

January 26, 2013

Dear Members of the Gun Violence Prevention Working Group:

My name is Brian Kowalczyk, I am a law abiding citizen and gun owner from Plainville, I am also a National Rifle Association Patron Life Member, A National Rifle Association Certified Instructor and Chief Range Safety Officer and I am currently the Vice President of the Mattabassett Rifle and Pistol Club, a 300 member organization located in Berlin.

I would like to thank the members of this group for taking the time to listen to my thoughts and opinions on some of the legislation that is pending in both chambers of our legislature. I wish I did not have to be here today or submit my written testimony but I felt it was my right and my duty to speak up and voice my opinion at this time.

I understand that here in Connecticut we have just been through a terrible tragedy. A mass murder anywhere is a horrific event, for it to happen to innocent children right in our own backyard makes it so much worse and personal. I ask that you do not let your emotions get the better of you when reviewing or considering any of the pending legislation, instead focus on the results of such legislation. I think if you look at it carefully you will see that none of the proposed legislation will do anything except punish law abiding gun owners

Unfortunately, by reviewing the proposed bills I see that our legislators seem to be taking a knee jerk, emotional reaction to this tragedy by attempting to push through numerous laws regarding firearms, some of the proposed legislation I have read is just downright ridiculous, for example Senator Meyer has introduced a bill that would make it a felony to possess, use, transport any firearm capable of firing more than one shot. Do I need to even try to explain why a bill like that not only makes no sense but is clearly unconstitutional based on the recent US Supreme Court decision in Heller vs. DC.

I have yet to see any proposed bill that will help prevent crime or reduce what you are calling "gun violence". All I see are laws aimed at punishing law abiding citizens of this state. What possible level of safety or crime prevention could be achieved by taxing ammunition at a 50% rate as proposed by Senator Bye? I would say none, criminals do not need to buy ammunition on a regular basis, they do not target shoot on weekends or travel the state shooting in competitions. The only people I know who do that and need to buy ammunition on a regular basis are all law abiding citizens and should not have to pay a ridiculous fee to practice with their firearms. Laws like this are treading very close to violating a core right which as you are all aware is specifically protected in both are Federal and State Constitutions.

Although I could go on about why all of the proposed bills will not help stop future criminals from committing crimes I would like to point you to something you should look at and maybe

you will be able to correlate it with what's going on out on the streets of Connecticut. I have attached an Office of Legislative Research Report that was completed in 2007; it shows the Case Statistics for Firearm Violations from varying years up to 2007. I would guess that if it was redone using more current data from 2007-2012 the results would be the same. This is what is wrong here; you want to be tough on crime? How about passing some legislation that gets our courts to convict criminals and get them off the streets.

Here are some highlights from the report:

From 2001-2007 3,508 people were charged with Carrying a Pistol without a Permit, a violation of CGS 29-35a. The penalty if convicted under this statute is found in CGS 29-37, it states in part that any person violating any provision of section 29-35 may be fined not more than one thousand dollars and shall be imprisoned not less than one year or more than five years, and, in the absence of any mitigating circumstances as determined by the court, one year of the sentence imposed may not be suspended or reduced by the court." It seems to me this would be a pretty easy charge to convict someone of, they were arrested and either possessed a gun without a permit or they didn't yet 2,025 out of the 3,508 people arrested had this charge nolleed, aver 57% of these cases were thrown out? How could that be?

From 2002-2007 6,968 people were charged with Illegal Possession of a Weapon in a Vehicle, a violation of CGS 29-38. The penalty if convicted under this statute is found within CGS-29-38, it states "shall be fined not more than one thousand dollars or imprisoned not more than five years or both, and the presence of any such weapon, pistol or revolver, or machine gun in any vehicle shall be prima facie evidence of a violation of this section by the owner, operator and each occupant thereof." Another pretty easy charge to convict on yet of the 6,968 people who were arrested and charged under this statute 5,291 of those people had this charge nolleed, that's over 75% who walked away from this charge. Something is not working right in our court system, the police seem to be doing their job, why is the court nolleing all these cases?

