemented. We have, as an industry, experienced that in some other states like California.

And it's been very challenging for the retailer to have to comply with that to do a background check on a gun that they're not even selling. The cost associated with that, the recordkeeping requirements that are associated with that, the fact that you as a licensee could lose your license if you made an error in the paperwork for a gun you never sold, you didn't even actually sell, and there were, and I think Travis can speak to, Travis Glover from Cabela's can speak in more detail about some of those issues that they've confronted.

So some of the things that, you know, we would want to have questions about would be is this, is the retailer going to be able to charge a fee? Is it a fee that's going to be set by the government, or is it a fee that the retailer

can decide himself what to charge and sort of let the market set the price, if you will? Is it something where the consumer will have the option of going to the state police to do the background check versus going to a retailer?

And then what happens to the NICS system, because in order to do this, if you accept, for purposes of our discussion here, the figure that we've heard thrown around in the media of 40 percent of transfers not going through a background check, and I'm not sure that that's an accurate number, but if you just accept that, that's a tremendous increased workload on the NICS system. And I'm not sure how the NICS system could handle that.

When we suggested to DOJ that they allow licensees like Travis's company to have access to NICS to do employment screening for current and prospective employers, employees, and it was only two percent, that was a non-starter with the U.S. Department of Justice. They said there's no way NICS could handle that, that increased workload, that that would be too much stress on the system.

If you implement a, you know, 40 percent increase, that's a hypothetical, I don't know how NICS could handle that. That seems, we would be concerned it would collapse the system and that the checks, which are intended to be instant and very rapid, would take a very, very long period of time for both new sales as well as the sale between private parties.

So there are a number of questions we think need to be looked at to see whether the system can actually function efficiently, and so that's where we are on the issue.

REP. DARGAN: Thank you very much for that information, and maybe if you would like to submit any information that might be useful to us, it would be helpful to the Committee.

REP. MINER: Thank you, Representative Dargan. Senator Frantz is next, and I would just ask that -- at some point in the future this will come to an end today. I'm hoping, let's say, in fairness to the next group, maybe it's like 3:30, which would be ten minutes from now. So please proceed, but would it be fair to --

A VOICE: I'll try to (inaudible).

REP. MINER: Well, and if it would, would it be fair for me to ask in advance of that that if we have any other questions that we would like to get to you, presumably we can get them to you, and you can either respond in writing, or we can set up some other opportunity.

LAWRENCE KEANE: We would be happy to respond to written questions. We'd be happy to come in and meet with any individual members of the Task Force one on one.

REP. MINER: Along the way in the process?

LAWRENCE KEANE: Absolutely.

REP. MINER: Thank you. Senator Frantz.

SENATOR FRANTZ: Thank you, Mr. Chairman. This won't take long. I know we're running out of time, and you were great to come back and spend another day in the Capitol. I'd like to focus for just a brief moment on the NICS background check. I think this is the area where there is the most common ground between both sides of the issue.

I also think it's something that is an area that can be improved very quickly, because technology has accelerated and will continue to accelerate at a great clip. And I think the capacity issue that you're worried about can be overcome quite quickly as long as the resources go into it.

Just very briefly, who's allowed to use the NICS system, and what information can you get out of it? The obvious is convictions and arrests and things like that, but you mentioned that there was mental health records that you might be able to have access to.

LAWRENCE KEANE: So the Brady Act only allows federally licensed firearms dealers who are registered with FBI NICS to access and do background checks for the transfer of a firearm. So Travis, for example, if he was going to hire you, Senator, to work in the store and wanted to do a background check on you, he would not be able to access NICS in order to check to see if you are a prohibited person or not. That's number one.

Number two, when a dealer does a background check, all that they are, they submit the information to NICS. They can do this now even electronically called e-NICS, which we are, encourage retailers to use. We work with NICS to encourage that. All that the retailer is told is either approved, denied, or delayed.

And if it's delayed, then by federal law, you cannot transfer that firearm for three business days. At the conclusion of those three business days, you could transfer the firearm. Typically, by the end of the three days, I don't know the exact statistics, but we can get

them for you, the vast overwhelming majority of the checks are completed, and you've gotten either an approved or denied. But you are not told why the person is denied.

You don't know as the retailer. All you can tell the consumer is you've been denied. I don't know why. And NICS provides information for the retailers to give to that consumer so that they can appeal to find out whether they're improperly being denied, which can happen in some circumstances. Anything to add to that, Travis?

TRAVIS GLOVER: You covered it.

SENATOR FRANTZ: And the issue of access to mental health records is through NICS, is that --

LAWRENCE KEANE: Sure. So what the check, NICS can only receive information about the prohibitions, the federal prohibitions, as I understand it. And so the problem is that many states, and, again, Connecticut is not on the list, but many states have done a very, very poor job, unacceptable, in not transmitting records of prohibitions, mental health, felons, people with restraining orders who are prohibited, fugitive from justice, et cetera, the various federal categories that, under the Gun Control Act, that make somebody a prohibited person.

Those records are not being put into the NICS system. And so when somebody walks into Cabela's, for example, not to pick on Cabela's, and they do a background check, if those records of, let's say it's an individual who was adjudicated and mental defective, that's the language under the Gun Control Act, or was involuntarily committed, they are therefore

under federal law a prohibited person for life. Okay.

If that record is not in the system, and that person goes into a store and goes through the background check, and that record is not there, they're going to get a proceed, because there's no record to say they're denied. And that's the problem. That's why we need to fix NICS.

That's why we think there is also common ground in that area as well, and we are putting our own effort and our own resources into an effort to fix NICS to get those records into the system. The system does not function the way it should. All of those records need to get into the system so that the retailers who rely upon them can be assured that they're not transferring to a prohibited person.

SENATOR FRANTZ: Great. Thank you very much both of you. Thank you, Mr. Chairman.

REP. MINER: Senator Guglielmo.

SENATOR GUGLIELMO: Thank you, Mr. Chairman. Mine will both be quick. Straw purchases, any states have mandatory sentencing?

LAWRENCE KEANE: I'm not, I don't know the answer to that question. I'll do some homework on that and find out.

SENATOR GUGLIELMO: Yeah, if we could find out, and if there are some, who they are. And then on the NICS system, how many states are doing a good job out of the 50?

LAWRENCE KEANE: About half.

SENATOR GUGLIELMO: Oh, that --

LAWRENCE KEANE: Roughly half are really falling down on the job. There's a, and we'll provide copies, there's a study by the Government Accounting Office on this from July of 2012 --

SENATOR GUGLIELMO: Okay.

LAWRENCE KEANE: -- on that that speaks to this issue.

SENATOR GUGLIELMO: Thank you. Thank you, Mr. Chair.

REP. MINER: Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chair. And in the interest of time, I'm just going to simply -- all the questions were pretty much asked -- I'm just going to make a comment, because last time that you were before us and today, I think there's always a negative umbrella regarding youth, children, and guns.

And I just want to acknowledge that there are responsible safety young women and men who use weapons, these firearms, in their shooting competitions competitively as well as family traditions. So I just want to make sure I highlight that.

There is, that is separate and apart from the tragedy that's brought us here today. And whatever it is that you're doing to continue to reach out to children through their parents as to the appropriate firearms to use for their sporting or, and/or family traditions, thank you for that.

LAWRENCE KEANE: Let me just give you, if I might, one example. The U.S., the NSSF is the largest

supporter of the U.S. Olympic Shooting Team, which won an unprecedented number of gold medals at the recent Olympics. Several members of the U.S. Olympic team that medaled in the Summer Olympics started shooting in a program NSSF began called the Scholastic Clay Target Program, which was essentially sort of like a little league for trap and skeet shooting, all with adult supervised and coaches and teams and leagues and competitions and, again, several of those folks elevated up to the point where they were on the Olympic team, and they got medals.

REP. REBIMBAS: That's (inaudible), and some of them joined our law enforcement, so thank you.

REP. MINER: Thank you. Senator McKinney had a question.

SENATOR MCKINNEY: Thank you. Someone who owns a Glock 17, which, as I understand it, has a magazine, whether it's double stack or staggered, capable of 17 rounds expandable to 19 or even 33, is there a ten-round magazine available for purchase to fit that gun? And are there handguns with magazine capacities greater than ten that would be rendered inoperable under the old federal law or the New York law?

LAWRENCE KEANE: I don't have a list for you. I'm not, I'll have to get back to you on the specific question of the Glock 17. But, yes, there are, if magazine capacity was restricted to ten, and there are some guns that would be rendered inoperable because of the, their configuration, the ten-round magazine wouldn't fit, so it does present a challenge.

SENATOR MCKINNEY: And just as a follow-up, is there any kind of a spacer that could be put in the

existing magazine, and could we get for follow-up a list of, because just looking on all the various company websites and websites that sell parts, it seems that there's magazines that vary from 5, 6, 7, 10, 15, 33, 30, 40, 100.

So, you know, can we get a list of how many handguns that have, as standard issue, a magazine greater than ten that have a magazine of ten or less that could fit? And the reason why I ask is if we had a ten-bullet magazine restriction under the federal law, what were all the handgun owners and manufacturers doing during that period?

LAWRENCE KEANE: We'll get back to you. I don't know that answer (inaudible).

REP. MINER: Thank you. I just wanted to go back to the NICS system, because it, we were able to avail ourselves of a presentation earlier this morning -- I think there are some other people who will do the same -- that kind of takes us through the process of how do you buy a gun in the state of Connecticut anyway?

And I know that the rules are different throughout the country, but is the deficiency in the NICS system, my word, the deficiency in the area of mental health only, or are there some states that have been proven to lag behind in terms of how often they update criminal records?

LAWRENCE KEANE: I think there are some states that are not doing a very good job on that as well. And one of the areas in particular that is lacking is reporting into NICS or submitting to NICS records pertaining to restraining orders. Under federal law, if there's a restraining order, you're a prohibited person. And so they

do not get into the NICS system. That's a problem as well.

A VOICE: Domestic violence.

LAWRENCE KEANE: Domestic violence, right.

REP. MINER: And not being an expert on what is currently being discussed at the federal level, are those issues, in your mind, being appropriately addressed at the federal level?

LAWRENCE KEANE: We do not think they've been appropriately addressed. We supported the National Improvement Act to improve NICS where federal funds were supposed to flow back to the states in order to get the states to put these records into the system. And as I said before, it's my understanding in the last government fiscal year they authorized, budgeted 125 million but only appropriated \$5 million.

And we think that's woefully inadequate. When we met with the Department of Justice last spring, and I believe, Travis, you were at that meeting as well, we urged them, again, that they should use federal funds that are flowing back to the states now and condition the money on their getting these records in the same way they did with the highway dollars and drunk driving.

And it reduced, the states reduced the threshold for drunk driving, and that helped reduce accidents and drunk, the incident of drunk driving. And we see no reason why they can't do that with NICS.

REP. MINER: And the other thing that I had asked about, recognizing that the forms that are submitted to the federal government require a

certain amount of data, one of which is some kind of a serial number or tracking number, it doesn't seem as though there's any similarity. And by that, I mean, if you buy a General Motors automobile or you buy a Ford, I believe the serial numbers are consistent, at least to the extent that they occupy the same number of digits.

And as I think about part of what we're trying to get at here is we don't really even know other than what people voluntarily give us for information, let's say, what part of the overall long gun population, guns that are currently on some list as being previously allowed but now on the list -- we called it ban -- and those that occupy some list that some people are advocating we should ban, yet, I don't know that as I sit here we have any way of determining whether there are a million of those in the country, ten million of those in the country.

I guess I, suppose I shouldn't care, except that it would seem to me as a lawmaker if I'm going to push my green button on a piece of legislation that says we're going to confiscate these things, I'd like to have some idea what we're talking about, what the field is that we're talking about.

LAWRENCE KEANE: We're working on trying to develop some estimates for how many modern sporting rifles are in civilian possession in the United States. We do know that since 2004 on, and particularly from 2008 on, these are the most popular rifles being sold in the United States by far.

And there have been many millions of them sold in the United States chiefly for target

shooting, but also increasingly and roughly about 25 percent are for hunting. And as, I think, Joe Bartozzi mentioned, his company is bringing to market modern sporting rifles for the hunting market. Remington makes several models as well. So, but so they are very, very popular. There have been millions sold. We'll try to get you our best estimate for how many exist.

REP. MINER: Thank you. I think what we tried to do is to say at 3:30 this would come to a conclusion, and I know you've been very generous about saying that you would answer questions. Shall those be filtered through you? It, kind of looking for some help here. I don't want to --

LAWRENCE KEANE: You can either send them to myself or to Mr. (Inaudible).

SENATOR LOONEY: Just a brief follow-up, Mr. Chair -
-

REP. MINER: Senator.

SENATOR LOONEY: -- a follow-up on --

REP. MINER: Senator.

SENATOR LOONEY: -- a follow-up on a couple of things. One issue is that you mentioned the modern sporting rifles, and also there was another New York Times article just yesterday that talked about the marketing of the AR-15 in all of its forms and how popular it's become in recent years and partly marketed because of its analogy to military rifles. But I'd like to just hear from some of the manufacturers here.

Obviously, there has been a, our assault weapons ban in Connecticut had a listing of a, the distinguishing factor would be the detachable magazine and then two other factors that were listed in the statute. California has gone to a system of having the detachable magazine and one other factor. Your reaction to that. If we were to adopt a proposal like that, are there any, what guns that you currently sell would not be marketable if that law were to be adopted?

LAWRENCE KEANE: Well, I guess that some of the companies can speak specifically to that, but if you, that's part of why we have a problem with the law that existed ten years ago or from '94 to '04, is the features that you're banning are, have no impact or do not in any way affect how the firearm functions.

I mean, removing, saying you can't have a, the bayonet lug or having a muzzle break, or sometimes people refer to them as flash (inaudible), has absolutely no impact on how the firearm would function. For, if you take, for example, Senator Feinstein's bill, she would exempt a firearm manufactured by one of the companies here at Ruger, Mini-14. That fires a .223 round. It's a semiautomatic rifle.

Yet, her same law would ban other semiautomatic rifles and fire the exact same size cartridge based on cosmetic appearance, based on their having other features. There's nothing to do with how the firearm functions. To us, that's not sound public policy, and we've already tried banning a class of rifles for ten years, and it didn't reduce crime, so we don't think it's constructive to repeat that experiment or to ban more firearms. You know, we don't think

that that will help reduce crime or make us safer.

SENATOR LOONEY: All right. And just one last question. There was a, you mentioned some of the donations by the industry to, both to, for youth sports and for also donations to police activities.

There was a study by the Justice Policy Center or the Violence Policy Center, I guess it was, a couple of years ago that pointed out that some of the major manufacturers are major corporate partners of the National Rifle Association with Sturm Ruger and Cabela's at the George Washington level of corporate partner at 500 to a million dollars per year.

Just would like to know what was the strategy involved in that, and what was the, in effect, the benefit for funding the National Rifle Association at that level and as a corporate partner?

LAWRENCE KEANE: I can't speak for why any one company made that contribution. I will say that the National Rifle Association itself has a number of firearm safety education programs. It does a lot of training and has a, there are many aspects and things that the National Rifle Association does that are independent and have nothing to do with what people most usually associate them for, the lobbying or government relations-type activities.

So growing the market is a normal thing that trade associations or the industry member would do, law-abiding Americans exercising their Second Amendment rights to participate in hunting, target shooting, the various kinds, as well as to purchase firearms for self-

protection, so, but I can't speak to why any one company made a contribution or not. That was, you know, an individual decision. They don't ask me, and they don't ask our approval.

SENATOR LOONEY: I just wonder whether the representatives of Cabela or Sturm Ruger might have any more particulars to add to that.

KEVIN REID: Senator Looney, my name is, again, it's Kevin Reid. I'm the vice president and general counsel at Ruger --

SENATOR LOONEY: Yep.

KEVIN REID: -- Sturm Ruger Company. And we have actually at Ruger a long tradition of partnering with many, many groups. There are many things that we do with Ducks Unlimited and a number of other of the conservation groups. With the NRA, for example, we have offered to their membership certain firearms. Then we'll put an NRA logo.

We'll partner with the NRA to put, to license their marks and put the NRA logo so certain people can buy certain firearms. It's been a long tradition for us to partner with the NRA. We do support what they do. They have a lot of very good safety programs. If you look in one of our manuals, for example, we talked about the ten commandments of gun handling safety.

And among them, we say, look, if you're looking for an instructor, you can go to the NRA, because the NRA has got a list of all the certified instructors, so if you're looking with, for proper instruction with your firearm, that's where you go. This is just one other example of us partnering with the NRA, because we believe that they're a good group, and like

us, they do promote the safe, responsible use and ownership of firearms. Our motto, arms make us responsible citizens, and we believe that's consistent with the NRA's goals.

REP. MINER: Thank you, Senator. Thank you all for being here.

A VOICE: Thank you.

REP. MINER: And, again, if there are some other questions that people have, if you'd please kind of reduce them to writing, and I think we'll find a way to get them.

LAWRENCE KEANE: Representative?

REP. MINER: Go ahead.

LAWRENCE KEANE: If I might indulge the group, the CEO of Colt I believe wanted to make a comment.

DENNIS VEILLEUX: Thank you, Larry. Excuse me. I'll make it quick.

REP. MINER: Thank you.

DENNIS VEILLEUX: It occurred to me during the discussion that we might be able to offer something up specifically as a resource for this Committee. I'd like to offer anyone individually or collectively to, at your convenience, I would set up a time where we could go to the range, I could show you, to put a picture, to touch something, to show you some of the different mechanisms that you're talking about that we've heard here today, double action, single action, different magazine capacities, the differences between the magazines and the clips, the different features on the guns that make them legal or illegal in

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different states, so, and the variations of the different semiautomatic rifles.

