

January 28, 2013

Good afternoon, Ladies and Gentlemen of this Task Force:

First of all, my heart goes out to all the victims of violence. My name is Gabriel I. Peñagaricano, I live in Glastonbury, CT. I am an attorney, an airline pilot and more importantly, a father of two young children. I took time-off to be here because of the importance I place in the protection of my right –as a lawful citizen, father & husband- to protect myself against enemies, those who wish to do harm to me or my family. This enemy can be a person (a criminal), an organization or a tyrannical government. There are many issues I would like to discuss but due to obvious constraints, I will only address the following:

**“AN ACT BANNING LARGE CAPACITY AMMUNITION MAGAZINES”** (Proposed S.B. No. 124, Introduced by: Sen. Gary D. LeBeau, 3rd Dist. & Sen. John McKinney, 28th Dist.) but even more in particular its **retroactive application**. If this proposal is enacted into law, you will turn me, a law-abiding citizen who has done nothing wrong, into a criminal, overnight. It will not affect only me of course, but millions of Americans. This is a scary thought. Criminals by definition don't follow laws, so what makes you think that creating more laws that will be followed only by law abiding citizens, will have any impact on this serious problem? These laws, also, by definition only affect us: responsible, law-abiding citizens. They **will** be deemed unconstitutional.

I respectfully urge you –no, I beg you, I plead you- to look at each of these proposals very carefully and realize the implications they will have on law abiding citizens who are trying to protect their families; while the criminals, will obviously disregard these laws. Don't use your heart while analyzing these proposal, please use your brain. The numbers tell the whole truth.

Article I, Section 10, Clause 1, of the U.S. Constitution reads:

*No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.*

I provide you with a brief explanation from a legal dictionary, which clearly and succinctly illustrates what is a retroactive law and why it is unconstitutional:

*Ex post facto laws retroactively change the: 1) RULES OF EVIDENCE in a criminal case; 2) retroactively alter the definition of a crime, 3) retroactively increase the punishment for a criminal act, or 4) punish conduct that was legal when committed. They are prohibited by Article I, Section 10, Clause 1, of the U.S. Constitution. An ex post facto law is considered a hallmark of tyranny because it deprives people of a sense of what behavior will or will not be punished and allows for random punishment at the whim of those in power.*

Thank you for your valuable time and I again hope that we all will reach a sensible, logical, financially feasible and effective compromise to this issue.

Very sincerely, /s/ Gabriel I. Peñagaricano (860) 983-0089

January 28, 2013

**Gabriel I. Peñagaricano, Glastonbury, CT**

HB-5112 AN ACT CONCERNING THE DISCLOSURE OF THE NAMES AND ADDRESSES OF PERSONS HOLDING HANDGUN PERMITS. **Official Position: Oppose**

HB-5165 AN ACT CONCERNING THE DEFENSE OF A PERSON'S HOME, MOTOR VEHICLE OR BUSINESS. **Official position: Support**

HB-5176 AN ACT CONCERNING THE APPLICATION REQUIREMENTS FOR A TEMPORARY STATE PERMIT TO CARRY A PISTOL OR REVOLVER. **Official position: Support**

HB-5179 AN ACT CONCERNING ACCESS TO THE INTERACTIVE VOICE RESPONSE SYSTEM OF THE SPECIAL LICENSING AND FIREARMS UNIT OF THE DIVISION OF STATE POLICE. **Official position: Support**

HB-5268 AN ACT REQUIRING THE MAINTENANCE OF LIABILITY INSURANCE BY FIREARM OWNERS AND ESTABLISHING A SALES TAX ON AMMUNITION. **Official position: Oppose**

HB-5269 AN ACT INCREASING THE PENALTY FOR CRIMINAL USE OF A FIREARM OR ELECTRONIC DEFENSE WEAPON. **Official position: Support**

SB-1 AN ACT CONCERNING THE PROTECTION OF CHILDREN, FAMILIES AND OTHER INDIVIDUALS FROM VIOLENCE. **Official position: Oppose**

SB-21 AN ACT AUTHORIZING BONDS OF THE STATE FOR AN ETERNAL LIGHT IN MEMORY OF VICTIMS OF GUN VIOLENCE. **Official position: Oppose- amendment for all victims of violence not just firearms.**

SB-42 AN ACT CONCERNING THE CRIMINAL POSSESSION OF AMMUNITION. **Official position: Oppose**

SB-122 AN ACT CONCERNING RESTRICTIONS ON GUN USE. **Official position: Oppose**

SB-124 AN ACT BANNING LARGE CAPACITY AMMUNITION MAGAZINES. **Official position: Oppose**

SB-140 AN ACT CONCERNING LIABILITY INSURANCE FOR FIREARM OWNERS AND SALES TAX ON AMMUNITION. **Official position: Oppose**

S.B. No. 161 SEN. BYE, 5th DIST.; REP. GODFREY, 110th DIST. 'AN ACT CONCERNING THE REDUCTION OF GUN VIOLENCE', to reduce gun violence and limit the availability of especially dangerous firearms.

REF. JUDICIARY **Official position: Oppose**

/s/ Gabriel I. Peñagaricano, Esq.

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