How about the 161 people arrested between 2001-2007 who were charged with Use of a Firearm to commit a Class A, B, or C Felony, a violation of CGS 53-202k, the statute reads, "Any person who commits any class A, B or C felony and in the commission of such felony uses, or is armed with and threatens the use of, or displays, or represents by his words or conduct that he possesses any firearm, as defined in section 53a-3, except an assault weapon, as defined in section 53-202a, shall be imprisoned for a term of five years, which shall not be suspended or reduced and shall be in addition and consecutive to any term of imprisonment imposed for conviction of such felony." 116 of those 161 individuals had their cases nolleed. That's another 72% arrested who walk away.

My last example from the report is the 161 people who were charged with Possession of a Weapon on School Grounds, a violation of CGS 53a-217b. Of the 161 arrested 133 of those

cases were nulled, that's 133 people who faced a Class D felony conviction who were simply allowed to walk right out the court room door.

The state is simply not punishing criminals and the criminals know it, it has emboldened them, our courts are a revolving door to these people who should be in prison. I could go on and on with quotes and information from this OLR report but I leave it to you to review the data for yourself and try to see the big picture of where the problem lies.

Perhaps working with Judicial to remove violent criminals from the streets would help bring down the number of incidents that you refer to as gun violence. I cannot use the term myself as guns do not have the ability to commit violence, only the person holding it does.

Since there is a lot of focus on modern sporting rifles right now I would also like you to consider that according to the FBI 2011 Report on Crime Statistics there were 12,626 murders in the US. Of those only 323 were committed with a rifle of any type, while 728 of those murders were committed with bare hands, feet, fists and pushing. Additionally, 1,694 were killed with knives or other cutting implements. Yet I do not see anyone trying to pass draconian laws regarding knives or hands and feet. As you can see targeting rifles to help reduce crime is akin to doing nothing.

Additionally, the rifles you are targeting with any type of "assault weapon ban" are truly not assault rifles; they are no different than any other semi-automatic rifle available on the market today. If anyone seriously thinks that the addition of a bayonet lug or a stock that telescopes in and out 3 inches or any of the other cosmetic features that are being singled out makes the rifle any more dangerous needs to take a class on firearms to understand them better before voting on any legislation.

I would like to leave you with these final thoughts. In 2011 there were 9,878 people killed by drunk drivers in the US yet we do not mandate that every car be equipped with an ignition interlock device to double check and make sure anyone under the influence cannot start the car, this is because we do not pass laws to punish the law abiding citizen drivers for the actions of criminal drivers. We should not do it to firearm owners either.

I would like to thank you for taking the time to hear my opinions on these issues and would love to discuss any of my testimony or answer any questions you may have.

I thank you for your time and consideration.

Sincerely,

Brian R. Kowalczyk
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Plainville, CT 06062



OLR RESEARCH REPORT

July 20, 2007

2007-R-0442

CASE STATISTICS FOR FIREARMS VIOLATIONS

By: Christopher Reinhart, Senior Attorney

You asked for case statistics for firearms violations.

We used a database maintained by the Office of Fiscal Analysis to identify firearms statutes and obtain information on the number of cases under them. We did not include hunting violations.

The table below displays the information covering fiscal years 2001 through the first three quarters of fiscal year 2007. For each statute, the table only includes those fiscal years where a case was reported. A “nolle” is a case where the prosecutor declined to prosecute that particular charge.