We're only talking about one particular platform here today, but there are many platforms that are very similar. And I'd like the opportunity to help you understand the differences between those and the similarities as they may be defined in the different legislature that you'll be crafting. Thank you.

REP. MINER: Thank you.

LAWRENCE KEANE: Thank you. Appreciate the time.

REP. MINER: How about if we take a five-minute break and then pick up with CCM?

REP. MINER: If Members would please take their seats, we're going to make an attempt to start the next --

REP. MINER: All right. I guess we're going to start asking questions. If Members of the Committee would please take their seats, and we're going to -- Mayor Bingham, thank you for being here.

MAYOR RYAN BINGHAM: Thank you, Representative, Senator.

REP. MINER: Mr. Finley, good to see you.

JIM FINLEY: Thank you, Mr. Chairman.

REP. MINER: And I'm not sure if anyone has any comments that they want to open up with. If you do, go right ahead. If you don't --

MAYOR RYAN BINGHAM: No, we don't want to take any more of your time than necessary. We said our peace early last week -- and thank you, obviously, for your service -- last week in the marathon session that you guys had listening to both sides. So you have our testimony, and we're here to respond to any questions you may have.

REP. MINER: Senator Witkos.

SENATOR WITKOS: Thank you, Mr. Chair. Good afternoon. Just a quick question. Last week, I believe CCM testified that one of the initiatives that they'd like to see is to have control, I guess, and I'll use that word loosely, on the issuance of pistol permits. And I believe currently it resides with the local chief of police. Why would the chief elected officials want to take that away from, or go ahead. You know where I'm going with that question.

MAYOR RYAN BINGHAM: Yeah. I would say it's more so the other way around where the responsibility, if there is no police chief per se, that the first selectman is inherently the police chief having to make those decisions on behalf of the municipality without the breadth of law enforcement experience.

So I think for the most part, the request was for first selectmen to be able to assign the duty of signing off on those permits to a state trooper or somebody that they designate with the experience necessary to make proper judgment calls on issuing permits.

SENATOR WITKOS: Thank you. That clears is up for me.

REP. MINER: Senator Looney.

SENATOR LOONEY: Thank you, Mr. Chairman, guests.
Good afternoon, Mayor --

MAYOR RYAN BINGHAM: Good afternoon.

SENATOR LOONEY: -- Jim. Last week in your testimony, you mentioned kind of in summary the recommendations that have been voted on by CCM, but I wonder for the record if you would just itemize each of them for us right now, because you mentioned that they were in your testimony and that they were available on your site. But I'd like to have you mention them all right, one, just tick down the list and name all of them, all the ones that were officially endorsed by CCM at its meeting.

MAYOR RYAN BINGHAM: Sure, I'd be happy to. And I'll go on the highlight, high level form and won't go into too much detail and be happy to answer any detailed questions if you need. The first is the expansion of the definition of an assault weapon to conform with the current California law, which we've attached to the testimony, which also includes limiting the magazine capacity of rifles and handguns to no more than ten bullets.

Two, require a rifle permit for the purchase of any long gun unless the owner is already in possession of an up-to-date handgun permit. A hunting license will no longer allow the background check and waiting period to be waived.

Three, allow municipal CEOs to designate a chief of police, resident state trooper, or the Connecticut Board of Firearms Permit Examiners as the issuing authority for firearm permits,

which is what Senator Witkos was referring to just a moment ago.

Four, allow municipal CEOs that deny permit applications but such applications are subsequently overturned by the Connecticut Board of Firearms Permit Examiners the ability to appeal said decisions before the Superior Court. Permit applications are already afforded, permit applicants are already afforded such appeal rights.

Five, consider expanding the list of offenses that would prohibit an individual from obtaining a firearm permit. Six, improve the enforcement of existing state law.

Seven, no firearm permit shall be issued if, A, an individual has a serious mental disorder or illness that has been diagnosed or determined in a court proceeding, B, a mental health facility or licensed psychotherapist is reported as they would now be required to local law enforcement, DESPP, and DMHAS any individuals that have been determined to be a danger to themselves or others or communicates a serious threat of violence against others, and, C, if they have ever been confined in the psychiatric hospital by the probate court or found not guilty of a crime by reason of mental disease unless a licensed mental health official affirms that they are now mentally fit.

Eight, require an updated background check to be completed on all firearm permit renewals. Nine, require a firearm permit for the purchase of ammunition. Ten, regulate online purchase of delivery of ammunition by banning the use of rights of way for transportation of ammunition. Eleven, prohibit individuals from purchasing no

more than one weapon within a 30-day period, thus eliminating both purchases of firearms.

Twelve, require gun trigger locks to be provided with each firearm purchased.

Thirteen, outlaw the possession and purchasing of body armor except for law enforcement and active military defined in Connecticut law as being any material design to be worn on the body and to provide bullet penetration resistance.

JIM FINLEY: Senator, if I could, I'd just like to provide a little more detail on number six of our proposals, because I think it's important. It, they sort of fit in with the other recommendations. One is that we would ask that all firearms be registered and allow individuals a one-year no-fee grace period to complete such registration, require the state to utilize existing firearm registration data by providing electronic access to a registered firearms database.

Such database would be available to law enforcement only. Our thoughts behind that one is that right now firefighters going into an industrial commercial building know what kind of chemicals and other things they're going to face in a fire. We think that same opportunity should be afforded to our law enforcement officers so if they get a call, they understand how many firearms may be in that residence or building.

Increase the capacity of the Connecticut State Forensics Laboratory to provide timely processing of firearm and ballistic data to local officials. Many of our mayors tell us it takes six to eight months to get this

information now. It makes it very difficult to enforce our laws in our cities in particular.

Create a statewide gun offender registry that would require individuals convicted of gun crimes to register with the state every six months or when they change address for a duration of five years. Registering will be required at the time of conviction or after their jail sentence has been served. Registry would be available to law enforcement only, again, so law enforcement understands what they're dealing with when they're dealing with a particular individual what that background was. Thank you.

SENATOR LOONEY: I understand that in terms of the Gun Offender Registry, the particular aspect of that would be, that would be helpful to law enforcement is that currently there are, obviously, some people who are on probation or on parole who could be directed to report in as a condition of that.

But then there are other offenders who are released from prison, the so-called end of sentence releases, who have, who come out under no supervision. And in many cases, they are the ones most in need of supervision, because they may not have had the benefit of any early release program or wind up serving the maximum amount of their sentence time and then walk out of prison without any further supervision.

They're not being transitioned through a halfway house or anything else. So those are the ones who are often at the greatest risk of recidivism, but the system has the least amount of ongoing supervision over it. So under this provision, they at least would have this reporting in requirement in terms of even if

there weren't any other form of supervision.
Is that your understanding of it?

MAYOR RYAN BINGHAM: Yes, Senator.

SENATOR LOONEY: All right. Good. Thank you very much.

REP. MINER: Thank you, Senator. I had a couple of questions, not being familiar with the California law. What does the California law say in terms of whether these guns can be kept or not kept?

JIM FINLEY: Where they can be kept or not kept or would you like to --

REP. MINER: Is it silent -- well, let me ask you this question.

JIM FINLEY: Sure.

REP. MINER: There have been a number of pieces of legislation that refer to the word ban, a little three-letter word. Has CCM taken a position on what that word should mean?

MAYOR RYAN BINGHAM: The recommendation that we suggested was basing it on the California assault weapon definition, so banning an assault weapon that meets the criteria laid within the statutes in California. Currently, just as an overview, Connecticut state statute requires or does not allow for two, if a weapon has two of the following criteria, it's considered an assault weapon and banned. California has one of the following pieces that are now, now you have a definition of assault weapon, which is now banned.

JIM FINLEY: If I could add, Representative Miner,
the --

REP. MINER: If I could just finish with the
question --

JIM FINLEY: Sure.

REP. MINER: -- I guess, because I still don't sure,
I'm not sure we got to the answer of the word
banned.

JIM FINLEY: Sure. I can think what you're --

REP. MINER: Under our former conversation about
choose the definition of assault weapons,
modern sporting arms, the Legislature passed a
law that said from some point forward, if it
met the, I think the cosmetic definitions that
you refer to, those would no longer be
permitted for sale.

However, owners were permitted to keep them
provided they were registered. Is it CCM's
position that under the current proposal being
requested that the current inventory of the
newly defined assault weapon or sporting arm,
that owners would be allowed to keep those as
well?

JIM FINLEY: Representative Miner, we did not get
into that detail. The one thing that we did
require is that all weapons be registered so at
least there would be a database of those
registrations.

And currently under Connecticut law, it's my
understanding that if you buy a gun in Arizona,
for example, and then bring it into
Connecticut, and it falls under our current
assault weapon ban, the owner is obligated to

bring that to a local police department to get it checked out, and that gun is often, if it meets our assault weapon ban criteria, is confiscated.

MAYOR RYAN BINGHAM: And we did have a lot of discussion about that. I mean, I have, my grandfather is 95, and he's got a collection of weapons --

JIM FINLEY: Antique.

MAYOR RYAN BINGHAM: -- which may down the road be considered illegal, maybe not by anything that this Legislature does, but in the future, you know, I think it's important that we allow for some provision of historical antiques. But I think it's also important that we recognize registration is key to that, knowing that they're there.

REP. MINER: And so there was no conversation at the organization level that went to the question of does banned mean eliminating them from Connecticut such as New York has done or whether it would provide an opportunity for lawful owners to keep them provided they registered them?

MAYOR RYAN BINGHAM: There was discussion, but I don't think any details recommend it.

REP. MINER: Okay. The actual position that was taken was to require them to be registered? Okay. And I think, Mayor, you made a comment about the hunting license, and what I'm finding through this process is that there's an awful lot that I think I know and some that I'm finding out that I don't know.

This morning, we went through a process of finding out what it takes to get a gun from Cabela's, for instance, if I show up or you show up or Mr. Finley shows up, what the rules are. And I think I understood you to say that a hunting license no longer be that designation that would allow you to remove a gun, be delivered a gun, and that you'd have to have a background check, is that correct?

MAYOR RYAN BINGHAM: Yeah, well, currently, if you, I believe any weapon purchase requires a background check. You may (inaudible).

REP. MINER: I think that's correct, and I guess that was the distinction that I was going to make, is that --

MAYOR RYAN BINGHAM: (Inaudible).

REP. MINER: -- you don't --

MAYOR RYAN BINGHAM: Go ahead.

REP. MINER: Go ahead.

MAYOR RYAN BINGHAM: I don't want to interrupt you. I think the theory behind the recommendation with regard to hunting licenses and long guns is to permit them all so that, one, you can keep record of it and that there's a consistent process by which somebody can obtain a firearm.

REP. MINER: Okay. Thank you. Representative Walker.

REP. WALKER: Thank you, and good afternoon.

MAYOR RYAN BINGHAM: Representative.

JIM FINLEY: Representative.

REP. WALKER: If I remember from your testimony, one of the things you talked about was lost and stolen guns and the amount of them used in crimes in your city. When you get a gun that is used in a crime that is lost or stolen, what do you do with it?

MAYOR RYAN BINGHAM: That was my counterpart, Mayor DeStefano.

REP. WALKER: Oh.

MAYOR RYAN BINGHAM: So I don't have all the details on that.

REP. WALKER: Well, what would you do in your city?

MAYOR RYAN BINGHAM: If there was a lost or stolen gun?

REP. WALKER: That you got, confiscated in an armed robbery or something like that.

MAYOR RYAN BINGHAM: I honestly couldn't tell you.

REP. WALKER: Okay. Okay.

JIM FINLEY: Representative, I know the police chiefs are going to be testifying afterwards.

REP. WALKER: Okay.

JIM FINLEY: And they'd have more technical knowledge on that. I assume that most police departments would try to find the line of possession --

REP. WALKER: Okay.

JIM FINLEY: -- to get back to the original owner and find out the circumstances of the, of how the gun was stolen, when it was reported as stolen and such and the like.

REP. WALKER: Now you, okay, you mentioned in your 16 requests about the forensics lab having more, having a shorter turnaround. If I remember correctly, we did increase staffing at the forensics lab this past year. And the turnaround time, if I'm not mistaken, has become much shorter, so I'm curious, what did we fund? And I thought we were going in the right direction.

JIM FINLEY: From what I understand, Representative, is that they're in the process of hiring those additional positions. They're not yet in the lab.

REP. WALKER: Oh.

JIM FINLEY: And so mayors in particular are still frustrated at the turnaround time. So we haven't seen the, you know, the fruits of your efforts as of yet.

REP. WALKER: Okay. All right. Thank you very much. Thank you, sir.

A VOICE: (Inaudible).

REP. MINER: Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chair, from afar. Good afternoon, and thank you for returning once again. Just wanted to kind of follow up. First, this list that you have, is there, is it prioritized, or was it just random? The one through ten is not a priority list?

MAYOR RYAN BINGHAM: No.

REP. REBIMBAS: Okay. Currently, right now, for any town that doesn't have a police chief, what's being done?

MAYOR RYAN BINGHAM: The, generally, well, and I can speak only from the people that I've talked to during the process that we've put this together, is the first selectman is technically the police chief.

JIM FINLEY: Correct.

MAYOR RYAN BINGHAM: There are cases where the resident state trooper takes over the role, but there is some actual disagreement in different communities whether or not that's the most appropriate measure. And so I think our recommendation here, that that be clarified that a first selectman can actually designate a resident state trooper or some entity that has the capability to make that decision.

REP. REBIMBAS: (Inaudible) --

JIM FINLEY: Right. Just to put it into context, about 84 of our cities and towns do not have a paid full-time police department, and the vast majority of them rely on the resident state trooper program.

REP. REBIMBAS: Thank you. And I do believe that coming up probably a few years ago before public safety, so shame on the Legislature for not making something clear in statute, but that seems like it should be a common sense thing.

Regarding your point, I believe it's number four, I know previously I had indicated, I was looking for some information regarding the

denial of applications, and I believe this is the firearms board. My, I have a concern. When you talk about appealing to the superior court, a person would appeal, obviously, if they were unhappy with the decision that was issued by the local authority, is that correct?

MAYOR RYAN BINGHAM: Currently, from what I understand, if our, in Torrington in this case, if our police chief denied a permit, the applicant can go to the state board of firearms review, and the state board can actually overturn the denial. If the state firearms board denies a permit for whatever reason, that person is afforded the right to state superior court.

REP. REBIMBAS: And, I'm sorry, I'm going to interrupt. I just, I didn't hear the last part of your response. I'm sorry. Go ahead. If you can repeat, I got the first part, if the chief denied it, the person can go to the firearms, and I didn't hear your response thereafter.

MAYOR RYAN BINGHAM: If the state, if the firearms board denies it, from my understanding, the applicant can then go to superior court, and there's an appeals process. I don't believe now that the municipality has the same right if they felt so inclined to stay involved in trying to not allow the permit applicant to have a firearm permit.

REP. REBIMBAS: And what would be the benefit, or why are you requesting to have the person go directly to superior court opposed to the firearms board?

MAYOR RYAN BINGHAM: Because by denial, there are, they've already appealed to the firearms board

suggesting that the person shouldn't have a permit, so --

REP. REBIMBAS: Exactly, so why should they have to go to the superior court? Why not just keep the system that's in place?

MAYOR RYAN BINGHAM: Because the firearms board then overturns the local decision and allows the permit to be given. So they're, it's a secondary appeal, essentially, for a municipal entity.

REP. REBIMBAS: Let me get this straight. Your concern --

MAYOR RYAN BINGHAM: (Inaudible).

REP. REBIMBAS: -- is that the firearms board is overturning the appeal, but there's nothing to say that that appeal won't be also overturned in the superior court. So what makes --

MAYOR RYAN BINGHAM: Yeah.

REP. REBIMBAS: -- the difference of going to a superior court? What is the benefit of not having the board?

MAYOR RYAN BINGHAM: All right. So if the municipality denies the permit for cause, and the firearms board denies the denial by giving the person the permit --

REP. REBIMBAS: They file in court.

MAYOR RYAN BINGHAM: -- the municipality, I don't think, now has the opportunity afforded to them to file at superior court.

JIM FINLEY: Right. I think the thought behind the proposal was to give the municipality parity with the applicant.

REP. REBIMBAS: Would the, well, the municipality would be able to intervene possibly as an interested party now?

MAYOR RYAN BINGHAM: What's that?

REP. REBIMBAS: Would the municipality have the ability to intervene as an interested party in the superior court's appeal?

MAYOR RYAN BINGHAM: I can't answer that, but I will say that this is in no way trying to get rid of the process now but just to allow the municipal entity one more chance at making its case. And maybe it is through an interested party, but if the person hasn't gone to superior court, the municipal government doesn't have that right, because it doesn't exist.

REP. REBIMBAS: Okay. And maybe that's something we need to further clarify, because I'm interested in that. My understanding of what you were proposing was either the elimination or bypassing the board.

MAYOR RYAN BINGHAM: No, no.

REP. REBIMBAS: But what you're looking for is that additional ability to have some kind of interested party standing when it does get eventually, if it does get appealed to the superior court.

JIM FINLEY: Yeah.

MAYOR RYAN BINGHAM: Yeah, we, I mean, the biggest thing that we hear frustrating local officials

and local police chiefs, and they're after us, so they can talk more specifically, is that the reason why the process is in place that the local police chief signs the permit is that who better than them to know the people in their police station coming in and out, arrests, maybe no convictions or mental health issues or whatever the cause that they deny the permit for. And the biggest frustration for them is that the state board then overturns their decision. So they think, well, why deny a permit at all? So --

REP. REBIMBAS: Sure. But, of course, everyone is allotted a due process, and --

MAYOR RYAN BINGHAM: And so then --

REP. REBIMBAS: And I can understand it's frustrating when people disagree with you, as I think we've all had that experiences here, and I'm sure you with your local boards. What I'm trying to determine is what's the best way to address this? And I understand then the first tier of information that you want to have the voice. Do you have the actual percentages of the overturning by the board?

