

26 January 2013

Dear Honorable Committee Members,

I am writing to express my general opposition to the implementation of more strict firearms regulation, as a method of preventing future loss of life- both in mass tragedies, like that which occurred in Newtown this past December, and in more common incidents. As you prepare to consider and address the issue, it is important that you recognize that nobody has even been murdered by a firearm, or any other implement. Rather, it is imperative to remember that murder, and attempts to commit the same, are actions committed by individuals against their fellow man- contrary to the most underlying and broadly accepted laws, ideals, and values of our society.

It seems that too often, these heinous acts are perpetrated by persons using firearms. The natural response is that by reducing the availability of firearms in general, and restricting type and operation thereof, would make their criminal use less likely. Even the most stringent technical firearm violations pale in comparison to the potential consequences that exist for committing the most violent felony crimes. Various criminal elements know this and makes a willful decision to harm innocents regardless- because they are effectively in a no-lose position. Law abiding citizens, and gun owners in particular, typically do not think so wantonly.

I would like to take the opportunity to address some specific proposals that have been suggested, in various forms, by legislators as well as by various persons and organizations within and from outside the state of Connecticut. I strongly oppose all such efforts to further restrict law abiding citizens' access to or lawful use us firearms, ammunition, feeding devices, and magazines.

**I. Expand Connecticut's assault weapons prohibition by redefining qualifying criteria and removing provisions permitting the possession certain military-type firearms**

Currently, Connecticut has statutes which prohibit the possession of an assault weapon. The statutory definition of an assault weapon relies on several criteria which include: (1) Names models/ types, (2) firearms which are not prohibited by name/ type, but which have two or more specified features, (3) which are capable of automatic or semi-automatic fire at the option of the user. The firearms identified in points (1) and (3) may only be possessed, currently, if they are held on a "Certificate of Possession", which required that the individual possess the weapon on the effective date of the ban, or inherit it from a person possessing the same on a certificate of possession, and complete a state registration process. The possession and use of such firearms are further regulated by state statute, and in the case of firearms described in (3), by state and federal laws regarding "machineguns." Firearms identified in point (2) may be possessed if manufactured prior to 13 September 1994. Connecticut law does not prohibit possession of firearms similar to those described (2) if they do not have two or more specified features, which vary depending on whether the firearm in question is a rifle, pistol, or shotgun.

Typically, when assault weapons are conceptualized by the public, they are conceptualized as paramilitary long-guns, primarily rifles. As a whole, the use of rifles and shotguns is very rare in the commission of crimes. According to FBI statistics, one each were used in murders in Connecticut in calendar year 2011. Most firearms used in the commission of such crimes are handguns- which are very rarely “assault type” firearms.

Rather, a vast majority of firearms which would be prohibited by proposed and suggested legislation are held by law abiding persons who store and use them responsibly, for protection and sport. Not only such weapons uncommon to criminal incidents, but they are rarely used negligently. Categorically, the persons who chose to possess such weapons are enthusiasts who seek, or commit themselves, to training and practice to ensure that they use their firearms effectively and safely.

Such firearms have numerous features which make them particularly suitable for personal protection within their home. Take the AR-15 type carbine as an example. Most typically, AR-15 type semi-automatic rifles fire the .223 Remington/ 5.56mm round, have barrels between 16 and 20 inches, have pistol grips which aid in controllability, ergonomically placed controls and a magazine capacity of 20 or 30 rounds. The barrel length is conducive to handling a firearm within a confined space, being semi-automatic allows for rapid follow-up shots if required to stop a threat in an emergent situation, the .223/5.56mm round reducing the likelihood of over penetration, and the magazine capacity allows for not only taking follow up shots in the event of a “failure to stop”, but also the ability to have rounds at the ready to remediate a failure to fire caused by ammunition malfunction (i.e. upon a misfire, shooter may simply rack a fresh round into the chamber, without significantly curtailing their ability to defend his/herself from imminent death or grave bodily harm).

Moreover, expansion of the assault weapons ban would have disproportionate and unintended consequence against competitive shooters. In addition to traditional paramilitary firearms which are used in high-power service and match rifle competition, as well as practical disciplines (such as 3-gun), some proposals would redefine pistols used exclusively in international type competition (e.g. Benelli MP95, several Pardini models, Hammerli SP20, Walther OSP & GSP, etc....), which are equipped with magazines in front of the trigger guard. The inability to access these and other such firearms would make it difficult for Connecticut shooters to compete effectively in local, state, national, and international competition and would make Connecticut a less likely host for competitions and expositions.

## **II. Prohibit the possession of large capacity ammunition feeding devices**

There have been proposals and suggestions that Connecticut should adopt statutes prohibiting the possession of ammunition feeding devices which hold in excess 10 rounds. The League of Women Voters, and others, have submitted testimony recommending a seven round limit, comparable to that recently passed in New York State. One Connecticut legislator proposed a bill to, generally, prohibit possession of firearms other than single-shot firearms.

Such restrictions create numerous issues for gun owners. Many firearms were originally shipped with ammunition feeding devices which were made prior to the development of recent legislation, restricting capacity. Because of a variety of reasons, it is often not feasible for gun owners to obtain reliable, quality, replacements- or replacements at all, for many firearms. Many firearms will be rendered effectively inoperable as a result- leaving their owners with no choice but to quickly liquidate firearms and ammunition feeding devices out of state- possibly not allowing them to realize actual market value for the property. Moreover, such prohibition will adversely affect Connecticut residents' ability to use their firearms in various defensive and sporting situations.