Table 1: Firearms Statute, Case Information from FY 2001 through the First Three Quarters of FY 2007

FY	Offenses	Jury: Guilty	Conviction	Plea	Mail-in Violation or Infraction	Bond Forfeiture	Failure to Appear	Jury: Not Guilty	Non-Jury: Not Guilty	Nolle
VIOLATE PISTOL PERMITTING REQUIREMENTS (CGS § 29-28)										
2002	4	0	0	1	0	0	0	0	0	3
2003	3	0	0	1	0	0	0	0	0	2
2004	4	0	1	1	0	0	0	0	0	2
2005	4	0	0	0	0	0	0	0	0	4
2006	7	0	0	1	0	0	0	0	0	6
2007	4	0	0	0	0	0	0	0	0	4
FAIL TO DISPLAY GUN SALES PERMIT (CGS § 29-31)										
2004	1	0	0	0	0	0	0	0	0	1
2006	1	0	0	0	0	0	0	0	0	1
FAIL TO SURRENDER REVOKED PERMIT TO CARRY PISTOL OR REVOLVER (CGS § 29-32)										
2005	1	0	1	0	0	0	0	0	0	0
2006	2	0	0	0	0	0	0	0	0	2
ILLEGAL TRANSFER OF PISTOL OR REVOLVER (CGS § 29-33)										
2001	5	0	1	0	0	0	0	0	0	4

2002	40	0	3	5	0	0	0	0	0	32
2003	93	0	9	9	0	0	0	0	0	75
2004	44	0	5	8	0	0	0	0	0	31
2005	85	0	7	17	0	0	0	0	0	61
2006	94	0	4	22	0	0	0	0	0	68
2007	42	0	4	14	0	0	0	0	0	24
ILLEGAL TRANSFER OF STOLEN PISTOL OR REVOLVER (CGS § 29-33)										
2002	12	0	10	0	0	0	0	0	0	2
2003	4	0	1	0	0	0	0	0	0	3
2004	3	0	0	0	0	0	0	0	0	3
2005	7	0	1	0	0	0	0	0	0	6
2007	3	0	0	0	0	0	0	0	0	3
FALSE STATEMENT RELATED TO TRANSFERRING A PISTOL OR REVOLVER (CGS § 29-34(a))										
2003	1	0	0	0	0	0	0	0	0	1
ILLEGAL TRANSFER OF PISTOL TO PERSON UNDER AGE 21 (CGS § 29-34(b))										
2002	1	0	0	0	0	0	0	0	0	1
2003	2	0	0	0	0	0	0	0	0	2
2004	2	0	0	0	0	0	0	0	0	2
2005	7	0	0	2	0	0	0	0	0	5
2006	4	0	0	0	0	0	0	0	0	4
2007	1	0	0	0	0	0	0	0	0	1
CARRYING PISTOL WITHOUT A PERMIT (CGS § 29-35(a))										
2001*	129	2	14	41	0	0	0	3	0	69
2002*	570	14	94	142	0	0	0	5	1	314
2003	514	7	51	152	0	0	0	8	1	295
2004*	532	8	49	156	0	1	0	6	1	311
2005	609	13	41	184	0	0	0	9	1	361
2006*	635	14	24	202	0	0	0	5	0	390
2007	519	9	16	202	0	0	0	6	1	285
FAILURE TO CARRY PISTOL PERMIT (CGS § 29-35(b))										
2002*	8	0	1	0	1	0	0	0	0	6
2003	3	0	0	1	0	0	0	0	0	2
2004*	7	0	0	0	1	0	0	0	0	6
2005	10	0	2	0	0	0	0	0	0	8

2006*	1	0	1	0	0	0	0	0	0	0
2007	9	0	1	2	1	0	0	0	0	5

ILLEGAL ALTERATION OF FIREARM IDENTIFICATION MARK/NUMBER/NAME (CGS § 29-36)

2001	26	0	1	1	0	0	0	1	0	23
2002	74	0	7	9	0	0	0	0	0	58
2003	90	0	4	5	0	0	0	0	0	81
2004	79	0	5	6	0	0	0	0	0	68
2005	115	0	8	9	0	0	0	1	0	97
2006	96	0	2	12	0	0	0	1	0	81
2007	89	0	1	14	0	0	0	1	0	73

FAIL TO SURRENDER REVOKED GUN CERTIFICATE (CGS § 29-36i)

2004	1	0	0	0	0	0	0	0	0	1
2005	1	0	0	0	0	0	0	0	0	1

FAIL TO TRANSFER/SURRENDER FIREARM (CGS § 29-36k)