MAYOR RYAN BINGHAM: No.

JIM FINLEY: No.

MAYOR RYAN BINGHAM: No, but I'm sure we can find it.

REP. REBIMBAS: Okay.

JIM FINLEY: I'm sure the board would be anxious to give you that information.

REP. REBIMBAS: Okay. And I appreciate my fellow colleague giving some statistics, although I don't know where the statistics are coming from, and I've heard conflicting ones, so I appreciate the information.

But my, as I had indicated and requested the last time CCM was before us was the statistics so we can avoid this back and forth, because I'm trying to get back to what is being overturned, because if we're talking about frustrations over differing of opinions, we all have that on a regular basis. And I can understand the frustration on the police chiefs, but I want statistics.

I want to know were these overturned, obviously, these decisions that were overturned, what is the percentage of them? Then I further need a breakdown of were they overturned by a default so a technicality? Were they overturned by an agreement? Or where they overturned by a hearing, because it's not just sufficient to say I'm frustrated, because my decision was changed.

I need to know the breakdown so then if there is some type of problem that needs to be fixed, then, yes, hold us responsible. We need to fix it. But if there's not a problem, and there's just misinformation or mis-percentages out there, I want to have the information. And this whole process is frustrating, because we don't have all of the information, and it's not, you're not to blame for this.

We, we're obviously dealing with an issue with an incomplete investigation, period. So the frustration is across the board. But I'm interested in knowing if there's a problem, let's address it, but I need the information in

order to do so in that regard. And just one of your other items, number six, I believe you said enforcing state like current law? Did I write that correctly?

JIM FINLEY: Yep.

MAYOR RYAN BINGHAM: Mm-hmm.

REP. REBIMBAS: Is that an issue, and how could we help you regarding that?

MAYOR RYAN BINGHAM: Yeah, Jim did further discuss the details, so we have four recommendations within existing law. Would you like me to repeat them?

REP. REBIMBAS: Oh, so it was the A, B, and C's that just --

JIM FINLEY: Yes, yes.

MAYOR RYAN BINGHAM: Yes, indeed.

JIM FINLEY: Yes, indeed.

REP. REBIMBAS: Beautiful. Just wanted to make sure of that. And the other thing that, it would be an absolute disservice if we make legislation that we don't back it up with the necessary funds to obviously enforce it and allow you to do your jobs on the local level. So, again, we're going to need some cost analysis. I know it's a short period of time from the last time I had requested, but we'll need some cost analysis ideas regarding some of these items.

MAYOR RYAN BINGHAM: Yeah, and a lot of them probably won't have direct costs, because a lot of the systems locally are already in place. For example, if you're doing the permits for

long guns now and not just handguns, the process is already in place, the volume may increase, but there is revenue --

JIM FINLEY: Fees attached.

MAYOR RYAN BINGHAM: -- associated with that and fees, so we don't see there being a significant amount of local cost to any of this other than, you know, some enforcement issues, which we all have on a regular basis. Our police departments are usually overburdened with that anyway.

REP. REBIMBAS: Thank you for your testimony. Thank you, Mr. Chair.

MAYOR RYAN BINGHAM: Thank you.

REP. MINER: Thank you, Representative. Senator Witkos.

SENATOR WITKOS: Thank you. I jumped the gun a little bit, no pun intended, on the, asking my question earlier, because I did have a couple other questions. Number five on your list, you said to expand the offenses to prohibit the right to obtain a permit. What are, do you have any specific examples on the offenses that you'd like to see added to the list that'll prohibit somebody from obtaining a pistol permit?

JIM FINLEY: Well, we have attached to our testimony, Senator, the list of existing considerations. It was felt that it was time again to take another look at those to see whether the list is expansive enough. We didn't have any specific ones. There was concerns about domestic situations and restraining orders. That's already covered

under existing Connecticut law. So the real thrust of the recommendation is to ask you and your colleagues to take another look at it to see whether it needs to be updated.

SENATOR WITKOS: Thank you. And that's a great segue into, I guess, my next question. I don't know how many e-mails that you've received as elected officials regarding gun violence, but just today I had 487. And that's with no outreach on my part, just my name being in the paper that I'm on this Task Force.

How has CCM communicated to their constituents to provide information when you're developing a list of 13 different proposals to give to us as policymakers that we need to look at to enhance change or delete from our existing statutes? How do you go, what was your process? Did you come together as a group? Or if you could explain it to me, I'd appreciate it.

MAYOR RYAN BINGHAM: Well, I can talk about the process. You know, I'm representing CCM as the president, so I'm elected by my colleagues, first selectmen, mayors, town managers, that are members of CCM, 151 of the 169 communities in Connecticut.

The Tuesday after the tragedies in Sandy Hook there was an overwhelming requirement on behalf of our legislative group that meets around that time on a regular basis to prepare our normal legislative agenda to deliver to you during this time to look at gun violence issues and current federal and state laws to see if we could be part of helping out making recommendations for consideration.

And so there was a lengthy debate about all types of recommendations, many of which did not

make the final recommendation list. So on behalf of the legislative committee, I made the decision to set up a separate task force to really dig in, go over the recommendations that were talked about and others, and make a final recommendation to the legislative board the following month.

So within a month, we had worked diligently with staff to look at and solicit recommendations from our membership. Then prior to the following month -- so this was December. The January meeting, we sent out the 13 recommended points that was put together by the task force and told them that we were going to consider voting on it at the legislative meeting.

We had a fairly large legislative meeting, probably 60 or 70 of our first selectman mayors and town managers at the meeting. And there was an overwhelming package. It wasn't unanimous, but I would say, I would use the word in my own opinion overwhelming package. There were some people that didn't agree with some and decided to vote against it.

For me, I disagreed with a few but decided to vote for it, because that's almost up to the Legislature to decide from a laundry list of recommendations which are more appetizing than others. And so that, as president, that was the process we took, because we knew there was a convening of all you, and we wanted to make sure that we had something to recommend, because we wanted to be a part of this process.

SENATOR WITKOS: And do you know as, did your group, to the best of your knowledge, go back to speak to really the, the boots on the ground, and that's law enforcement who are dealing with

this day in and day out, whether it's from all the crimes have to be enforced to all the going out to seize guns for violation of pistol permits to issuing the pistol permits to doing the background checks? Were they consulted, to the best of your knowledge, from your different communities?

MAYOR RYAN BINGHAM: Mm-hmm.

SENATOR WITKOS: Did they say, hey, I talked to my police chief, and X, or E, don't know.

MAYOR RYAN BINGHAM: I can say from my perspective just as one member of CCM that I absolutely involved my police chief prior to even the discussion that January meeting on, you know, what was his frustrations with the process, the permitting process, what he was seeing as a reoccurrence of the problem.

And I would imagine that most of our membership did the same, because just like you, we have constituencies, we have experts that we look to for advice, and so, and our own personal opinions, obviously.

JIM FINLEY: Yeah. I would echo what Mayor Bingham said. It was clear in the January discussion after the recommendations, the draft recommendations were sent to the membership, folks had talked to their public safety professionals in their communities. I know my staff talked to a number of the stakeholder groups during the interim as background research.

SENATOR WITKOS: And my last follow-up question, thank you, Mr. Chair, for your patience, is, I believe it was Representative Esposito or Representative Dargan had asked last week

during the hearing about the process for issuing the pistol permits, and I'm going to defer when he comes up, Chief Salvatore said that the law says you have to, you have eight weeks to reach a decision on it, otherwise a permit is issued or a temporary one is issued.

Have you received, through your group, any complaints from individuals who felt that they were unduly delayed in their receivership of a pistol permit past the eight weeks' time?

JIM FINLEY: I've not heard that.

MAYOR RYAN BINGHAM: No, I've not heard that.

SENATOR WITKOS: No? Okay. Thank you. Thank you, Mr. Chairman.

REP. MINER: Thank you, Senator. Any other questions? I guess I just have one. It seems that this is kind of an ongoing process. And I don't know how often, is it the Executive Committee?

JIM FINLEY: It's a legislative committee.

REP. MINER: Legislative committee.

JIM FINLEY: It's a committee of the whole, representative of each of our member communities.

MAYOR RYAN BINGHAM: And they meet monthly.

REP. MINER: You meet monthly. And it seems to me, based on the testimony that I have heard and the thousands of pieces of e-mail and written correspondence, phone calls that I've gotten, that this little three-letter word means two different things, ban. And it troubles me that

we're here trying to make a decision and that CCM, for instance, didn't see it important enough, I guess, to define what that word means.

So I would ask you to go back to your membership and offer an affirmative statement of what ban means, because it seems to me that if we decide as a Legislature that we agree with some constituent group that the state of Connecticut would somehow be better off without these styles of guns and magazines in this state, you're going to have to enforce it.

I can almost guarantee you that Senator Looney and I will not be knocking on doors asking people to turn in their gun. And so I don't know how long that might take to get that affirmative answer, but I would request that it be soon, because I think there are some people involved in this process that very much want to try and meet the public expectation of reaching a conclusion.

And I think that to some degree, people have offered a lot of suggestions that they think will improve the state of Connecticut. But if we don't define what that word is, I've got a feeling somebody is going to be surprised.

JIM FINLEY: Sure. And just to respond to that, Representative Miner, I think in one way you've got a partial answer is that our group did agree on registration of all those firearms. And I think inherent in a ban is future sales.

From one point on, those weapons cannot be sold in the state of Connecticut. We'd be glad to take the issue of turning those weapons in after a new ban is established to our membership, and we'll be glad to get back in

touch with you. We have our next meeting on February 14th.

REP. MINER: I'm only speaking for myself. But if your suggestion is that we should agree on the registration question prior to CCM defining what the word ban means in terms of their membership, that isn't going to work. So it seems to me that it's incumbent on all of us to know what it is that we're asking for.

I understand when CCM says under existing laws enforcing existing laws. They believe registration of all firearms in the state of Connecticut is enforcement. Whether I agree with it or not, I can read that. I know that. But I think this ban question needs to be, at least in my mind, resolved. You certainly represent a lot of municipalities. You certainly represent a lot of people.

I think Senator Witkos said, you know, boots on the ground, and how many people do you reach out to? So I can tell you that of all the people that were here on Monday, no matter which side of this question you are on, I think they all sufficiently persuaded me that we need to get to the bottom of what that definition is. Thank you.

MAYOR RYAN BINGHAM: Sure.

JIM FINLEY: Thank you.

REP. MINER: Okay. I think that wraps it up.

JIM FINLEY: Thanks for the opportunity.

REP. MINER: Thank you.

JIM FINLEY: Yep.

MAYOR RYAN BINGHAM: Thank you very much.

REP. MINER: Good to see you, Mayor.

MAYOR RYAN BINGHAM: You too.

REP. MINER: And does anybody want another five-minute break? No. All right. We can bring up the next panel, please. All right. So I do know that there's a brief presentation.

A VOICE: Correct.

REP. MINER: Maybe we should relocate so we can sit there and watch here. And then when we get to, when you're finished, we'll come back here. How's that?

A VOICE: That's great.

REP. MINER: Thank you.

MAJOR ALARIC FOX: Okay. Good afternoon, ladies and gentlemen. You'll forgive my back being to all of you. But let me begin by introducing the team that joins me here this morning. My name is Major Alaric Fox. I am chief of staff to Colonel Danny Stebbins out of state police headquarters.

To my immediate right is Detective Barbara Mattison from our special licensing and firearms unit. Approximately one row behind me is Attorney Christine Plourde from our legal affairs unit. And one row behind her or two rows behind me is Trooper First Class Joe Delehanty of our firearms training unit.

The best way to describe what we'd like to do with you for the next 10 or 15 minutes is that

this is the second half, if you will, of the overview to what had been referred to as Guns 101. Not sure where that name came from, but we started last Monday with you with kind of the practical component.

And what we'd like to do, primarily Detective Mattison and myself, is spend a few moments of your valuable time walking you through the current statutory framework as to pistol permits, the revocation of state pistol permits, appeals of those issues, the assault weapons as they're interpreted and defined under our state statute, machine guns and related issues.

DETECTIVE BARBARA MATTISON: Here it just gives you the definition by statute of what a pistol or revolver is and the definition or, and what you need in requirements to get the permit to carry a pistol or revolver outside your home or business. There are prohibitors by statute. Any felony conviction is a prohibitor.

We have 11 misdemeanor convictions that are a prohibitor for pistols or revolvers in a permit. You have to have no protective or restraining orders. You have to be legally and lawfully in the country. You can't be found not guilty by mental disease or defects in the last 20 years. And you cannot be subject of a protective, or, excuse me, subject of a restraining order would be some of the prohibitors for a permit.

MAJOR ALARIC FOX: And we'll detail the balance of the prohibitors in just a few minutes. Finally, on this slide, and perhaps it stands to reason or does not need to be added in, but we're talking here about the permit to carry. The restrictions that you see before you do not

pertain to possession of the firearm in an individual's home.

DETECTIVE BARBARA MATTISON: And 2935 talked about a person, no person can carry a pistol or revolver upon his or her person except within their home or their business without a permit. And this also talks about there is no statutory requirement to, for a permit to carry or own a long gun. And, of course, as you already know, there is no mandatory registration in Connecticut, absolutely no mandatory registration at this time.

MAJOR ALARIC FOX: We know that's been a source of some discussion for the work group here, but to make it clear, no mandatory registration in Connecticut. We get into suitability, which is a, perhaps a contentious area for some, and we know it's been the subject of some work that this panel has done. Suitability not specifically defined, and is within the discretion of the issuing authority, be that the local town government official or some other level.

What we can tell you is that the factors that are relevant, conduct, judgment, character, reputation, habits, behavior, physical condition, mental condition, previous conduct as a licensee and ultimately, of course, a substantial number of the suitability cases and either pistol permit denials or pistol permit revocations, do wind up before the Board of Firearms Permit Examiners, a group that we know that you have spent some time reviewing.

DETECTIVE BARBARA MATTISON: And that suitability is one of the aspects in regards to the application process or the revocation of a permit for a permit holder. An application

process to obtain the permit, or in regards to the state revoking a permit, we can use suitability as a reason for that cause for that denial or revocation.

2933 talks about the legal transfer process in regards to pistol or revolvers, that you have to get a NICS background check, an authorization number that you have legal paperwork regarding state statute as well as federal statute if you're buying at retail.

But all handgun transfers within the state, or I should specify all lawful handgun transfers within the state go through our office to acquire that authorization number and have the proper paperwork completed and distributed to the appropriate authorities.

MAJOR ALARIC FOX: There are two specific forms that are also in play when we get into the subject area of the transfer of firearms, and it's the DPS-67-C, which you see here, and the DPS-3-C, which you'll see in just a moment. The DPS-67-C is filled out at retail.

DETECTIVE BARBARA MATTISON: Well, it's filled out by the purchaser of the firearm, whether it be at retail or a private sale with handguns. And basically, it asks you those pertinent questions. Have you ever been convicted in the court of a felony? Do you have a misdemeanor domestic violence conviction? Have you, do you have a restraining or a protective order? So if you're transferring that gun to a party, you as the seller should have some idea of the background of the person you're selling the firearm to.

Regarding the sale or transfer of a long gun, you must be 18 years old to receive the hand,

or, excuse me, receive the long gun. You cannot be a felon in order to purchase or receive a long gun. You cannot have a protective or restraining order in order to purchase or receive a long gun.

You cannot be found not guilty by mental disease or defect or have any mental issues that are disqualifiers. You do not have to get a background, as we've discussed, for long guns at secondary sales. Non-retail sales of long guns you do not need the background check, or the paperwork does not have to be completed either.

MAJOR ALARIC FOX: And that bears repeating, because, again, I know that's something this work group has been tasked to consider, tasked, perhaps, to address. Secondary non-retail long gun sales do not require the transfer check, if you will, that's been described thus far for you.

DETECTIVE BARBARA MATTISON: And this is the NICS we've touched on lightly. NICS is the FBI, National Instant Criminal Background Check System. It was created after Brady Law. And it searches multiple federal databases for criminal history, mental health history. We are a full participant in NICS, because we do the authorizations right at our office.

We are the point of contact here in Connecticut, so all those transactions at retail go through our office to acquire that authorization number. But just so you're aware, not all states participate in NICS, so we do have an issue. We don't get all that mental health from every state even though our state does a check through our Department of Mental Health.

Not every state does that, so that's, again, another issue when people come into our state. We don't know how they acquired or what they acquired or if they're eligible to acquire, where we here in Connecticut do a mental health check through DMHAS.

And there are instantaneous results when we do a background. It does not take long to get a transaction in regards to the purchase of a gun. If you have a common name, it might take a little longer. But other than that, it's a very quick result regarding, yes, you can proceed with the transaction or a denial.

MAJOR ALARIC FOX: The NICS check is a part of each one of the transfers that we've described when a telephone call is made for the authorization number as part of the transfer for all firearms other than those long guns at secondary sale that we previously described.

DETECTIVE BARBARA MATTISON: We do have people from out of state make application directly to the state police. They're eligible to do that. They have to fill out the required prerequisite paperwork, the application, the fingerprints, the handgun safety course, everything they're required to do. And they send their application directly to us.

And if they're found to be suitable, then they will acquire a Connecticut permit even though they reside in another state. So they would be lawful to carry in our state, but they would not be lawful to purchase or receive a handgun in our state. Out-of-state residents we would not sell a handgun.

We would sell long guns but no handguns. Federal law says you can only sell a pistol or revolver to people who reside in your state. So an out-of-state permit holder can carry but cannot purchase a pistol or revolver.