Though extremely high capacity ammunition feeding device have been highlighted in the media as being the norm, magazines in excess of 7 or 10 (but less than various extreme numbers cited) are common, a standard equipment for many firearms, and are anything but unusual. Enacting such a prohibition will likely result in lengthy, costly litigation against the State of Connecticut.

Even if a ban is implemented, with a grandfather clause, gun owners will be adversely affected- whether magazines are transferable or not. If magazines are not transferable, considerable monetary value is effectively lost. If magazines remain transferable- users may continue to use them (to some degree)- but will no longer be able to use certain magazines or firearms as they become worn, damaged, etc... It is important to consider that magazines, like many mechanical parts, are wear items and are typically considered to be disposable items.

Additionally, Connecticut is home to a variety of firearm and accessory firms at all levels (manufacturers, importers, distributors, and retailers) which make, import, export, and sell at retail ammunition feeding devices of all capacities. Further regulation of these devices will adversely impact the economy of our state.

### **III. Modifications to Connecticut's firearms licensing process**

There have been several proposals, by various individuals and organizations, to modify Connecticut's firearms licensing requirements. Those proposals have included:

1. Increasing the fees for obtaining and renewing pistol permits
2. Implementing rifle/shotgun permit
3. Implementing universal firearm permits (i.e. one permit for rifles, pistols, etc...)
4. Potentially decreasing the period for which a permit is valid
5. Eliminating the Certificate of Eligibility as a mechanism for acquiring pistols and revolvers
6. Making information regarding pistol permit holders and applicants public knowledge

All of the aforementioned ideas represent bureaucratic means for unnecessarily impacting the ability to lawfully acquire and use firearms. The fees associated with Connecticut's firearms permit process are already moderately high and delay or dissuade law abiding citizens from acquiring a firearm for personal protection or recreation. Expanded fees will only magnify

that. They will not prevent any ineligible person from obtaining licensure- as such persons are already prohibited.

In the event that fees are not increased, but if even only a rifle/ shotgun permit were implemented, people seeking to acquire a first rifle or shotgun for protection or recreation may be easily turned off by the imposition of a greater delay than the two week waiting period currently imposed, which require most Connecticut buyers of firearms other pistols and revolvers serve a two-week cooling off period prior to taking possession of such firearm.

Moreover, eliminating the Certificate of Eligibility will create unnecessary difficulty for some Connecticut residents to acquire handguns for personal protection within the home or place of business, or for collection purposes. The Certificate of Eligibility is a necessary to maintain for several reasons:

1. It provides a mechanism for an individual who is not statutorily prohibited from acquiring or possessing a handgun to acquire one while still undergoing the (what may, in some instances) be a lengthy period of processing an application for a pistol permit
2. It provides a mechanism for handgun owners who do not wish to carry a pistol, but rather only maintain one in their home or business, the ability to acquire one at less bureaucratic expense and procedural burden than obtaining a permit to carry
3. It serves as an expedient means for an individual who only maintains a pistol or revolver within his home or business to evidence that they are not being statutorily prohibited from possessing a pistol or revolver
4. If such person is in possession of a long-gun in any location, possession of such certificate evidences that they are not prohibited by state or federal statute from possessing firearms generally
5. If for some reason an individual's permit to carry is suspended or revoked, and such person is not prohibited from possessing pistols, revolvers, or firearms generally, possession of a Certificate of Eligibility will allow them to maintain (or obtain) a Permit to Sell Pistols or Revolvers at Retail, which can be an aid in liquidating a collection, or preserving a firearm related business.

Persons who possess Certificates of Eligibility, like carry permit holders, are required to take approved safety training, submit application, and are subjected to fingerprint background checks.

Furthermore, releasing permit holder and applicant information to the public jeopardizes the public safety, as well as the safety of the individuals so named. There have been reported instances of attempts to burglarize such persons' premises, by criminals hoping to find firearms. Additionally, some individuals who possess permits may be current or former law enforcement officers, or individuals associated with judicial, corrections, public safety, defense, or homeland security operations, from this state, other states, or from federal agencies who may be put in jeopardy by releases of information; as may their relatives who may be targeted by criminals seeking retribution. Similarly, some "common citizens" may be subject to adverse treatment on the basis of possessing a permit if that information became known or publicized. The decision on who, if anyone, to inform about a permit holder's status should remain that persons decision

and be nobody elses.

In Closing, additional legislation or regulation concerning so-called “assault weapons”, large capacity ammunition feeding devices, or firearms licensing will do nothing to preserve or improve the public safety. They only infringe on the rights and liberties of law abiding citizens, who are among the least likely to violate the law. Violent felons, unlike law abiding gun owners, do not care that they will be committing technical violations, regardless of how severe the consequences- because they have already committed themselves to committing acts with penalties among the most severe imaginable. Some have no problem going so far as giving their lives to perpetrate criminal acts.

Take for example, Adam Lanza, the murderer from Sandy Hook School, for example. He was unable to acquire a firearm of his own because of application of state and federal laws. Instead, he chose to steal firearms, use them to murder 27 times, and take his own life when he realized effective resistance (armed law enforcement) had arrived. He was not impeded by the fact that before and throughout his spree, he violated quite a few laws pertaining to firearms.

In the immediate aftermath of a tragedy, there is natural impetus to prevent such an act from ever happening again. That is a natural, noble human response. However, time must be taken to ensure that the response taken is the correct one- that it will actually address the problem at hand, and not have undesirable effects. Further firearms regulation will not realize public safety benefit and will adversely impact Connecticut residents, visitors, and businesses.

Sincerely,

Joseph D.  
New Britain, CT