2002	3	0	0	2	0	0	0	0	0	1
2003	3	0	0	0	0	0	0	0	0	3
2004	6	0	1	2	0	0	0	0	0	3
2005	4	0	0	0	0	0	0	0	0	4
2006	10	0	0	3	0	0	0	0	0	7
2007	2	0	0	1	0	0	0	0	0	1

RETAILER FAILURE TO PROVIDE GUN LOCKING DEVICE (CGS § 29-37b)

2001	3	0	0	0	0	0	0	0	0	3
2002	3	0	0	0	0	0	0	0	0	3
2003	9	0	0	0	0	0	0	0	0	9
2004	7	0	0	0	0	0	0	0	0	7
2005	3	0	0	0	0	0	0	0	0	3
2006	2	0	0	0	0	0	0	0	0	2
2007	4	0	0	0	0	0	0	0	0	4

FALSE STATEMENT RELATED TO BUYING OR TRANSFERRING A FIREARM (CGS § 29-37e)

2002	1	0	0	0	0	0	0	0	0	1
2003	1	0	0	0	0	0	0	0	1	0

PURCHASING FIREARM FOR TRANSFER TO A PROHIBITED PERSON (CGS § 29-37j(a))

2006	1	0	0	0	0	0	0	0	0	1
MANUFACTURER'S FAILURE TO KEEP MACHINE GUN REGISTER (CGS § 53-202(f))										
2003	3	0	0	0	0	0	0	0	0	3
2004	1	0	0	0	0	0	0	0	0	1
2005	1	0	0	0	0	0	0	0	0	1
2007	1	0	0	0	0	0	0	0	0	1
ILLEGAL SALE OF ASSAULT WEAPON (CGS § 53-202b(a)(1))										
2003	3	0	0	0	0	0	0	0	0	3
2004	1	0	0	0	0	0	0	0	0	1
2005	8	0	1	4	0	0	0	0	0	3
2006	3	0	0	2	0	0	0	0	0	1
2007	3	0	0	1	0	0	0	0	0	2
ILLEGAL POSSESSION OF ASSAULT WEAPON (CGS § 53-202c)										
2002	1	0	0	1	0	0	0	0	0	0
2003	2	0	1	1	0	0	0	0	0	0
2005	13	0	0	5	0	0	0	0	0	8
2006	10	0	0	3	0	0	0	0	0	7
2007	8	0	4	2	0	0	0	1	0	1
ILLEGAL POSSESSION OF ASSAULT WEAPON—1ST TIME VIOLATOR WHOSE POSSESSION WAS PREVIOUSLY LEGAL (CGS § 53-202c)										
2001	5	0	0	0	0	0	0	0	0	5
2002	22	0	4	2	0	0	0	0	0	16
2003	28	0	2	6	0	0	0	0	0	20
2004	40	1	4	7	0	0	0	0	0	28
2005	37	0	1	14	0	0	0	0	0	22
2006	39	1	2	10	0	0	0	0	0	26
2007	27	0	1	8	0	0	0	2	0	16
TRANSPORTING ASSAULT WEAPON (CGS § 53-202f)										
2002	1	0	0	0	0	0	0	0	0	1
2004	1	0	0	0	0	0	0	0	0	1
2005	2	0	0	0	0	0	0	0	0	2
2006	1	0	0	0	0	0	0	0	0	1
2007	2	0	0	0	0	0	0	0	0	2
USE ASSAULT WEAPON TO COMMIT A CLASS A, B, OR C FELONY (CGS § 53-										