MAJOR ALARIC FOX: Last week, we spent some time as we were doing firearms nomenclature with the larger group and the larger audience as well talking to you about assault weapons and talking to you about machine guns. The phrase assault weapons, as you know, is subject, perhaps, to some debate, perhaps some controversy.

But as we explained and tried to give the show-and-tell component, if you will, 53-202a defines assault weapons. And for ease of explanation, a semiautomatic rifle with a detachable magazine and any two of the following, and you see the list before you.

This is why last week we were able to show you two firearms, including a Bushmaster, that look similar to one another, very similar to one another. But because of the differences, for example, the flash suppressor or the bayonet mount, we wind up with a gun that might be legal in Connecticut or might at present, under 53-202a, be illegal in Connecticut. The 1993 notation on the bottom is the effective date of that change, and weapons that were possessed prior to that time continue to be appropriate to possess and to own.

DETECTIVE BARBARA MATTISON: Okay. And this just talks about machine guns, which, again, we spoke about last week, if it's a fully automatic firearm that first has to go through the ATF process and get vetted through ATF and get the signoff by ATF, and then those parties

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who do get that signoff from ATF then must immediately register that machinegun with the state.

So you have to have that tax stamp and be vetted through the ATF and then get that registration through the state. And then you could lawfully possess a machinegun in the state of Connecticut.

MAJOR ALARIC FOX: One specific question that came to us last week, actually, and it went to Detective Mattison, pertained to whether or not machineguns were illegal in Connecticut. And that's, I suppose, rather difficult to answer with a straight yes or no. They are not illegal so long as the statute is complied with.

DETECTIVE BARBARA MATTISON: And these, again, are some of the grounds for a denial for a firearms transaction and/or to acquire a pistol permit, all felonies in any state, the 11 misdemeanors, restraining and protective orders, illegal aliens or somebody who's not here legally and lawfully, somebody who's subject to a firearm seizure warrant, which is a risk warrant for somebody who's posing eminent danger to self or others who may be in possession of firearms, anybody who's been convicted of a serious juvenile offense under that section 46b-120, a discharge from custody or found not guilty by mental disease or defect in the last 20 years, confined to a hospital with psychiatric disabilities within the last 12 months by order of probate court, or is prohibited from shipping, transporting, possessing, or receiving pursuant to 18 U.S.C. 922(g)(4).

(G)(4) is the federal law, it's their mental defect statute, so anybody who's been

involuntarily committed above and beyond observation and evaluation, somebody who's been involuntarily conserved, if you're not eligible to manage your own affairs or your person, you obviously probably shouldn't have a firearm, and then the unsuitable person, which we discussed a couple slides back.

MAJOR ALARIC FOX: And as you can imagine, the first items that you saw were very straightforward and relatively easy to define. The work, a substantial portion of the work of the special licensing and firearms unit with appropriate legal guidance and ultimately hearings before the Board of Firearms Permit Examiners as it currently exists focus on that last category of what is an unsuitable person.

DETECTIVE BARBARA MATTISON: And these are the 11 misdemeanors that would prohibit you not only from getting a pistol permit here in Connecticut but from possession of a pistol or revolver, possession of marijuana, anything after 1983, criminally negligent homicide, assault three, assault on a victim 60 or older, threatening, reckless endangerment first, unlawful restraint, riding first, riding second, and citing and stalking second. Any of those other misdemeanors would be a prohibitor for the permit or the pistols and revolvers.

MAJOR ALARIC FOX: As society over the last decades has developed and spent a lot of time and attention on matters of domestic violence, 18 U.S.C. 922(g)(9) is what we would rely on to deal with domestic violence issues as a prohibitor to pistol permit possession or firearms possession, a misdemeanor under federal or state law that has one of these components of family or domestic violence as an

integral piece of that misdemeanor under federal or state law.

DETECTIVE BARBARA MATTISON: And that would be a prohibitor for all firearms. If you took that conviction under the misdemeanor crime of domestic violence, you cannot possess a firearm if you have that conviction.

MAJOR ALARIC FOX: We have referred, and the panel has already heard a great deal about the Board of Firearms Permit Examiners. Their meetings are held with regularity, and they are statutorily empowered to hear appeals of denials or revocations of state pistol permits.

DETECTIVE BARBARA MATTISON: Restraining and protective orders by state law, if you've had notice and opportunity to be heard, is, again, another prohibitor by state and federal law for possession of a firearm.

And in my office, this is a huge part of what we do regarding the protective and restraining orders and make sure that within the two business days of the issuance of the court order that those parties are in compliance with the surrender of the firearms to law enforcement or the legal transfer to a gun dealer in FFL, a Federally Firearms License dealer.

MAJOR ALARIC FOX: An intimately related piece of the discussion of firearms, pistol permits, and the broader issues that you're challenged with brings us to 46b-38b, one of Connecticut's family violence laws. And I would take the occasion, as you look at this, to mention to you as if you're charged, as if the charge before you isn't significant enough already, there continues to be some ambiguity for law enforcement in this statute.

When a family violence arrest is made, upon speedy information, a police officer may seize any firearm at the location where the crime was alleged to have been committed that is in the possession of any such person or in plain view.

I can share with those assembled here today that I have occasion to teach domestic violence response protocols to law enforcement personnel, and I will tell you that a question that comes up with regularity is whether or not this in some way seeks to trump, if you will, what would otherwise be Fourth Amendment issues.

Assume, for the sake of discussion, we arrested an individual on the first floor of their home, and there was a firearm that technically was in their possession in the second floor bedroom, perhaps in a lock box in the second floor bedroom. We read the phrase in the possession of to certainly mean something different than or in plain view, or you would not have included both of those phrases.

Having said that, there is some ambiguity on the part of first responders as to what exactly that phrase means and how far we should push the envelope in seizing firearms in the possession of a person arrested for this offense and when we would cross over into Fourth Amendment areas of concern.

DETECTIVE BARBARA MATTISON: And for parties who become ineligible regarding a domestic violence arrest that results in a protective or restraining order being issued, that again, it must take place within two business days of the issuance of that court order, two business days within the issuance of the court order, and

that all these firearms under the domestic violence, again, can only be surrendered to law enforcement or has to be sold to a Federally Firearms License dealer through the proper transfers of the DPS-3 and the DPS-67 and the acquired authorization numbers through our office.

MAJOR ALARIC FOX: Finally, several years ago, the General Assembly did create 2938c, which was a statute that effectively empowered risk warrants. The risk warrant is a search warrant of a type, if you will, that is specifically designed to allow law enforcement personnel to enter into an individual's home under a judge's authority to seize firearms possessed by an individual in that home. This is colloquially referred to in the trade, if you will, as the warrant that we get when the person is a danger to themselves or to others.

That ends the formal Law 101 portion, if you will, to the Guns 101 of last week. The team of four of us, including TFC Joe Delehanty, who certainly is much more versed on many of the firearms issues, and Attorney Christine Plourde, our resident legal expert, along with Detective Mattison and I, are in a position to answer any questions that any of you might have.

A VOICE: God bless.

REP. MINER: Thank you. Senator, do you have any questions?

SENATOR LOONEY: Yes, I do. Thank you, Mr. Chair. Thank you very much for the presentation. Just a couple of questions on the background check issue and how it applies and circumstances of it so that private sales of handguns, that is,

not from a dealer but a private sale between individuals, are subject to background check, is that correct?

DETECTIVE BARBARA MATTISON: Correct.

SENATOR LOONEY: So it is illegal to, is it illegal to sell one even in the private market without the background check?

DETECTIVE BARBARA MATTISON: Yes. You must do the authorization, and you must do those forms that we discussed, the DPS-67 and the DPS-3.

SENATOR LOONEY: Right, so that any individual who buys it from a licensed dealer but then is looking to sell it separately to any other individual, and if it's a handgun, it's subject to going through that process.

DETECTIVE BARBARA MATTISON: Correct.

SENATOR LOONEY: That's right. And this, and, the private sales of long guns this does not apply to, is that correct? The private sale of a long gun is not subject to this process currently at all, right?

DETECTIVE BARBARA MATTISON: That is correct.

SENATOR LOONEY: Right. And the question is, just the process, how are these background checks for private handgun sales done? What's the process of the, the private seller who has bought it commercially but is now looking to sell it to someone else, how does he or she go about making sure that the, that he complies with the statute for the background check? What is --

DETECTIVE BARBARA MATTISON: Well, the seller of the firearm is the responsible party to contact our office, and they're going to talk to one of our personnel, and they're going to say, I want to sell a handgun to Johnny Permit Holder. And they're going to give us Johnny Permit Holder's permit number and his name and all that pertinent information.

And at that point, we're going to start a process in the system where we're running a background on them to see if they pass the background. We're going to check the Department of Mental Health, which is done in confidential, because our information is confidential, Department of Mental Health's information is confidential, let the two speak.

And if there's a match, we get notified of the match if that is applicable. We check Connecticut SPRC. We check Triple I, which is out-of-state criminal history. We check our NICS, FBI NICS, with all the federal databases across the country and that information inputted into that database.

We check FLQW for wants, warrants, protective, restraining orders, anything like that. And if everything comes up satisfactory with no issues, then they're given that authorization number. That's telling that the transaction can proceed, that he's a lawful party to receive.

If, for some reason, a background is acquired on Johnny Permit Holder that makes him unlawful or, unlawful to receive that gun, all we say to the seller is the transaction is denied. We don't tell why. We don't tell mental health. We don't say he's a felon. We don't say he doesn't have a permit. We don't get into any

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of that information. We may look at that later, but at the time of the transaction, we don't give that information. We just say the sale is denied.

MAJOR ALARIC FOX: On the part of the seller, Senator, all that's necessary is the phone call to Special Licensing and Firearms if that, that may also help conceptualize.

SENATOR LOONEY: Yes, that's (inaudible). The only information that the would-be seller has, he is supposed to have the permit number for the potential buyer, is that right?

DETECTIVE BARBARA MATTISON: And the name and the date of birth, the address.

SENATOR LOONEY: Name and date of birth and address --

DETECTIVE BARBARA MATTISON: Yep.

SENATOR LOONEY: -- of the potential buyer and that information, right. Now what would be, if we were to extend the background check process to long guns, we could do this same process as long as people who were required to have the permit, right, for a, in other words, if we had a more, a universal permit for long guns as well as hand guns, the same process could be used for background checks, for long gun sales among, between private parties.

DETECTIVE BARBARA MATTISON: Yeah, so whether you make a permit for long guns or not, if you just have the all firearms have to go through an authorization transaction, those secondary long guns would be encompassed under that, and we would do a background on those parties.

SENATOR LOONEY: Right, good, good. Well, thank you very much.

REP. MINER: Thank you, Senator. Representative Carter followed by Senator Witkos.

REP. CARTER: Thank you very much, Mr. Chairman. And I'm, thank you both for your service and your time here. We do appreciate it. We recognize what you do for a living, and thank you.

MAJOR ALARIC FOX: Thank you, sir.

DETECTIVE BARBARA MATTISON: Thank you.

REP. CARTER: You were talking about the mental health part. So when somebody is applying for a background check, actually purchasing a weapon, DPS is the first one to get a call, correct?

DETECTIVE BARBARA MATTISON: It should be.

REP. CARTER: And the, right, and the mental health portion, that comes from DMHAS directly in a database?

DETECTIVE BARBARA MATTISON: Absolutely.

REP. CARTER: What does that information contain? Where is that from?

DETECTIVE BARBARA MATTISON: Well, it's inputted. We get information -- again, the confidentiality is strictly adhered to, not only on the state police side regarding the confidentiality of permit holders but on the DMHAS side as well. So we don't violate anybody's confidentiality. But basically we talk in outer space, so to speak.

We send a name to DMHAS. And if it comes back clean, so to speak, we call it green. If you come back green, it's good. If you come back red, that's bad. Okay? So if it doesn't come back as a positive match, then there would be no DMHAS that meets the criteria of the statute.

REP. CARTER: So basically the folks in DMHAS and that database are people who've been --

DETECTIVE BARBARA MATTISON: Found in --

REP. CARTER: -- found ineligible by being in, through (inaudible) court, whatever.

DETECTIVE BARBARA MATTISON: They've been involuntarily committed above and beyond observation --

REP. CARTER: Okay.

DETECTIVE BARBARA MATTISON: -- and evaluation.

REP. CARTER: Okay. Very nice. So that, in effect, is its own little registry, basically.

DETECTIVE BARBARA MATTISON: We don't have their names.

REP. CARTER: Okay.

DETECTIVE BARBARA MATTISON: We can't randomly run their names.

REP. CARTER: Right.

DETECTIVE BARBARA MATTISON: It's only when we do a check.

REP. CARTER: Okay. So then once a joint permit holder --

DETECTIVE BARBARA MATTISON: Okay.

REP. CARTER: -- is denied, what's the next step for that permit holder to find out why he was denied or she?

DETECTIVE BARBARA MATTISON: They'll call us. Believe me, they will right away call us why they can't get that firearms transaction passed through, and we will tell them. It could be for a multitude of reasons. Maybe the guy never even had a permit, so he's not eligible to receive a pistol or revolver.

Maybe he's currently got a protective or restraining order that makes him ineligible. Maybe he's got a condition of probation that makes him ineligible. Whatever that ineligible person is, if the actual party calls us, and we can confirm it's them, we will tell them why they're not eligible to receive at that time.

REP. CARTER: Okay. And two last quick questions. If someone moves into state and owns an assault rifle by the time they get here, let's say an M1 Garand or something that, you know, an older model, and they've had it for years, it's their grandfather's, they're required to go to the Department of Public Safety and turn in that weapon, is that the way I understand it?

DETECTIVE BARBARA MATTISON: Okay. So you're, I want to make sure I understand your question.

REP. CARTER: Yeah.

DETECTIVE BARBARA MATTISON: Somebody is coming from out of state --

REP. CARTER: Out of state.

DETECTIVE BARBARA MATTISON: -- into our state --

REP. CARTER: Moves to Connecticut.

DETECTIVE BARBARA MATTISON: -- and bringing one of the assault weapons named in the statute that is prohibited.

REP. CARTER: Right.

DETECTIVE BARBARA MATTISON: They can't.

REP. CARTER: Okay.

DETECTIVE BARBARA MATTISON: They can't lawfully.

REP. CARTER: Well --

DETECTIVE BARBARA MATTISON: They can't lawfully bring --

REP. CARTER: Yeah.

DETECTIVE BARBARA MATTISON: -- one of those weapons in the statute into the state.

REP. CARTER: Yeah. And there's no way to go back and get that approved then, because that was pre-1993 like before.

DETECTIVE BARBARA MATTISON: The only exception to that is active military, because we have the sub-base, so people move around. And if you pass away, and you have a lawful gun in the state already that you have the certificate of possession for, you can will that to your child, your family member, or something. But

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that's the only two avenues outside of not bringing it --

REP. CARTER: Okay. And --

DETECTIVE BARBARA MATTISON: -- or having possession of it here in Connecticut.

REP. CARTER: And the last thing, if somebody is arrested for a domestic violence case like you said --

DETECTIVE BARBARA MATTISON: Mm-hmm.

REP. CARTER: -- at what point can they get their weapons back, or under what conditions can they get their firearms back?

DETECTIVE BARBARA MATTISON: Well, as long as the protective order or restraining order is active, they can't. Once the court order is vacated, and they do not have a conviction that prohibits them, then they would be eligible to receive their firearms back.

MAJOR ALARIC FOX: Under the relevant federal law, restraining or protective orders after hearing pertaining to one of the domestic violence offenses we've described are a prohibitor, and as a result, that's the binding federal statute that's in play.

Every once in a while, we'll hear about instances where perhaps in any given court case there's been discussion about allowing someone, perhaps because of their employment, to continue to be allowed to carry the firearm. And perhaps with the best of intentions we occasionally have instances where a state court judge will endeavor to take that position.

Federal court does not allow that. The federal statute does not allow it.

REP. CARTER: I've heard it said that if a police officer is accused of something and has a restraining order against him or her, then they are not able to carry their weapon. Is that true?

MAJOR ALARIC FOX: You're correct.

DETECTIVE BARBARA MATTISON: That is correct.

REP. CARTER: Okay. Thank you very much for your time.

MAJOR ALARIC FOX: Yes.

REP. CARTER: Thank you, Mr. Chairman.

REP. MINER: I think Senator Witkos.

SENATOR WITKOS: Thank you, Mr. Chairman. Good afternoon. I probably should know the answer to this question, but if somebody is arrested under domestic violence, most often times they're referred to family court, and they successfully follow all of the conditions that have been placed on them by the court.

Is there anything that, in the court file other than, that would flag that for if the person afterwards subsequently went to apply for a pistol permit that you would know that they've been arrested for a domestic violence incident?

DETECTIVE BARBARA MATTISON: Well, that information is on the application, have you ever been arrested, have you ever been convicted, have you ever been a subject of a protective or restraining order or work condition? So that's

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on the application. But we can readily check the judicial system to see if somebody's been the subject in Connecticut of a protective and restraining order.

SENATOR WITKOS: Yeah, I thought I saw on the slide it was a conviction, so I wasn't sure if the arrest itself was enough as a prohibitor to say, you've had an arrest, you've gone through, it's been nollied, it's been 13 months, whatever, and it's off your record now.

DETECTIVE BARBARA MATTISON: Sure.

SENATOR WITKOS: Do we have anything else that would flag us to know that that person at one point in time was a subject to a restraining or protective order?

MAJOR ALARIC FOX: The records would still exist, for example, in your hypothetical in the nolle period. But certainly when the charge is erased as a matter of law, while the records may still physically exist in the originating police department, perhaps that would, of course, not be a disqualifier.

