

As the task force moves forward in the process of suggestions to reduce gun violence I would caution against the consideration of any proposed laws that would prove to be unconstitutional.

The U.S. Supreme Court's decision in District of Columbia v. Heller speaks to the types of weapons that are constitutionally protected.

What the landmark Heller decision had to say about banning guns like the AR-15 was the Second Amendment "does not protect those weapons not typically possessed by law-abiding citizens for lawful purposes, such as short-barreled shotguns." The Heller decision interpreted a 1939 Supreme Court case, United States v. Miller, as standing for the principle that the Second Amendment has historically protected guns "in common use at the time," rather than "dangerous and unusual weapons." The court went on to suggest that bans on short shotguns, short rifles and machine guns are not unconstitutional because those guns are not among the type of "arms" protected by the Second Amendment right. What this does mean is the Second Amendment clearly protects weapons "typically possessed by law-abiding citizens for lawful purposes."

The AR-15's are not more "dangerous" than other standard firearms. They do not fire faster, nor do they fire more powerful ammunition. And they are certainly not "unusual." Today, the AR-15 is the best-selling firearm in the United States. Widespread experience demonstrates the AR-15 is "in common use" and is "typically possessed by law-abiding citizens for lawful purposes." There are more than 3 million of them in the hands of law-abiding American citizens and police.

Additionally, any thoughts about magazine capacity limits must also be viewed in light of the Heller decision as the magazine is an integral part of the weapon or weapon system. And the standard capacity magazines that are currently "in common use" for both handguns and rifles range from ten to thirty rounds as supplied at purchase from the manufacturer. They are not considered to be, nor advertised as, "high" capacity. The amount of rounds in any given magazine is relativistic in terms of being deemed "high capacity".

Again, caution and review is advised prior to attempting to enact legislation which would be unconstitutional and potentially trigger litigation which would be exorbitantly costly to the state.

Thank-you,

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"The rifle itself has no moral stature, since it has no will of its own. Naturally, it may be used by evil men for evil purposes, but there are more good men than evil, and while the latter cannot be persuaded to the path of

righteousness by propaganda, they can certainly be corrected by good men with rifles."

-Jeff Cooper, The Art of the Rifle