202j)										
2004	1	0	0	0	0	0	0	0	0	1
2005	1	0	0	0	0	0	0	0	0	1
USE FIREARM TO COMMIT A CLASS A, B, OR C FELONY (CGS § 53-202k)										
2001	4	0	0	0	0	0	0	0	0	4
2002	17	3	0	1	0	0	0	3	0	10
2003	38	6	0	16	0	0	0	1	0	15
2004	26	0	0	1	0	0	0	3	0	22
2005	19	0	0	0	0	0	0	0	0	19
2006	44	5	2	2	0	0	0	0	0	35
2007	13	0	0	2	0	0	0	0	0	11
ILLEGAL DISCHARGE OF FIREARM (CGS § 53-203)										
2001	35	0	2	2	0	0	0	0	0	31
2002	163	0	13	20	0	0	0	0	0	130
2003	190	1	13	20	0	0	0	0	0	156
2004	175	0	3	22	0	0	0	1	0	149
2005	203	1	11	25	0	0	0	1	0	165
2006	205	0	3	32	0	0	0	0	0	170
2007	152	0	4	19	0	0	0	0	0	129
DISCHARGING FIREARM FROM A PUBLIC HIGHWAY (CGS § 53-204)										
2002	9	0	0	0	0	1	0	0	0	8
2003	6	0	0	0	0	0	0	0	0	6
2004	4	0	0	0	0	0	0	0	0	4
2005	9	0	0	0	0	0	0	0	0	9
2006	1	0	0	0	0	0	0	0	0	1
2007	5	0	0	0	0	0	0	0	0	5
LOADED SHOTGUN/RIFLE/MUZZLELOADER IN VEHICLE OR SNOWMOBILE (CGS § 53-205)										
2001	5	0	0	0	0	0	0	0	0	5
2002	16	0	1	0	0	2	0	1	0	12
2003	7	0	0	1	0	0	0	0	0	6
2004	14	0	1	3	0	0	0	0	0	10
2005	17	0	0	0	0	1	0	0	0	16
2006	11	0	0	3	0	0	0	0	0	8
2007	16	0	0	5	0	0	0	0	0	11

CARRYING A DANGEROUS WEAPON (CGS § 53-206)**(This statute covers many types of weapons but some cases may involve firearms.)**

2001	205	0	30	26	0	0	0	0	0	149
2002	872	3	104	128	0	1	0	0	0	636
2003	920	1	97	152	0	1	0	0	1	668
2004	978	1	76	156	0	2	0	1	0	742
2005	959	2	74	164	0	0	0	0	0	719
2006	1,012	2	57	201	0	1	0	1	1	749
2007	767	0	28	188	0	1	0	0	0	550

SALE OF FACSIMILE FIREARM (CGS § 53-206c(b))

2001	1	0	1	0	0	0	0	0	0	0
2002	4	0	2	0	0	0	0	0	0	2
2003	6	0	1	1	0	0	0	0	0	4
2004	5	0	0	2	0	0	0	0	0	3
2005	1	0	0	0	0	0	0	0	0	1
2006	6	0	0	1	0	0	0	0	0	5
2007	5	0	0	1	0	0	0	0	0	4

ILLEGAL USE OF FACSIMILE FIREARM (CGS § 53-206c(c))

2001	13	0	0	3	0	0	0	0	0	10
2002	76	0	11	10	0	0	0	0	0	55
2003	69	0	5	6	0	0	0	0	0	58
2004	82	0	7	7	0	0	0	0	0	68
2005	54	0	3	11	0	0	0	0	0	40
2006	67	0	3	6	0	0	0	0	0	58
2007	54	0	4	11	0	0	0	0	0	39

USE FACSIMILE FIREARM NEAR EMERGENCY PERSONNEL (CGS § 53-206c(d))

2006	1	0	1	0	0	0	0	0	0	0
2007	2	0	0	0	0	0	0	0	0	2

CARRYING A FIREARM UNDER THE INFLUENCE OF DRUGS OR ALCOHOL (CGS § 53-206d)

2001	4	0	0	0	0	0	0	0	0	4
2002	24	0	2	5	0	0	0	0	0	17
2003	35	0	2	5	0	0	0	0	0	28
2004	24	0	1	5	0	0	0	0	0	18

2005	34	0	1	5	0	0	0	0	0	28
2006	29	0	0	3	0	0	0	0	0	26
2007	42	0	0	10	0	0	0	0	0	32