The question is asked on the form, have you ever been arrested, have you ever been convicted? Assuming an honest answer, and as a footnote, as you're aware, if a person has had the charge erased any number of ways by operation of law, the individual can in fact still say no.

Assuming honest answers, assuming no active restraining or protective order, assuming no conviction for a domestic violence offense, that person arguably, despite that background, is still eligible, yes, sir.

SENATOR WITKOS: Just two other quick questions.

You also said on what's required to, for somebody to apply for a pistol permit, a gun safety course, and approved safety course, fingerprinting, et cetera, can the local jurisdiction add anything to that request like letters of recommendation or references or anything like that, or is there, what's given out from the DSPC-67 that that's the form, and you can only request those particular items?

DETECTIVE BARBARA MATTISON: Well, the 67 is in regards to a firearm transfer, so you're talking two separate. If you're talking about the application process, the only thing that should be required is what the statute tells us to ask for.

SENATOR WITKOS: Okay.

DETECTIVE BARBARA MATTISON: That's what should be required.

SENATOR WITKOS: And my last question, what determines the state of residence? Say if you're lucky enough to retire early, and, you know, you want to take advantage of some taxing laws in another jurisdiction so you move to Florida for six months and a day, but you maintain your Connecticut driver's license, how would they know that you're not, I guess, a legal resident of the state of Connecticut if all of the documentation you have is Connecticut-based but yet you are technically a resident in Florida?

MAJOR ALARIC FOX: Frankly, I don't think they would know. I mean, I think that for better or worse, folks play that game with regularity to take advantage of tax laws, for pension purposes, for the registration of vehicles,

especially when it's dual residence situations at that six month/six month type window. Where can you vote? Presumably, you can only vote one place. But where can you claim legal residence for purposes of firearms? I think your point is well made, sir.

SENATOR WITKOS: So if I, correct me if I'm wrong, if I went to Florida and got a Florida driver's license, yet, but I maintain a home here in Connecticut, I pay taxes, I have cars registered here, I could not go down, or what ID would be asked of me if I went to a local dealership to purchase a weapon, and I showed them a Florida driver's license? Would I be automatically denied?

DETECTIVE BARBARA MATTISON: You may be eligible to get a long gun, but you certainly wouldn't be getting a handgun. Your driver's license wouldn't do that. You can buy long guns as an out-of-state resident here in Connecticut, so that's not an uncommon occurrence.

We have Cabela's, which is very popular these last few years since they moved in, so a lot of people travel all over from New England to come down to Cabela's. So that's not an uncommon occurrence.

SENATOR WITKOS: If somebody had a Florida pistol permit, how does the reciprocal, if there is one, arrangement work between states of that, if you have a pistol permit in one state, and you want to move to another state, are you automatically granted one, or do you start over from step one in the state that you've moved to?

DETECTIVE BARBARA MATTISON: We have no reciprocity. The only permit we honor here in Connecticut is

the Connecticut pistol permit. Other states have reciprocity amongst themselves, but we have reciprocity with nobody.

If you have another permit from another state when you come here, you make application either as an out-of-state applicant, or you're now a resident of Connecticut, and you make an application as a resident. We have reciprocity with nobody.

REP. MINER: Thank you, Senator. Next on the list is Senator Frantz followed by Representative Dargan.

SENATOR FRANTZ: Thank you, Mr. Chairman. Thank you for your perspective on all this. The subject is a registration program for all guns, handguns, long guns, and everything else in between.

Canada, I believe, had a national gun registry, and they just gave it up, because it was prohibitively expensive, it was not a very practical thing to implement in the first place, and no one really ended up thinking that it was going to, you know, produce any sort of good in terms of, you know, creating more safe conditions, so they did away with it, and apparently everybody is happy about that.

Could you even do that in a place like the state of Connecticut? If we have roughly 320 million guns in the country, you take the same math, apply it to Connecticut, we've got, well, maybe you adjust for the fact that Connecticut has this incredible heritage of producing guns, so maybe it's two guns per person. We might have seven or eight or nine million guns. Could you even do that? Could you even consider it in the first place?

MAJOR ALARIC FOX: It would certainly be daunting, would, is a very fair word. You're talking about guns that individuals would presumably legally voluntarily register, but you've got all the guns out there that are illegally possessed as you sit here today.

Certainly, I wonder about instances where individuals may have inherited a gun or moved into state with a gun, and there would have to be an element of true cooperation and true spirit of voluntary assistance from the individuals possessing those guns for any such system to work. Beyond that, we would only come across a so-called unregistered gun the same way we currently come across an unregistered gun.

Perhaps it's at a crime scene. Perhaps it's a gun that was illegally possessed at the outset that we find out about as part of a burglary investigation. Daunting is a fair word. Were this Legislature to come to that conclusion, we would certainly do whatever was within our power to comply with the law as you wrote it.

SENATOR FRANTZ: And if the law tends to go that direction after this session is over, is there currently, we have to be very careful about what we ask for legislatively. Is there currently a provision, and this would be in the, you know, for the benefit of what this new set of laws might look like when they come out of committee and start to hit the floors, is there a provision for someone who sort of finds one of these things, because it's a third generation ownership situation with a gun from World War I or II or something like that that is absolutely clearly an assault weapon by

today's definition in Connecticut to come to you and turn that in?

MAJOR ALARIC FOX: We would take an assault weapon. We have taken assault weapons. In your hypothetical, we have, with some regularity, been asked by family members to come out and take the old ammunition, the leftover World War II relic, in some cases, explosives.

The Emergency Services Unit has deployed for something that somebody brought back, you know, from across the Pacific, and it was found in a foot locker in the attic, yes, yes.

SENATOR FRANTZ: And there are no repercussions to the current owners or possessors of the, that equipment?

MAJOR ALARIC FOX: Assuming the hypothetical you've described where it was inadvertently, it was come across, correct.

SENATOR FRANTZ: Right. And so you would recommend that going forward as a provision in any new laws that we might come up with in this session?

MAJOR ALARIC FOX: That certainly sounds entirely reasonable, yes, sir.

SENATOR FRANTZ: Thank you very much.

MAJOR ALARIC FOX: Yes, sir.

SENATOR FRANTZ: Thank you, Mr. Chairman.

REP. MINER: Representative Dargan.

REP. DARGAN: Thank you very much, Mr. Chairman. I see now that you made Senator Witkos an expert

on all these laws, the town of Canton has rescinded his retirement, and they want him to work the midnight shift tonight at the police department, so thank you very much for that.

A question related to the Board of Firearms and Examiners, and if you could just explain this, if I'm applying for a permit in Chief Salvatore's town, and he denies my permit, or I apply in a resident trooper's town, does the resident trooper in that town make that decision or the first selectman and/or mayor, or how does that work?

DETECTIVE BARBARA MATTISON: The statute reads the first selectperson, town manager, warden. You know, that's the wording used in the statute. Those are the parties that should be signing off on the approved or the denied a permit.

REP. DARGAN: So that individual, in most communities that have a law enforcement --

DETECTIVE BARBARA MATTISON: Chief.

REP. DARGAN: -- community, the chief does.

DETECTIVE BARBARA MATTISON: Yes.

REP. DARGAN: In the other towns, it's somebody that might not have any background at all in law enforcement. Is that a correct statement?

DETECTIVE BARBARA MATTISON: That's possible. And those towns that do have resident troopers may rely on their resident trooper regarding the criminal history, regarding the background process for him or her to assist, but we even have towns that don't have resident troopers.

And I often receive calls from their first selectperson, their town manager inquiring about questions and stuff. So we try to offer as much help to those towns that don't even have a resident trooper to rely on any assistance we can do for them.

REP. DARGAN: So then Chief Salvatore and/or the resident trooper or the first selectman, town manager, mayor denies Steve Dargan the right permit, then he has the right to go before the permitting board --

DETECTIVE BARBARA MATTISON: You have an avenue of appeal, yes.

REP. DARGAN: -- within 90 days, I believe.

DETECTIVE BARBARA MATTISON: Yes.

REP. DARGAN: And at that time, it might be overturned. But is there any recourse for that CEO, first selectman, town manager, law enforcement type to appeal that?

DETECTIVE BARBARA MATTISON: Yes. They, either the state or the town, whether it's a revocation or a denial, if we are, if we're not satisfied with the appeal board, if that overturns our denial or revocation, we have an avenue to appeal through superior court.

REP. DARGAN: Okay.

MAJOR ALARIC FOX: There seem --

REP. DARGAN: Thank --

MAJOR ALARIC FOX: I'm sorry. There seem to be, perhaps, some confusion in that regard with the last speaker that you had. The statute does

provide for an appeal pursuant to the Administrative Procedures Act for either party, if you will, that's agreed by a decision of the board to the superior court.

A VOICE: (Inaudible).

REP. MINER: Thank you, Representative Dargan.
Representative Giegler.

REP. GIEGLER: Thank you, Mr. Chair. Connecticut is, requires that all the retail transactions go through the state, although subsequently you contact the NICS system, I understand, for, to get additional information, background information?

MAJOR ALARIC FOX: As a part of the authorization process for a pistol or revolver, a handgun at any level or a long gun at retail, that authorization number process, which is the telephone Special Licensing and Firearms Unit, provide the information on the purchase-to-be, that then does prompt the NICS checks that you've referred to, yes.

REP. GIEGLER: Now does this delay the process though for a retailer to approve a purchase?

DETECTIVE BARBARA MATTISON: No.

MAJOR ALARIC FOX: Incrementally, by seconds --

DETECTIVE BARBARA MATTISON: Yes.

MAJOR ALARIC FOX: -- the amount of time to make the phone call and get the answer.

REP. GIEGLER: And what mental health information is in our state database, and are we required to

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forward the information that we have to the federal government for the NICS system?

DETECTIVE BARBARA MATTISON: Yes, we do send our parties who meet the federal statute by being committed, involuntarily committed specifically above and beyond observation and evaluations. We submit that information to NICS.

And quite a few of the other states across the country also submit to NICS, not all states again. But some of the other states as well submit their mental health records that meet the criteria under 18 U.S.C. 922(g)(4).

REP. GIEGLER: Do you have an idea how many states don't report into NICS?

DETECTIVE BARBARA MATTISON: Probably a few, probably more than a few, actually. You know, there are, I would guesstimate, and don't hold me to this number, I don't know. I would say NICS participants, you know, full participants such as Connecticut, and then you have partial participants that were the Federally Firearms License dealers, and they call, you know, they have a different call line than the permit holders. So they have some unique issues across the state. But I'm thinking maybe 25 or so states submit to NICS.

REP. GIEGLER: Okay. Thank you very much for your answer.

REP. MINER: Thank you, Senator Kissel.

SENATOR KISSEL: Thank you very much, Mr. Chairman. To all the law enforcement folks in the room, thank you very much for your service. A couple of months ago, I had a brief ride-along with

Sergeant Nicovic. I don't know if you know him.

DETECTIVE BARBARA MATTISON: Yep, I do.

SENATOR KISSEL: But it was a, it's always a good experience. Just point of clarification, because we had a couple ideas running here. One is sort of like a universal background check, and then there's registration. On the handguns, do you need to be 21 to own a handgun or to get a permit for a handgun?

DETECTIVE BARBARA MATTISON: Yes, you have to be 21 to make application for a permit, and you should be 21 and able to purchase or, excuse me, purchase or receive a handgun. But the only way you can purchase or receive a handgun in the state of Connecticut now is to have a valid pistol permit, have a valid eligibility certificate, or be a law enforcement in good standing.

Those are the, only the three avenues today to acquire a pistol or revolver. So, or, so if you don't have one of those three criteria, you're not doing to get a pistol or revolver legally.

SENATOR KISSEL: Okay. So from my perspective, we have a pretty rigorous structure for handguns already in the state of Connecticut and, again, depending on who you talk to. We're either the fourth or fifth toughest gun laws in the United States of America, so we're tough on guns. But for long guns now, from your slide presentation I believe it's 18 --

DETECTIVE BARBARA MATTISON: Mm-hmm.

SENATOR KISSEL: -- and you don't need a permit, is that correct?

DETECTIVE BARBARA MATTISON: Correct.

SENATOR KISSEL: Now if we were going to sort of go down the path of some sort of universal background check on any kind of transfer, what, I heard you say earlier to another question, it was, we don't need some sort of permit for long guns, we would still be able to just do it based upon the information from those that are doing the sale. Is that correct?

DETECTIVE BARBARA MATTISON: Correct. We wouldn't have to have a permit to acquire a long gun as long as you put it in the statute that they have to do the proper background, the authorization, the NICS check, the DPS-67, the DPS-3. We can do that without them having a permit.

SENATOR KISSEL: Okay. And if we were going to go down the path, and, again, the jury is still out on a lot of these questions, but a private sale after the initial sale, would it just be, we would have to get the information out there to the buying public, because they may not be used to such a rigorous system as with handguns.

DETECTIVE BARBARA MATTISON: Right.

SENATOR KISSEL: But we simply could do it without requiring permits or the cumbersome registration system that Senator Frantz pointed to that Canada did away with.

DETECTIVE BARBARA MATTISON: Mm-hmm.

SENATOR KISSEL: But we could still have that kind of background check for the secondary sales of long guns in Connecticut as well.

DETECTIVE BARBARA MATTISON: Absolutely.

MAJOR ALARIC FOX: Correct.

DETECTIVE BARBARA MATTISON: Absolutely.

SENATOR KISSEL: Okay. Thank you, Mr. Chairman.

REP. MINER: Thank you, Senator. I have me up next. So if that's all right, I do have a couple of questions. I want to make sure that I get this straight. I think I understood someone to say earlier that if you are an out-of-state purchaser, you cannot buy a handgun in the state of Connecticut.

DETECTIVE BARBARA MATTISON: Correct. If you do not reside in the state of Connecticut, we won't sell you a pistol or revolver.

REP. MINER: Is that different from you can't take delivery of that handgun in the state of Connecticut?

DETECTIVE BARBARA MATTISON: If somebody was going to send you a pistol or revolver from another state, they'd have to go through an FFL. So you'd have it sent from one state to an FFL here in Connecticut, which is a Federally Firearms License dealer, and then that party here in Connecticut would go and purchase that gun legally with that authorization number, the background, all the legalities included. That's the lawful way of doing it.

REP. MINER: The reason why I asked the question is it was described to me earlier today, and I

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think it was described to me earlier today that there are systems in place with retailers. A, if I was to look at a catalog and want to order something that couldn't come into the state, it's immediately flagged, so the whole system process stops.

B, if someone is traveling out of state and wants to acquire a gun and then wants to bring it back in, there is a process in place where that gun could be bought and paid for somewhere else. It's shipped here to an FFL, one FFL to another FFL.

DETECTIVE BARBARA MATTISON: Mm-hmm.

REP. MINER: And then the NICS check would occur once that gun got here prior to taking delivery. Is that your understanding of how it works?

DETECTIVE BARBARA MATTISON: Yes, prior to leaving the FFL. We rely quite heavily on our FFLs to do the right thing and to do what they're required. The ACF obviously regulates them, so as long as they're doing everything they're supposed to be doing legally, the guns should be going out of their stores legally.

REP. MINER: And I would agree. So help me understand why it is then that someone who's in Connecticut can't buy a handgun if we have the same rules, meaning it can't leave Cabela's and go to me as a resident of Maine. It has to go from Cabela's to another FFL in Maine, and that's where the NICS check gets done. That's what I'm trying to understand.

DETECTIVE BARBARA MATTISON: Well, if that state's a NICS point of contact, yeah, if they're a NICS contact but because the federal law says you

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cannot purchase or receive a handgun outside the state that you reside.

REP. MINER: Okay.

DETECTIVE BARBARA MATTISON: I'm not saying it doesn't happen. I'm just saying, Connecticut, we're pretty diligent about making sure everybody follows the law.

REP. MINER: And that does not exist for a long gun. A long gun, you can make that purchase here, again, has to go from here to the FFL in another state so they actually receive it.

DETECTIVE BARBARA MATTISON: I --

REP. MINER: Or they can take delivery here in the state of Connecticut?

DETECTIVE BARBARA MATTISON: You can buy a long gun outside the state. I can drive up to Maine and go to Kittery or Freeport and buy a long gun in Maine and bring it back with me. They're not doing anything wrong there. They don't have to go through the FFL for the long gun transaction.

REP. MINER: Okay.

DETECTIVE BARBARA MATTISON: They can purchase at that store and then bring back home.

REP. MINER: Okay. The suitability factors, do they come into play for an eligibility certificate for a handgun?

DETECTIVE BARBARA MATTISON: No. Suitability is only part of the statute regarding the permit application, not the eligibility certificate.

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REP. MINER: Permit application to acquire a gun or a permit to carry?

DETECTIVE BARBARA MATTISON: Permit to carry. It's only in --

MAJOR ALARIC FOX: State pistol permit.

DETECTIVE BARBARA MATTISON: Right, it's only applicable regarding the application or even the revocation of a state permit.

REP. MINER: And then I'm trying to get my arms around, you may not have heard the questions I was asking CCM, but it had to do with this issue of ban. And under the former definition of ban, we put together an opportunity for gun owners that fit that definition of assault weapon that we determine to register those guns. Do you have any idea of what the compliance rate was for that registration?

MAJOR ALARIC FOX: In all candor, it would be a guess, and I wouldn't even know. I, it would be a crazy guess. There's frankly no way to know what we don't know, because unfortunately it has to be the answer, and I empathize with your desire to wrap your arms around it, but I don't know that I could give you anything that would be remotely accurate, with apologies.

REP. MINER: No, no, you need not apologize. I was looking at the forms, both state and federal, and they seem to refer to long guns as long guns and handguns as handguns. And I was trying to figure out based on that sales history how anyone knows what some of these classifications are.

