

Members of Gun Violence Prevention Working Group,

My name is Jon Femia. I am a police detective in one of Connecticut's urban cities and also an attorney. I have over twelve years of law enforcement experience. I have served as an Assistant Attorney General and had the opportunity to intern for a Federal judge and both the Chief State's Attorney's Office and the United States Attorney's Office while in law school. I am writing you because of concerns over some of the proposed legislation in the wake of the Newtown tragedy. I believe that any legislation should be designed to protect not only people's safety, but also respect their rights. As such, I have thought about the legislation I would like to see enacted and also the legislation that I would be opposed to. I will briefly discuss both:

Legislative steps I would oppose:

1. I am opposed to efforts to ban magazines and firearms that are lawfully owned by upwards of a few hundred thousand Connecticut citizens. I do not believe banning these items will markedly improve anyone's safety. I would ask you to consider other forms of reasonable regulation, such as a fair but stringent permit process to own firearms and improved background checks, as I believe the real issue is not the weapons, but rather keeping them out of the hands of criminals and other dangerous people.

Should you recommend making such items unlawful, I would ask you to make any restrictions prospective in nature and to not criminalize the possession, use, carrying, transfer, or ownership of magazines or firearms that people lawfully possessed prior to such restrictions.

In light of the McDonald and Heller decisions, any regulations may have to pass strict scrutiny legal review, which outright bans may not, especially given the fact that modern semiautomatic rifles and pistols as well as standard capacity magazines that hold in excess of ten rounds are commonly used for self defense and millions of people own both these magazines and the modern semi-automatic rifles and pistols they have been designed for.

Banning or confiscating property that people lawfully purchased is unfair. The banning of magazines and firearms could be perceived as a taking, requiring fair market compensation in the range of tens of millions of dollars, if not more. This estimate does not even include litigation costs or the administrative costs on police agencies to tag and inventory any seized items. This is money the State realistically does not have. Limited funds could be better spent on improving mental health services for troubled individuals and for targeting violent criminals for arrest, prosecution, and extended periods of incarceration.

2. Please do not make weapons ownership and permit data subject to FOI, as that puts people's safety at risk, invades people's privacy, and serves no overwhelming interest.

3. I would oppose mandatory registration proposals, particularly those requiring annual or similar registration schemes and those that require people to pay a fee to register their lawfully owned weapons. Such proposals are designed to burden the free exercise of a person's right to bear arms by making the process onerous and costly. A person's exercise of a constitutional right

does not depend on their ability to afford to exercise that right.

There are no databases that specify with 100% accuracy, what guns people currently own or where they are located, so the registry would inevitably be inaccurate. Gaining compliance with a self-reporting scheme may prove difficult in light of the history of other countries' registration rules (UK, Australia, etc), because many people believe, not without cause, that such a registry would be used as a basis for confiscation at a later date. The working group should not underestimate people's fear, rational or not, that this will occur.

4. I would oppose mandatory liability insurance requirements for gun owners. We do not make people get liability insurance to associate with particular social, religious, or political groups, even if we oppose those groups' ideas or those groups promote agendas that many people consider problematic. We also don't require people to get speech insurance on the off chance they might say or do something harmful or illegal. The right to bear arms is no different in that it has been ruled a fundamental right, and protecting it is no less important.

5. I would oppose punitive taxation on firearms and ammunition because such taxes are designed to burden the free exercise of a person's right to bear arms by making the exercise of the right too costly to engage in. Again, people's Constitutional rights do not depend on their socioeconomic status.

Legislative steps I would support:

1. Background checks for all weapons sales in Connecticut, including the private sales of shotguns and rifles. This would be easy to do, since it is already required for private pistol sales. It would also create a larger database that can be accessed by law enforcement when necessary. Going forward, this could serve as a relatively accurate firearms registry, without generating the issues associated with some of the other proposed registration schemes. This is a workable and fair compromise.

2. Background checks on ammunition purchases also seem reasonable to me. I do not see a need to prohibit internet sales of ammunition, so long as online retailers can access the CSP firearms unit to perform background checks on prospective CT purchasers. Allowing sales under these conditions is reasonable and allows national market conditions to benefit CT residents.

3. I think a fair surcharge of perhaps \$1 to \$5 dollars on the retail purchase price of a firearms to help fund the gun trafficking/violence law enforcement task forces (not the General Fund) could gain support among most gun owners. I would not object to this minimal financial imposition, since it is probably affordable for everyone.

4. Maintain the sales tax exemption for gun safes and also consider a tax credit of perhaps \$25 dollars for every \$250 spent to buy or install a safe. This would create an a positive incentive for better gun safety. Provide that any safes eligible for this tax credit have a UL "RSC" rating.

5. Give police better access to mental health information for background checks when issuing

weapons permits.

6. Create a state criminal possession of ammunition statute barring people prohibited from owning a weapon under C.G.S 53a-217 from owning ammunition. This is reasonable, since the same people are already barred under Federal law from owning ammunition.

Thank you for taking time to hear my concerns on this divisive issue. I would be glad to speak with you about this further or to assist in any way I can.

Respectfully,

Jon Femia