POSSESS SAWED-OFF SHOTGUN OR SILENCER (CGS § 53a-211)

2001	7	0	1	1	0	0	0	0	0	5
2002	36	0	4	12	0	0	0	0	0	20
2003	51	1	5	16	0	0	0	0	0	29
2004	32	1	0	6	0	0	0	0	0	25
2005	43	1	3	15	0	0	0	0	1	23
2006	42	0	1	15	0	0	0	0	0	26
2007	48	1	0	18	0	0	0	1	0	28

STEALING A FIREARM (CGS § 53a-212)

2001	68	0	6	15	0	0	0	0	0	47
2002	331	1	49	67	0	0	0	0	0	214
2003	381	0	36	66	0	0	0	0	0	279
2004	318	9	15	40	0	1	0	0	0	253
2005	470	2	35	73	0	0	0	1	0	359
2006	361	5	14	85	0	0	0	0	0	257
2007	257	0	5	66	0	0	0	0	0	186

CRIMINAL USE OF FIREARM OR ELECTRONIC DEFENSE WEAPON (CGS § 53a-216)

2001	21	0	0	0	0	0	0	0	0	21
2002	81	0	0	3	0	0	0	0	0	78
2003	75	0	3	0	0	0	0	2	0	70
2004	77	0	0	0	0	0	0	0	0	77
2005	77	1	1	6	0	0	0	2	0	67
2006	92	1	0	1	0	0	0	0	0	90
2007	49	0	1	3	0	0	0	1	0	44

CRIMINAL POSSESSION OF FIREARM OF ELECTRONIC DEFENSE WEAPON (CGS § 53a-217)

2001	59	0	6	15	0	0	0	1	1	36
2002	316	9	44	68	0	0	0	3	2	190
2003	395	3	62	82	0	0	0	5	1	242
2004	392	8	42	118	0	0	0	3	0	221
2005	411	9	56	122	0	0	0	3	1	220

2006	437	7	28	173	0	0	0	2	0	227
2007	346	11	15	126	0	0	0	6	0	188
NEGLIGENT STORAGE OF FIREARM (CGS § 53a-217a)										
2001	5	0	0	0	0	0	0	0	0	5
2002	16	0	1	2	0	0	0	0	0	13
2003	10	0	2	1	0	0	0	0	0	7
2004	8	0	0	0	0	0	0	0	0	8
2005	4	0	0	0	0	0	0	0	0	4
2006	9	0	0	0	0	0	0	0	0	9
2007	4	0	0	1	0	0	0	0	0	3
POSSESS FIREARM OR DEADLY WEAPON ON SCHOOL GROUND (CGS § 53a-217b)										
2001	1	0	0	0	0	0	0	0	0	1
2002	31	0	1	3	0	0	0	0	0	27
2003	20	0	0	3	0	0	0	0	2	15
2004	32	0	3	1	0	0	0	0	0	28
2005	35	0	0	2	0	0	0	0	0	33
2006	25	0	5	3	0	0	0	0	0	17
2007	17	0	2	3	0	0	0	0	0	12
CRIMINAL POSSESSION OF PISTOL OR REVOLVER (CGS § 53a-217c)										
2001	50	0	3	16	0	0	0	2	0	29
2002	223	4	30	47	0	0	0	2	0	140
2003	229	7	25	63	0	0	0	3	0	131
2004	208	3	16	69	0	0	0	5	0	115
2005	253	4	13	86	0	0	0	3	0	147
2006	275	6	15	132	0	0	0	1	0	121
2007	258	2	9	109	0	0	0	2	0	136

*During this period, there were a total of 17 additional cases under this statute (CGS § 29-35) that did not specify whether they were under CGS § 29-35(a) for carrying a pistol without a permit or under CGS § 29-35(b) for failing to carry the permit. For FY 01, one case resulted in bond forfeiture; for FY 02, two cases resulted in nolle; for FY 04, 12 cases resulted in 11 nolle and one bond forfeiture; for FY 06, two cases resulted in one nolle and one plea.

CR:ro