It didn't appear to me based on what I had heard that it's readily noticeable in the

serial number. And you don't track things by serial number in your database?

DETECTIVE BARBARA MATTISON: Not specifically by a serial number. They're there, obviously, if that's, they're there, but, now, we don't track things specifically by serial numbers.

MAJOR ALARIC FOX: But registered weapons possessed by an individual that would come up would show the serial number of those possessed weapons.

REP. MINER: So in terms of converting whatever population of those guns that may exist lawfully in the state of Connecticut not based on the former assault weapon definition but on this current imaginary conceptual definition, you don't maintain a database on those styles of guns separate from other long guns?

DETECTIVE BARBARA MATTISON: Can we pull up a specific make and model or manufacturer? Yes, we can do that if that's what it comes to, but it's not something we normally do. You don't run every Bushmaster .223. We're going to have thousands upon thousands upon thousands of Bushmaster .223's. But can we do that? Yes.

REP. MINER: So if the Legislature was to ask that question with a series of models, Department of Public Safety could provide to us without individuals' names, without --

DETECTIVE BARBARA MATTISON: It could give you a number.

REP. MINER: You could give us a number.

DETECTIVE BARBARA MATTISON: Yeah.

REP. MINER: In terms of the overturning of Board of Firearms and Permits' decisions, are there any statistics on -- I know there's some feeling that perhaps there's another way to do this.

And my question is, is there a statistic or are there statistics about how many of the individuals for whom the decision has been overturned, meaning when I was first selectman, if I denied Jimmy Johnson a pistol permit, and it went to the next level, how many of those individuals that ultimately end up with a handgun permit to carry, how many of those individuals go out and commit a crime? Is that something you track?

MAJOR ALARIC FOX: No, and it would, I suppose it could be done as a very long-term graduate-level study process, but it's never been done.

REP. MINER: But it doesn't strike you as a statistic then worthy of putting a lot of energy into at this point.

MAJOR ALARIC FOX: Well, very respectfully, I wouldn't want to make the value judgment as to how someone might feel on it. I can tell you that it, frankly, it has not been done.

REP. MINER: And my last question has to do with this, what might be perceived as a double NICS process. I know the assertion was made that it might slow down the application a little bit, and I get that. Is the staffing for that process staffing that goes seven days a week? Is it limited in terms of its hours of operation during the day?

DETECTIVE BARBARA MATTISON: We do staff seven days a week, Monday through Friday, 8:30 a.m. until 8:00 p.m. Saturday, I believe our hours are

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9:00 to 5:00, and I think we're 9:00 to 4:00 on Sunday. So we try to be available for the transactions.

REP. MINER: And in terms of the information that you might have readily available at that level, is there something that you folks have at your fingertips that isn't going to NICS on a regular basis?

DETECTIVE BARBARA MATTISON: I don't understand the question.

REP. MINER: I think you indicated that you have the ability to make a determination on whether or not someone is eligible based on mental health, arrest records --

DETECTIVE BARBARA MATTISON: The background check.

REP. MINER: Right.

DETECTIVE BARBARA MATTISON: Yep.

REP. MINER: I, I mean, I'm under the understanding that that background check is the NICS system.

DETECTIVE BARBARA MATTISON: No, it's a background we do. NICS is part of the background along with our Connecticut record, our Triple I out of state, you know, DMHAS, you know, FLQW for want and worth. It's all part of the, you know, the background. It's just part of it. It's not just the NICS number.

It's referenced as a NICS number or an authorization number, because we need that NICS number under our statute to be given to that party for the transaction of the firearms. I think it may have, the word could be used, interchangeably could be a little confusing.

But it's a NICS or authorization number just to get the transaction for that background, that completed background. Then you get that number that would allow the transaction to be completed and the gun to be transferred.

REP. MINER: And so I'm just trying to figure out what it is that the agency does that isn't done through the NICS check.

DETECTIVE BARBARA MATTISON: Well, DMHAS, NICS does not check our DMHAS per se even though we actually input into DMHAS. But they don't check the DMHAS. And there are some criminal histories around the country that are inputted differently. So we want to see the criminal history from around the country and make sure that that party is either eligible with that criminal history or if they're ineligible.

And sometimes Triple I is not always as clear as we would like it, so sometimes the NICS records already is inputted, and it's more clear, because maybe that history has already been researched and vetted, whether it's been by Connecticut or another state. Out-of-state histories, at times, can be difficult to read and determine whether they're a felon or they're not a felon.

So NICS will do that research for us, and then we will input it in the criminal history, so we looking at NICS know that Kansas record, yep, that is a felony, even though Triple I might not be clear with that information. And we wouldn't have to deny the sale to research that criminal history. We can just let the transaction go through.

MAJOR ALARIC FOX: Traditionally, service training orders and protective orders are something that's checked on our end --

DETECTIVE BARBARA MATTISON: Absolutely.

MAJOR ALARIC FOX: -- that's independent of that NICS check that's being done.

REP. MINER: Thank you. I know there are some other questions, and I, if I could kind of reserve the right, not today, but maybe call upon you to ask some further questions about that.

DETECTIVE BARBARA MATTISON: Certainly.

MAJOR ALARIC FOX: Absolutely.

A VOICE: (Inaudible).

REP. MINER: Senator, I, (inaudible) Representative Rebimbas has already waited.

SENATOR LOONEY: Oh, yes, Representative Rebimbas, after you then. I've just got a couple of follow-ups at the end based upon things that have been raised up to this point.

REP. REBIMBAS: Thank you, Mr. Chair, and thank you, Senator Looney, for the opportunity. And my sincere gratitude for the time that you guys are taking to come back and truly educate us and let us know what works, what doesn't work, what we have, and how we can improve it, because I believe, you know, all the people who have come before us as well as everyone here on this panel, we all have a vested interest in getting this right and doing the right thing. Would you happen to know just based on the known number of firearms in the state of Connecticut?

DETECTIVE BARBARA MATTISON: Well, we don't have mandatory registration, so I don't have an exact number.

MAJOR ALARIC FOX: I can't improve upon that answer.

REP. REBIMBAS: Okay. So even those that are registered, for example, you wouldn't be able to even guesstimate approximately how many.

DETECTIVE BARBARA MATTISON: I can guesstimate on what's registered, but that certainly doesn't tell us what's in the state. But you're probably in the, I don't know, one three, one four million, I would guesstimate, registered in the state.

REP. REBIMBAS: Okay. Thank you. And, again, clearly, as you had indicated, that does not count all of the firearms that are in the state of Connecticut that are not required to be registered or, again, may be family heirlooms and antiques and have never been registered.

I guess just I have a strong interest in getting information and facts, and I'm trying to get my head around the statistics of some of the representations that were made regarding the Board of Firearms Permit Examiners.

And just taking that number of firearms that you are aware of that are registered, and, granted, there could be others that are appealing, but actually this is regarding the permitting, I just wanted to bring to everyone's attention actual statistics that I've been provided here. For the fiscal year 2012, there has been 222 cases heard before the board. In 2011, there was 158.

And if my math is correct, approximately and on an average, that's, maybe there's 50 percent that's been overturned by the lower municipalities decision, whether that's the chief of police or the first selectman where there's no chief of police or whatever the case is, because I know, again, certain people relying on other sources of information that's been out there quoting 97 percent, et cetera, well, the statistics show that that's not correct.

And then if I were to even further break it down, and I'd certainly be more than happy to provide this to anyone, but this is fiscal year of statistical data provided by the actual board who has all of the records on this stuff.

I mean, it goes on to specifically say even where the appellant, the person appealing, withdrew their application, which is a considerable amount, and then, you know, the votes in favor of the chief, the votes in favor of the Department of Public Safety, so, again, it's, when we do have the information and the facts, it's so valuable to us, and that's why I appreciate you being here, and I appreciate having been provided with this to correct some of the misunderstandings out there.

Speaking to just gun violence in general, and this is probably across the state of Connecticut, but we're more familiar with what's going on with a lot of the inner cities, and I know that that's not directly, but it's an indirectly, you know, a task that we're, a topic we're looking at.

It's been also spoken about some type of gun violence task force at one time that came out with a recommendation and/or a program that

supposedly had been working, quote, unquote, but then it was disfunded.

And I know I've spoken to many of my colleagues, and this is what we hear, but, yet, no one really has any tangible information regarding that. Are you aware of any program that previously had been done that was funded that then became defunded and is no longer in place and then if you do whether or not you know if that worked?

MAJOR ALARIC FOX: A relief pitcher for that question, it's so well-articulated.

STEVE SPELLMAN: Thank you, Representative. There have been various task forces over the years, some funded and some not. There was a gun trafficking task force, which we still have in place with only one specially signed personnel to it.

The general functions of those have been, in terms of inner city violence, have been more taken on by what is referred to, one of the statutes, as the cooperative crime task force and, or urban violence. It's sort of an either/or. And the focus of gun violence and our personnel under that has been in regard to that task force.

REP. REBIMBAS: And you indicated that there is only one person assigned to that task force. Would you, and understanding now that it may have expanded to kind of a community task force, in your opinion, would it be best served if there was more than one person allocated to that task force?

STEVE SPELLMAN: The, within the statutory framework, we try to do the best we can in

terms of working on these issues. And I would say that in particular recently there has been good cooperation between municipal police departments, the state's attorney's office, and our agency in terms of working jointly to pool resources and even, I should add, actually, the Department of Corrections.

We currently have a memorandum of understanding with them where they provide some intelligence information to these. So, you know, I guess the short answer would be we're doing the best we can in terms of efficient use of resources.

The way that it's set up right now, you know, we wanted to have, that task force is still in the statutes, you know, and we do allocate personnel. If there came a time where the decision was made that it would be better to dedicate more personnel, certainly we would listen to the General Assembly's wisdom in that regard.

REP. REBIMBAS: Thank you. I appreciate the testimony. And just once again, thank you very much, because I think all the information provided is a world of knowledge that we needed.

And I don't think there's any one person in this building or in, even in the state of Connecticut that is not against gun violence, but I think we need to make sure that whatever legislation that comes from this body that it's responsible and it meets, obviously, the goals and the criteria we're trying to do in that regard.

And if that's illegal weapons, then that's something that we need to address in the best form. And if it's preventing the tragedy that

unfortunately we all are aware of, then we need to make sure we're mindful as to how that's going to be enforced and the practicality of it. So, once again, thank you.

REP. MINER: Thank you, Representative. Senator Looney.

SENATOR LOONEY: Mr. Chair, just a couple of follow-ups. In the slide that you presented on the issue of the suitability review that's undertaken in terms of the application process for a permit, you mentioned, there were a number of factors that you mentioned, including reputation and a few other things that were listed in that slide.

Are those items, those factors, are they articulated in the statute, or are those the result of case law where courts have determined what is or is not proper to review in a suitability analysis?

MAJOR ALARIC FOX: Case law, sir, and just to clarify, those were some of the factors. Certainly, the cases go on at some length, but the short answer is case law, Senator.

SENATOR LOONEY: All right. Okay. Those factors were an itemization of a distillation of factors that were found to be relevant in case law, right --

MAJOR ALARIC FOX: Yes, sir.

SENATOR LOONEY: -- as opposed to the statute itself, right? Thank you. Another question just regarding ammunition in Connecticut. We don't have any legal regulation of ammunition in the sense that someone who is barred by law from having a permit to have a gun right now,

let's suppose somebody who is a felon buys a gun from a straw salesperson or steals one. There's nothing then that prohibits him after that theft or purchase from going into Wal-Mart or Cabela's and buying a load of ammunition for that gun, is that right?

DETECTIVE BARBARA MATTISON: That's correct.

MAJOR ALARIC FOX: You're correct.

SENATOR LOONEY: No prohibition at all, right? And the last question I had, in terms of a felon or someone otherwise disabled under the statute from having a gun, does there, is there any, is there a, is there, the statute that prohibits somebody from getting a permit for those reasons, does it also prohibit in any way someone from getting a long gun for those reasons?

DETECTIVE BARBARA MATTISON: Some of the reasons. Again, felon, you can't possess a gun. Mental health --

SENATOR LOONEY: Any gun, right, okay.

DETECTIVE BARBARA MATTISON: -- any mental health issue or protective or restraining order. But suitability does not fall under the application for a firearm or, excuse me, a long gun. Suitability is only regarding the pistol permit.

The eleven misdemeanors are not applicable to long guns unless they're domestic violence, that meet the domestic violence statute. So basically, you could have people with a lengthy criminal history who are eligible technically to buy a long gun.

SENATOR LOONEY: Right, right, okay. Thank you very much.

REP. MINER: Are there any other questions? One last thing. One of the areas that I was thinking about is that we do have in the state of Connecticut some statutory language on what conduct you have to use with a gun if you are in a home with children 16 and under.

DETECTIVE BARBARA MATTISON: Mm-hmm.

REP. MINER: So you're not supposed to leave it loaded lying around on the coffee table. We don't have any legislation or any guidance in terms of individuals that may fit the classification of mental, well, I hate to even use the word, because it's on the federal form, but it's mental defect, and there are some other definitions, I think, as well.

Does that make sense? Do you think it would make sense for us to look in that area and say, look, if you shouldn't leave it on the coffee table locked and loaded with a 16-year-old, common sense might say that it shouldn't be available to someone else that otherwise couldn't lawfully own it?

MAJOR ALARIC FOX: I think it very much makes sense, and it's rather, the dichotomy you point out as it exists now is rather mystifying, yes.

REP. MINER: And to Senator Looney's point, is it as easy as drafting statutory language that says if you can't own a gun, you can't buy ammunition under whatever definition it is? I mean, because I am, you know, we've had a number of conversations, Senator Looney and I and other Members of the Legislature, and I'm trying to be sensitive to longstanding

histories of perhaps my wife buying me a box of 22 shells.

She's not a felon. She's not on a prohibited owner list. Yet, if we were to put in place a permit to buy in terms of a gun or a permit to buy ammunition, it just seems, I don't know, difficult.

I'll use the word difficult. But by the same token, I think many of us are very sympathetic to the issue that he points out that, you know, we've gone through a lot of exercises here in the state of Connecticut and maybe even nationally to try and determine who should and shouldn't own a firearm, yet, in this area of ammunition, I think there are federal limitations, meaning you can't buy it under the age of 18 for a long gun or under the age of 21 for a handgun. So I guess I'd be interested in your perspective on that.

DETECTIVE BARBARA MATTISON: Well, federal law also reflects if you're a felon, you can't possess ammo under federal law. They count one bullet as a gun, and you can be charged accordingly that way under federal law. So we do work closely with ATF in regards to issues that we may not have in state statute that they have in federal statute, and we can refer a case to them regarding a felon in possession of ammo.

But as far as our statutes regarding purchasing guns, or, excuse me, purchasing ammo, there's nothing right now, there's no background done it, there's nothing. So anybody with any prohibitor, mental health felonies, they could certainly go in and purchase ammunition.

REP. MINER: Thank you. Thank you very much for being here.

MAJOR ALARIC FOX: Thank you.

REP. MINER: The chiefs?

A VOICE: Chief Salvatore and Chief Reed.

REP. MINER: Please.

A VOICE: Yeah.

ANTHONY SALVATORE: Mr. Chairman, Task Force Members, pleasure to be here with you again.

A VOICE: (Inaudible).

MATTHEW REED: Good to see you.

ANTHONY SALVATORE: If I can just make one statement with regards to what we proposed or what we're supporting on a long gun permit process, and as I explained last week, if you had a permit in place for a long gun, with that, you get, we use the word suitability check by the local authorities, which you don't get today by just doing the NICS check or the call-in check on, through the Department of Emergency Service and Public Protection.

So what we were saying when we made our proposal was you have a permit process in place for handguns, we're suggesting a permit process in place, a separate one, for long guns, because the one in place today is to carry a pistol or a revolver, which allows you, under Connecticut law, to purchase a pistol or revolver. We should have a separate one if you just want to purchase a long gun.

Probably the law should be amended that if you can purchase a pistol, you have a permit to a

pistol, purchase a pistol or carry a pistol or, and revolver, you should be able to purchase a long gun (inaudible) but maybe just a separate one. And with that, then you get the suitability from the local issuing authority that may not be in any of the records that are out there that they already presently are checking.

And certainly we agree that we think ammunition should only be purchased by an individual that is suitable to purchase it, and that would be if you had a permit to carry a pistol or a revolver and possibly in the future a long gun permit. I hope I, you know, I know it's been kicking around here what's the difference in no background?

Well, there is kind of a background, but it's not the intense background that you get when you go through the permit process to carry a pistol or revolver starting at the local level.

REP. MINER: Could you just, I know Senator Witkos has some questions, but would you just clarify that for me, because I, now I'm completely thrown off.

ANTHONY SALVATORE: Yeah, I kind of thought that.

REP. MINER: I mean, it seems to me that under our current federal law there is a rather extensive background check. The NICS system has a number of different things that they look at, including mental health, prior arrest. I even thought I understood it to be restraining orders, whatever they have in their database.

ANTHONY SALVATORE: You are, but you're not getting a number of --

MATTHEW REED: You don't know the local law enforcement.

ANTHONY SALVATORE: -- you're not getting police history, you're not, or contacts with the individual. You won't know anything about any of the stuff that maybe the individuals had contact with local law enforcement but not arrested will not be on there.

MATTHEW REED: And mental health information is very limited. You're only getting commitments. You're not going to get any voluntary commitments.

ANTHONY SALVATORE: Involuntary commitments.

MATTHEW REED: You're getting involuntary commitments. So if I put myself in the hospital for a week or two weeks or six months because I have some instability that I want treated, that's not recorded anywhere where we have access to it sometimes. We have to find out by talking to neighbors or family members or fellow employees, and that's certainly not something that you're going to get through a national background.

That's why I always wince at the phrase background check. You're really doing a check of some databases that may or may not have the relevant information that you need. The local law enforcement is the level where you're going to find out what kind of activity is happening at work. Has this person been a suspect in some other criminal activity or other nefarious activity in their community?

Has this person been accused of other things? Are there other issues, contacts that are happening at the house that we at the local

level can put together into a package that indicates this person is unsuitable to possess a weapon, whether it be a long gun or a pistol.

ANTHONY SALVATORE: And that's why when you, when they say background, it's really not a true background check. What it is is they're just checking some databases.

REP. MINER: So I had asked the question of the state police with regard to suitability, and if I understood them correctly, and I think I did, suitability is not a criteria used for an eligibility certificate with a handgun.

ANTHONY SALVATORE: That's correct. And that's why one of our proposals was eliminated. And what the person (inaudible) --

MATTHEW REED: The permit (inaudible) a permit.

ANTHONY SALVATORE: -- received a permit to carry a pistol or revolver and thereby you would get that additional check.

REP. MINER: Thank you. Senator Witkos.

SENATOR WITKOS: Thank you. Just a comment and then a question. I'm not part of the mental health working group, but I know that question did come up about folks that voluntarily seek assistance, and I guess from the experts there, they felt that if the person is cognizant of the fact that they're having difficulties in working their way through the issues that they are cognizant of the fact of their behaviors.

And once they've sought treatments voluntarily or on their own, then they, they're capable enough of making those decisions. So I think that's a delicate balance that they'll be

talking with. But my question to you folks is in your proposal, you had requested to eliminate the Board of Firearms Permit Examiners and have them go directly to appeal to the court.

Yet, I was a little disturbed at the statistics that Representative Rebimbas brought up that 50 percent of the appeals are won by the appellant and overturn the local decision. And are you, what kind of feedback do you get from, if you get any, from the board as to the determination as to why there was an overturn of the appeal? And there'll be subsequent questions to that.

ANTHONY SALVATORE: The first think I want to point out, again, we made a recommendation to eliminate and/or explore other options. And, again, in talking with our fellow chiefs, we've had a number of chiefs that have positive interaction with the board and a number that have had negative. From what I understand, if you get denied, the board is more than willing to explain to the issuing authority why the permit was denied.

As I said, I've been a police chief 21 years. I've been before them twice. That doesn't necessarily mean I only denied two permits, but I've only been challenged twice before the board, and both times I have won at the board level, meaning the board has supported my denials. Other chiefs have told us that they've had a number of problems. But the board is always willing to explain to the chiefs, from what I understand, and maybe Chief Reed has some additional information.

MATTHEW REED: I share his feeling. I've only been chief three years, but in my 25 years in South

Windsor since 1993, I represented our chief before the Firearm Board of Permit Examiners one time, and that one was overturned. So 100 percent of ours were overturned.

No, but I say my experience was not bad, but to Chief Salvatore's point, we have other chiefs that come to us and say that it is a mockery of any type of an appeal system, that it, they don't take into consideration the things they should take into consideration, that they as the local chief know best what permits should be granted and should not.

And when they are overturned, their decision is overturned, there is an affront there, and they feel that that's not right, that they're making decisions that they think are best held at the local level. So I don't know that elimination is the answer. Maybe there are other options.

But I think when you look at some of the reasons, at least some of the reasons that I've heard from folks that have gone before the appeals board or chiefs who have had to defend their cases, a lot of it comes down to suitability and requiring certain things on the application that are maybe beyond, that are beyond the four corners of the statute, which is why a lot of our recommendations deal with broadening the definition of suitability and allowing the issuing authority to compel the production of more pertinent information if they believe it's necessary to determining suitability, because up until now, if somebody demands, for example, a release that we're going to go seek your employment records, we're going to look at your school records, we're going to do other things to determine your suitability, I think right now you're getting arguments from people saying, you can't do

that, because within the four corners of the statute, it does not say that I have to provide you that release, therefore, I'm going to appeal this to the board.

Well, if we clean the statute up, perhaps we won't have those types of appeals going forward clogging up the Board of Firearm Permit Examiners' process, and perhaps it thins out their agenda so that there are more, quote, unquote, legitimate denials that they are hearing. So we really don't see it as one single solution but rather a whole package of solutions to make the process better and safer for the citizens.

SENATOR WITKOS: Well, I understand the package, but I'm looking at the individual portion of that package, and you saw this building last week, and we're talking about, in that specific package, of taking away somebody's right, and that's the right to bear arms, if they're denied under that --

ANTHONY SALVATORE: Well, again, well, but the issuing authority is (inaudible) --

SENATOR WITKOS: But let me, let me get to my question --

ANTHONY SALVATORE: Yeah, go ahead, sorry for interrupting.

SENATOR WITKOS: -- is have you spoken to the chiefs, because obviously your two departments had a good --

ANTHONY SALVATORE: I had positive. He had negative. He lost.

SENATOR WITKOS: One out of 25 years, so I think that's, that's probably pretty good that you were making the correct decisions for your communities, but there's apparently some chiefs that are angered at the thought that they're continuously getting overturned, and that's why they're bringing it forward to their liaisons.

Have they spoken to you? Is there a common thread that the reason why they're denying it at the local level, and it's getting overturned at the state level, that maybe we have to tweak that and look at the cause of the denial? Is your, something specific that they're --

ANTHONY SALVATORE: I think most of them center around the suitability portion, because the other ones are extremely cut and dry. You know, the felon, you're not allowed to possess protective orders, you're not allowed to possess, so the types of arrests you're not allowed to possess, so it usually centers around determination of suitability, which in the statute is left to the issuing authority.

SENATOR WITKOS: It's very vague. Right. And that, and I guess that's my problem. And I wrote in my notes from the state police, define suitability and law for obtaining a revocation of a pistol permit. Would you be willing to forward something at least to me, maybe to the other committees, what your recommendation of defining suitability would be so we have a very clear understanding so we all are applying the law the same way?

ANTHONY SALVATORE: Yes.

MATTHEW REED: We have written that. Yes, we've shared that with --

ANTHONY SALVATORE: We'll share it, yes.

SENATOR WITKOS: Thank you.

SENATOR LOONEY: Thank you, Mr. Chair. Just a couple follow-up questions. Again, thanks so much, chiefs, for being with us.

MATTHEW REED: Senator.

SENATOR LOONEY: In terms of the suitability, when I asked the state police, the factors that they listed on their slide they said were factors from case law rather than from language of the statute, reputation and a few other things. So I know that you had shared with me language that you think would be a more detailed definition of suitability that you think would be better to have in statute.

Is that, so that's, part of the problem, I understand, is, as perceived by at least some chiefs, is that the Board of Firearms definition or view of what is appropriate for suitability analysis may be different from what some of the chiefs think is appropriate to consider in the suitability analysis.

ANTHONY SALVATORE: Exactly, Senator. That appears to be the problem that we're hearing from our fellow chiefs.

SENATOR LOONEY: All right. So then having a clearance statute might overcome that kind of disconnect between the board and what the chiefs operate or believe is relevant at the municipal level.

ANTHONY SALVATORE: We believe it --

SENATOR LOONEY: Right.

ANTHONY SALVATORE: -- it would be clearer.

MATTHEW REED: And perhaps bring some uniformity to the process, because every chief may not consider the same thing, whereas if those elements are articulated in the statute, then perhaps it makes people say, gee, I didn't happen to ask this person if they ever tried to harm themselves or commit suicide. That would be a relevant question, but maybe everybody doesn't ask it. They certainly don't ask it on the application.

SENATOR LOONEY: Right, right, right, and in terms of the release of information, it might be burdensome on the applicant to provide all medical records but to ask them to sign a release, and then it's, then the burden is on the department to pursue that once they have their release in hand. Then it's the due diligence of the chief to look into the records that he has the release to examine, right?

ANTHONY SALVATORE: We agree.

SENATOR LOONEY: Right. Okay. Good. And --

ANTHONY SALVATORE: And, again, that would not be releasable under FY.

SENATOR LOONEY: Right.

ANTHONY SALVATORE: So there's, so there is no fear that that would be disseminated.

SENATOR LOONEY: Right, right, and, again, the person would have to be assured that there was no, that that release would be for the very limited purpose of this suitability analysis and not for any other disclosure, right?

ANTHONY SALVATORE: Correct.

SENATOR LOONEY: Also, just going back to the issue of some of the distinction between long guns and handguns, what is the, if somebody walks into a Cabela's or a Wal-Mart now and wants to purchase a rifle, what is the, what kind of review or screening are they subject to?

ANTHONY SALVATORE: From what I understand, a, you have a hunting permit, and they'll call into the state police to get their number. And then they, the database are checked, and that's pretty much it, so --

SENATOR LOONEY: That's if you have the hunting permit. What if --

ANTHONY SALVATORE: If you don't, I believe it's a two-week waiting period.

SENATOR LOONEY: That was my question. If you don't have a hunting permit, there is a two-week waiting period to purchase the long gun, is that right?

MATTHEW REED: Correct. If you have a hunting, right, you're correct. If you don't have a hunting license, if you're not a current police officer or a permit holder, then you have the two-week waiting period.

ANTHONY SALVATORE: Correct.

SENATOR LOONEY: And what, is there any, and what goes on during that two-week, is there any screening done during that two-week waiting period, or is it just basically the cooling off period?

ANTHONY SALVATORE: The database check.

MATTHEW REED: They do the NICS check to get the authorization number, but also you saw, the state police showed you the forms that are filled out by all the retailers. The form is filled out. It's forwarded to the chief law enforcement officer in the community where the purchaser lives but then gives the chief law enforcement officer an opportunity to screen the name to see if there is, if they are aware of any reason why this person should not have a, have the gun.

If we are aware of some reason why this person shouldn't have the gun, then it's incumbent upon us to get back to the retailer and say, hold off on this transaction. We have a very limited window of time to do that, maybe five days, maybe ten total.

ANTHONY SALVATORE: Yeah, about five.

MATTHEW REED: Yeah, so, I mean, I know it's a two-week waiting period, but the, by the time you get it in the mail and by the time you can respond. So that doesn't warrant, it, you don't end up with a full background check. You may end up with a criminal records check.

Maybe you've heard them refer to a Triple I, which is Interstate Identification Index check, which is an FBI check. But quite frankly, the number of those that come in are really overwhelming, and we're a small community in South Windsor, and we probably get a couple dozen every day documenting firearms transfers.

SENATOR LOONEY: Right. And if someone is, presents the hunting license when he applies for the, goes in to buy the gun, he's able to buy it

instantly at that point without any further delay?

ANTHONY SALVATORE: Unless they do the call check.

MATTHEW REED: They do the NICS check, and that's it.

SENATOR LOONEY: Do the NICS check. Okay. And what is the, and is there any background check that's done when someone applies for a hunting license?

MATTHEW REED: Town clerk. You pay a fee, and you get the license.

SENATOR LOONEY: So there's no screening process under --

MATTHEW REED: Law enforcement never knows that that has happened.

ANTHONY SALVATORE: No check through law enforcement.

SENATOR LOONEY: No check through law enforcement on a hunting license.

MATTHEW REED: That's correct.

SENATOR LOONEY: So it's only the fee that's paid to the town clerk.

MATTHEW REED: That's correct.

ANTHONY SALVATORE: That's correct.

SENATOR LOONEY: Okay. Good.

ANTHONY SALVATORE: Kind of makes you wonder why you're waiting two weeks to give it to the guy that doesn't have the hunting license.

SENATOR LOONEY: Yes, yeah, good, good, good. Well, thank you very much, gentlemen.

REP. MINER: Thank you, Senator. Any other questions? Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chair, and thank you for being here today. I was very intrigued by the information that you said that the NICS does not necessarily have everyone's mental health information on there. And an example that was provided was the voluntary commitment versus the involuntary commitment.

And having a little knowledge of voluntary commitment, it's not necessarily that the person is able, necessarily, to make responsible decisions on their own. Sometimes they get arrested, they go to the hospital, and then at the hospital they sign a voluntary form.

It's questionable whether or not they are actually, you know, capable of making that decision at that time if they're in the hospital. How could we get that information on the NICS then, because I'm more intrigued by how to have the proper information on the NICS system that's going to allow law enforcement to do what they need to do?

MATTHEW REED: I'm, are you, I'm sorry, involuntary committal or voluntary?

REP. REBIMBAS: Voluntary.

MATTHEW REED: Yeah, I don't know, and I'm not familiar with the (inaudible).

ANTHONY SALVATORE: The only way it goes on is when an individual is committed through probate, then it goes on --

MATTHEW REED: I'm going to share --

ANTHONY SALVATORE: -- for an involuntary committal.

MATTHEW REED: -- a very brief story, because my, I don't know what the answer is to this. This just happened last month. I got a call from somebody that I know that happens to work at a big production facility in East Hartford. And they called me, and they gave me this story about this worker that was somewhat troubling to them, kind of a loner, started, brought a target into work, walked around with the bullet holes in the target, said, yeah, I've applied for my permit.

And this person thought, geez, this is, doesn't really seem right. This guy was out of work for several weeks last year, and I think it was for some mental health issues, and he voluntarily away for treatment. And he called me, and he said, I don't think he's a resident of South Windsor, but is there a way to find out if this person has applied for a pistol permit? And I found out where the person lived.

I called the chief in that community. And lo and behold, there was a pistol permit on the chief's desk. And he says, yeah, I'm ready to sign it. And he had no idea that there had been any type of psychological or, any psychological history behind it. He called up the applicant and questioned him about it, and

the applicant said, you know what? I withdraw my application. I'm going to be moving soon, so I'm not going to need a Connecticut permit. And as a result, he didn't get a permit.

We don't know whether he ever acquired a weapon or a handgun or a long gun at all. But it was one of those that, I mean, how perfect was the timing to say, here are the kinds of folks that can slip through the system. So now you've asked the question, how do we figure out that information? I don't know. We rely so much on self-report. When you go through the application, we rely on self-report.

Unless some family member is going to come forward, you know, there's been an idea that perhaps we should, what if when we got applicants' names we published the applicants' names? There was a Web database where the applicant's name could be published so that the public could actually help the police vet some of the candidates.

And somebody sees the John Smith who lives three doors down. He's going for a pistol permit? I think we all know people in our lives that probably shouldn't have guns. And maybe this person has a bona fide reason why this person shouldn't have a permit.

Now they can go down to the local police department and say, hey, chief, listen, the guy hasn't been arrested. We called the police on him a couple of times. But you know what? You need to know we hear yelling and screaming going on in that house. The animals don't look like they're treated properly. They're kind of neglected. I don't know that you should give this person a permit.

So maybe we should look at some other ways of vetting the applicants, and maybe that's one way to do it, is to put the names out there publicly. I know there's been a proposal to publish the names of permit holders. The horse is already out of the barn at that point. How about publishing the names of the applicants before they become permit holders?

REP. REBIMBAS: Well, I don't know if I necessarily agree with that proposal, as I know, unfortunately, people could manipulate the system and take advantage of it to get certain people in trouble. I mean, unfortunately, it does happen on a regular basis, even with DCF. And there's investigations and unsubstantiated for the wrong reasons.

And I can just see a variety of different things, because, again, because someone in poor judgment held up a target and said, I got my permit, we don't know whether or not the person actually has a mental illness, just really bad judgment in that regard. Let me ask you this.

MATTHEW REED: But that would go to suitability. That would go to suitability.

REP. REBIMBAS: Let me ask you this. When someone were to apply on their application, is there a specific question, and I don't have the form in front of me, but is there a specific question that goes to whether or not they have a mental illness?

ANTHONY SALVATORE: No, not (inaudible).

MATTHEW REED: Well, I can read you verbatim, if you'd like, right from the application. It just says, have you been confined in a hospital

for mental illness in the past 12 months by order of a probate court?

REP. REBIMBAS: Okay. So maybe it might be changing the language on that and confined to a mental hospital --

MATTHEW REED: Well --

REP. REBIMBAS: -- irrespective if it was voluntary or involuntary.

MATTHEW REED: I can (inaudible).

ANTHONY SALVATORE: I think then it goes to Senator Witkos's concern, and I have to say it's our concern also that you don't want to discourage individuals from seeking help, or I think it's going to come down to, again, it's going to be a suitability call.

Even though the individual is seeking help, if somebody goes and seeks help, that doesn't necessarily mean it's going to be a disqualifier. There's going to be a bunch of other issues that go on along with that.

REP. REBIMBAS: Sure. And that brings me, actually, to my next point, because, you know, it does seem to cut both ways, and then it's a matter of then which way do we go, what's going to be best, because then certainly if you believe that it's going to deter someone from getting treatment, I choose to believe it's going to deter someone from getting a weapon, period.

That's one less person with a weapon. I would prefer to see that than, you know, I guess I just choose to believe that that person may not go forward with the weapon application opposed to not getting treatment.

ANTHONY SALVATORE: If I may --

REP. REBIMBAS: But going to the suitability --

ANTHONY SALVATORE: If I may just make a suggestion then.

REP. REBIMBAS: Sure.

ANTHONY SALVATORE: I think that's something, a valid concern, and perhaps it should be discussed with the mental health community.

REP. REBIMBAS: Sure. And I'll speak to them at a different time, but I need to know what works for you and what the problem is with you, because all too often I see the different departments and interest groups wavering to each other.

Sure, we can use this person. We don't want to ask for more money. Oh, can't ask for more money, just had a budget conversation. I'm more concerned with the people before me and getting the facts and information and what's going to work for you guys. And I will do the same when I'm meeting with them in that regard. But I understand what you're saying, they're going to have their own stuff.

ANTHONY SALVATORE: We have a pretty, for the most part, we have a pretty good handle on individuals that involuntarily go and get help, for the most part. But it probably would be a good idea if it was able to be put on the application, legally be put on the application.

REP. REBIMBAS: Okay. And I would, initially, just knee-jerk reaction, haven't looked into it, I think that would probably be a good thing as

well to change that. Going back to the suitability, you had indicated, so it's, this definition is being built by case law.

ANTHONY SALVATORE: Correct.

REP. REBIMBAS: Is case law being referenced during these, you know, a Firearms Board of Examiners?

MATTHEW REED: Yeah, I don't really know where Major Fox got that. He said case law, but I don't know if he's referring to superior court case law or if he's referring to decisions that have been made by the Firearm Board of Permit Examiners.

But I see the criteria that he has there is very much a part of the criteria that we listed in the definition when we tried to think, you know, the full scope of what we should be able to consider. So I'm not sure what he's referring to when he says case law.

REP. REBIMBAS: Again, just thinking out loud, case law probably is the best way to go about it, because my concern in being in your shoes is if you were to put in statute and restrict exactly what the definition of suitability is, as society evolves and things change and new laws are developed, I think it's going to give probably your police chiefs more of a challenge to be able to determine what suitable is.

And, yet, I don't see that as being, discrediting the due process, because they could, certainly the person who's applying who got denied could be applying to the Board of Examiners, and then you still have the superior court as well as the police chiefs. And, again, I certainly have the statistics. They could participate in the superior court case as

well. I'm just, again, just thinking broadly and out loud.

I would probably, my personal self, not believe it would be in the police chiefs' best interest to have exact factors or an exact definition in the statute, because it will take away then the evolution of either laws, legislation, and what creativity some of these people have in doing different things, because then it's not part of the factors that were in that statute, but that's just thinking out loud. I thank you again for taking the time.

ANTHONY SALVATORE: Thank you.

REP. MINER: Any other questions? Representative Dargan.

REP. DARGAN: Thank you very much. Thank you very much for being here. I know you were talking before about the list. I'm sure the framers of the Second Amendment probably never thought about Internet, Google, Yahoo, Facebook, and, you know, everything else that's, you know --

MATTHEW REED: Available.

REP. DARGAN: -- put up right away that's available. To the best of my ability too, as, are hunting license and fishing license open for public record?

ANTHONY SALVATORE: I don't believe so. I don't really know.

MATTHEW REED: I don't know.

ANTHONY SALVATORE: It's --

REP. DARGAN: I think that they are, but I just wanted the --

ANTHONY SALVATORE: It's not a list. I suppose if it is, we could get the town clerks to provide us something, but I've never had a list provided to me.

REP. DARGAN: And can you talk a little bit more about the list that you were talking about that you might want to propose?

MATTHEW REED: They've talked about, right now, as we know, the names and addresses of permit holders are exempt from Freedom of Information, so we're not releasing that information. But part of the vetting process for new applicants, if we were able to, and I guess we could do this now, there's nothing that prohibits us from doing this, we could publish the names of people who have applied.

Maybe there's a searchable database where from your date of application for 30 days, maybe after your date of application, your name is out there to say that John Smith of 123 Main Street, South Windsor, is applying for a pistol permit. If you have reason to voice with the local issuing authority as to why this person shouldn't have a permit, or if you believe this person to be a danger, or you have any bona fide information as to why this person shouldn't have a, isn't suitable for a permit, please contact the issuing authority, which is the chief of police for the town of South Windsor.

So now somebody, you know, I like to think that people have the best intentions and that people aren't going to manipulate the system. And, again, we're talking about possession of guns

here, so we are talking about a safety issue, so I'd rather err on the side of caution, quite frankly. Perhaps someone from the community comes in and says, let me tell you about a couple situations that have happened at work and a couple of threats that were made by this person.

I don't think that this person is suitable, or perhaps now you have something more to grasp onto in your investigation to aid you in determining suitability, because otherwise, you might not know that, because I don't know that you going to a person's workplace is standard practice for every police department when they do a background for a pistol permit. They may knock on some doors. They may look at their records.

But they may not go to the employer. They may not go to a school where the person works. They may not go to, or they attend. In other words, the process isn't uniform everywhere that you go, so why not enlist the help of the community and say, is there a reason, do you have a bona fide reason why this person shouldn't have a pistol permit? Just an idea.

REP. DARGAN: Prior to 1993 and '94 on the federal and then the state assault weapon ban, were gun permits open for FOI?

ANTHONY SALVATORE: I think they've --

MATTHEW REED: I think in Connecticut they've always been exempt.

ANTHONY SALVATORE: I think they've always been exempt. I'm not sure if there were ever under FOI.

REP. DARGAN: No, I don't want to trick you, but I think prior to '93 it was FOI-able if somebody wanted to get you. So I know, Chief, you were around there. Were there problems with people when they wanted an FOI to see if Steve Dargan had a gun permit? Was there a problem?

ANTHONY SALVATORE: I honestly don't remember anybody ever coming in and asking for our list.

REP. DARGAN: Thank you.

REP. MINER: Thank you, Representative. Any other questions?

SENATOR LOONEY: Yeah, one more.

REP. MINER: And I have a few as well. Do you want to go first?

SENATOR LOONEY: Yes, I'm (inaudible).

REP. MINER: All right.

SENATOR LOONEY: Thank you. Thank you, Mr. Chairman. Just you mentioned in terms of information that might come to light in terms of somebody's employment as opposed to its neighborhood. That also raises the issue, isn't it possible under our current law that someone has the option, can apply for a pistol permit either in the community where he lives or in the community where he works if it's a different community in the same state?

And that's, that can be problematic in that let's suppose somebody has had some issues at work that might have raised questions among his coworkers, but he's been very quiet living in his neighborhood, and nobody ever had an issue with him there so that issues that might come

to light in one place might not come to light somewhere else so that if he applied, let's suppose he applied or the other, reverse, let's suppose he had had some run-ins with his neighbors or some threatening incidents, and he applies for a permit in the town where he lives and is turned down, because some of that information comes to the police. They are concerned about his temper and temperament.

Currently, he could decide instead of appealing that denial, he could just apply in the town where he works, isn't that right? And he might be, have very anonymous in the town where he works and never had an issue there at all.

ANTHONY SALVATORE: It is allowed under the law today, yes.

SENATOR LOONEY: I see. So that --

MATTHEW REED: So you theoretically have two applications going at the same time or one denial, and then they apply somewhere else across the state. That's correct.

SENATOR LOONEY: Right, right. So would you recommend consolidating that so that somebody can apply only in one place within a certain time period, either the home or the business but only one --

MATTHEW REED: We --

ANTHONY SALVATORE: Once would be the best.

SENATOR LOONEY: Once would be the best.

MATTHEW REED: We support local law enforcement having the issuing, being the issuing authority, yes.

SENATOR LOONEY: But only, so but only like say one application per year, and then if you're denied, you have to go through the appeal process rather than having the option to apply somewhere else rather than contesting that denial.

ANTHONY SALVATORE: Right.

MATTHEW REED: Correct. And that's another daggering statute right now. If you're denied, does that mean you're denied forever? Are you denied with prejudice, without prejudice? Can you apply again in six months? Can you apply again tomorrow?

And that's something that's not really clear in the law, and we've had to deal, excuse me, deal with that through the years. If somebody is found to be untruthful in their application, and we deny them because they were untruthful in their application, what's to, there's nothing to keep them from applying again next week as long as they make a truthful application.

SENATOR LOONEY: Well, they did put the warning now on the application, so they are subject to a criminal arrest --

MATTHEW REED: Right.

SENATOR LOONEY: -- for a false statement.

MATTHEW REED: But it's not a disqualifier for a pistol permit.

SENATOR LOONEY: That was my question, is whether or not it's a --

MATTHEW REED: It's a conviction for, of a false statement.

SENATOR LOONEY: Is a, is the, the statements made in the application, are they made under oath, under (inaudible) --

ANTHONY SALVATORE: Yeah, they are now.

SENATOR LOONEY: -- false statement? They are.

ANTHONY SALVATORE: There is a warning as prescribed by state statute on the applications.

MATTHEW REED: Yes.

SENATOR LOONEY: Good, good. Okay. Thank you, again, very much.

REP. MINER: Thank you, Senator Looney. I just wanted to go back for my education. What is contact when you folks talk about contact?

ANTHONY SALVATORE: As far as with the applicant?

REP. MINER: I think when you spoke earlier, you spoke about one of the nuances that is readily evident to law enforcement at the local level and isn't readily evident to someone looking at data in the NICS check. And I think you used the word contact.

ANTHONY SALVATORE: Well, if our officers go to a certain residence where Mr. Smith resides, who had put in a pistol permit application, and has contact with that individual for various and assorted things that do not result in an arrest and specifically a conviction, then you would have no history if you check them just through a database, whereas in our local records, we

would have contact with that individual and/or that address at our disposal.

REP. MINER: And so, again, trying to get at what might be a statutory threshold worthy of including in language, what would that contact have to be, to your mind, in order for you to not sign off on someone's pistol permit?

ANTHONY SALVATORE: Well --

MATTHEW REED: I think --

ANTHONY SALVATORE: I can tell you, I have a person in my community who's constantly calling us about various and assorted alleged crimes where we go over, and the officers will interview the individual, and no crimes are being committed, no proof of evidence.

But this person calls constantly with various and assorted things that involves incidences that are occurring in and about her residence that are just not occurring, but nobody would know that outside of what our contact is with that individual.

REP. MINER: And so staying on that point, did that individual make an application for a pistol permit?

ANTHONY SALVATORE: Well, that individual used to have a pistol permit, and we revoked it.

REP. MINER: Under the current statute.

ANTHONY SALVATORE: Under the current statute.

REP. MINER: Okay. And --

ANTHONY SALVATORE: But if that person did not have a pistol permit and was making the application, I certainly would rule that that person was not suitable to possess a permit.

REP. MINER: Okay. And I'm having some difficulty trying to figure out where this mental health piece properly fits. I continue to educate myself and find that it's a rather complex matter. And under the federal definition, the threshold is pretty limited.

I think what you folks have spoken about this afternoon seeks to broaden that consideration. And do you, are you capable of making a determination of which mental health issue warrants the issuance of a pistol permit or not, or do you consider all of them to be satisfactorily troubling to disqualify?

MATTHEW REED: I think we really embrace the totality of the circumstances theory in that the fact that somebody may admit to us that they have been maybe briefly institutionalized or away for treatment for some particular issue, that in and of itself isn't necessarily going to be a disqualifier.

I think we're going to look at our contacts, how many times do we go to the house, is it a house that's known as a problem house, is this a person who comes and makes irrational claims to the police, that calls frequently about things that we're really not understanding? You know, I think we want to make the best judgment.

I mean, we want to respect people's rights too, and if they're just, should have a permit, they should have a permit in accordance with the guidance that's provided by the law. So

there's really not a single element there unless they're a threat to themselves, a threat to somebody else, they, we know that they have a history of suicide attempts or harming themselves.

Other than those really obvious ones, you're right, it continues to be a challenge. I mean, every time we put our signature on one of those permits, we know we're not giving them a gun, but we know we're giving them the ability to go and buy one, it's troubling.

I mean, you go home sometimes, and you cross your fingers, and you go, I hope I made the right mistake. If it's too close to the borderline, you deny it. And if they choose to appeal it, then you go through the appeal process.

REP. MINER: Thank you. And the last question that I had was I think you stated that your decision had been overturned, so it was 100 percent. Has that individual committed a crime since that decision was overturned?

MATTHEW REED: Well, the person actually went on to be a very successful police officer, quite frankly. But, you know, you talk, it really goes into the questions about --

REP. MINER: See, if I was cruel, I would say thank you very much for your answer and move on, but I'm not.

MATTHEW REED: No, because this was a situation where it was a maturity issue. It was the party house. He was just out of his teens. The house where he lived was the party house where all the kids gathered every weekend even as he got through college and got into his

early 20's, and it was, really came down to a maturity issue.

And we said, you know what? This is not a person that should have a gun right now. We felt suitability. And we went to the board, and the board said, did he commit a felony? No. He's been arrested for, this was prior to marijuana and some of the other disqualifying misdemeanors, and went through the list of questions right out of the statute and said, our hands are tied, nothing we can do, we're going to have to give him the permit. Okay. You have to do what you have to do. And that was the way the panel worked at that point. That was many years ago.

ANTHONY SALVATORE: Now I had an individual exactly like that, and I told him to come back and see me in a year. And I would strongly consider it if we have no more contacts with you as a party animal, et cetera, et cetera. And the individual listened to me, and in a year he matured, and I went ahead a year later and issued the permit.

But those are the kind of decisions we make every day when we issue permits, and that comes down to determining what we have to determine as suitability. So I don't know if you're going to be able to (inaudible).

MATTHEW REED: How do you codify that? I don't know how you codify that.

REP. MINER: Well, and I think that's part of the problem. I've been in your seat as the chief elected official and have had those conversations. And so I do understand that there is that local aspect. But I've also

heard from many who have considered the process to be something less than fair.

I'm not saying that that's the case in your jurisdictions, but I think as people get a chance to reflect on just the whole process that we're going through, they could be left with an opinion that maybe it isn't always that fair.

And so we do have some difficulty in trying to put this down in statute in some way, and any comments that you have after today, if you want to get them to us, I think we're all continuing to grapple with some of this stuff, and even Senator Looney is still continuing to do that.

SENATOR LOONEY: Yes, one more question. Just in terms of talking about issues that may or may not come to your attention in determining suitability, what about somebody who has a DUI? Obviously, that's an indicator of somebody who is somewhat reckless and irresponsible at least on that instant. It was in one area of his or her life.

And so if somebody had a DUI but then went through the alcohol education program and had the charge dismissed, would that incident ever come to your attention at all in the, if that person is applying for a, or a, for a permit or in terms of an analysis of whether it should be revoked during the pendency of the permit?

ANTHONY SALVATORE: The first one normally would not.

SENATOR LOONEY: Would not, right. So in other words, unless they, he wound up having a conviction for DUI, somebody who did have a conviction, so that would be, in effect, the

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second offense, because most people get the program on the first one, so then somebody has a conviction as a first offender, that would come to your attention, right?

Now would you generally regard that as something that would be, by, in and of itself would constitute a reason for a denial? If somebody had a DUI conviction, that means, you know, two offenses, one program, one conviction.

MATTHEW REED: I haven't considered that in the past as a single disqualifying factor. Again, the total of, totality of circumstances theory is is that indicative of other judgments this person is making in their life? And if that's the case, then chances are we've been to the house, if this is a local, if it's a local resident.

SENATOR LOONEY: Right.

MATTHEW REED: You know, have we been to the house multiple times? One of the other issues that we don't really explore too much in the current statute is who else is in the house with that person? What if you have somebody else that lives in a house that is disqualified from having a permit? Could this be problematic? Should that disqualify somebody from having a permit?

Even though they themselves are eligible, what if they are in the company of somebody who is not eligible a majority of the time? They live together, or there's some other disqualifying factor. So, again, that totality of the circumstances, so I don't, I can say that I haven't made a decision solely on a DWI conviction.

ANTHONY SALVATORE: No, I go along with totality.

SENATOR LOONEY: (Inaudible) the point you raised. So you could have a situation now where let's say somebody is a violent felon just come out of prison after serving a sentence, returns to his home. His spouse, who has a clean record and never applied for a permit before, all of the sudden she applies for a permit after her husband now comes back into the household out of prison.

So that, you would not, under current law, you wouldn't necessarily, in other words, you wouldn't, nothing in her application would relate to his presence in the household, is that right, or is that something you could take into account?

MATTHEW REED: Well, I mean, I guess we could take it into account, but part of the definition we wrote for suitability says including but not limited to these factors.

SENATOR LOONEY: Correct.

MATTHEW REED: And there's a whole list of factors. And one of the factors is the presence of other people or who else lives in the household.

SENATOR LOONEY: I see. Right.

MATTHEW REED: So you're right. Right now that wouldn't be a single disqualifying factor. Could it come into our consideration under that totality theory? It could, but I think we'd have a tough time defending it before the board (inaudible).

ANTHONY SALVATORE: It could be a problem before the board today. And, Mr. Chairman, if I could just make one more --

REP. MINER: Please do.

ANTHONY SALVATORE: Last week, when I concluded my testimony, I asked for a law enforcement exception, including the military. And a number of chiefs contacted me, so I'd just like to ask for a law enforcement exception if you consider limiting the size of magazines for pistols to include those retired law enforcement officers that meet the criteria under Post General Notice 04-4.

And those are the ones that are permitted to carry a pistol or revolver anywhere in the United States under federal law what is known as H.R. 218 or Public Law Number 108-277.

REP. MINER: Thank you. Hopefully, somebody got that. Is there a way that you could reduce that to writing and send it to the court, please?

ANTHONY SALVATORE: I would be happy to give this to Veronica on my way out.

REP. MINER: Thank you.

REP. DARGAN: Chief, just correct me. I think there's also a federal law at any one of our nuclear regulatory facilities, which we have one in our state, that the minimum that they have to carry is a 30 magazine.

ANTHONY SALVATORE: I'm not familiar with that, but the reason I brought this up is this is one of the other areas in doing some research that New York kind of got shorted on when they passed

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their restrictions. They limited, from what I understand, active duty officers as well as retirees that were meeting the criteria on federal law.

And if this is the way the Legislature goes, I don't want to see us having those similar problems. And certainly if federal law allows those individuals down at the nuclear reactor to carry 30-round magazines, I would strongly urge you to exempt them also.

REP. MINER: Anything else, Representative Dargan? Nobody else you want to have exempted?

REP. DARGAN: No.

REP. MINER: All righty. Thank you both.

ANTHONY SALVATORE: Thank you very much.

MATTHEW REED: Thank you.

A VOICE: Hey, I logged on. I'm sorry. You should have had it.