

William Hillman
86 Walnut Hill Rd.
Bethel, CT 06801

January 28th, 2013

Dear Committee Chairs Senator Looney, Representative Miner, and members of the “Gun Violence” Committee:

Please accept this as my testimony for the task force public hearing for January 28th in lieu of my attending.

I would like to start by thanking the committee for engaging in a more deliberative exercise than your counterparts in New York, whose rushed legislation is proving to be fraught with unintended consequences I will explore later.

This testimony is primarily in opposition to most of the various bills introduced which infringes on the legitimate Right of self defense, the need of a citizen defending a home to have the same handgun magazine capacity as law enforcement and recognition that the unique actions of a deranged psychopath is not sufficient cause to infringe on the rights of law abiding owners of handguns, long guns, shotguns or modern accessorized sporting rifles.

The term “gun violence” is a label in the form of a leading or rhetorical question, pre-biasing any subsequent discussion. Who can possibly be “pro violence”? The more accurate description for the task force mission is to explore ways of reducing Criminal Violence.

Wanton acts of destruction have been perpetrated by the likes of psychopath Timothy McVeigh (Oklahoma City) with an improvised fertilizer explosive and Andrew Kehoe; his bombing of a school in Bath, Michigan (1927) killed 38 children, 6 adults, and with his suicide; it remains the worst school mass murder in history, and firearms were not the tool of the mass killings. The children in that horrific example were killed by explosives.

Criminals break laws, and sometime they use a firearm in commission of their crimes; sometimes they don't. Violence is the real issue, rather than “guns” being the means. Criminals don't really care about the laws on the books, nor would the over 90 proposals cause any sociopath to experience an epiphany of lawfulness.

As I review the incredibly long and redundant list of proposed new firearms laws, I'm forced to wonder why these have not been consolidated to a fewer proposals for sake of transparency and discussion. I most strongly suggest consolidation to fewer bills to enable more focused discussion. At present, I believe this list of over ninety discrete proposals is best categorized in these few areas:

- Redefinition of and wrongfully categorizing the most popular semi-automatic sporting rifles as “assault rifles”. They are not what the military uses.

- Reduction of magazine capacity to a level insufficient for reasonable homeowner's self defense. Standard manufacture handgun magazine sizes should be retained.
- Introduction of massive bureaucracy, taxes and paperwork surrounding the purchase of ammunition. Lots of paperwork, little real benefit.
- Increased nuisance costs, taxes and limits for law abiding and permitted gun owners.
- Additional requirements for weapons storage to include safeguards against those not eligible to possess in addition to minors.
- Numerous other proposals which have questionable efficacy relative to the Newtown scenario.
- Risk of confiscations. All lawfully owned items must remain "grandfathered".

The sheer volume of proposals, unfortunately, smacks of political tactics, seeking to throw much against the wall so that a "compromise" means some will "stick". These can and should be consolidated, as there is much overlap:

HB-5112 An Act Concerning The Disclosure Of The Names And Addresses Of Persons Holding Handgun Permits., HB-5165 An Act Concerning The Defense Of A Person'S Home, Motor Vehicle Or Business., HB-5176 An Act Concerning The Application Requirements For A Temporary State Permit To Carry A Pistol Or Revolver., 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., HB-5268 An Act Requiring The Maintenance Of Liability Insurance By Firearm Owners And Establishing A Sales Tax On Ammunition., HB-5269 An Act Increasing The Penalty For Criminal Use Of A Firearm Or Electronic Defense Weapon., HB-5452 An Act Requiring Gun Owners To Carry Liability Insurance., HB-5561 An Act Concerning Funding For The State-Wide Firearms Trafficking Task Force., HB-5580 An Act Requiring The Legislative Program Review And Investigations Committee To Study Ways To Increase Security At Elementary Schools., HB-5646 An Act Concerning Gang Activity And Crime., HB-5647 An Act Concerning High Capacity Firearms., HB-5651 An Act Concerning The Purchase Or Possession Of Ammunition., HB-5654 An Act Concerning Household Access To Firearms By A Person Who Poses A Risk Of Imminent Personal Injury To Himself Or Others., HB-5656 An Act Concerning The Penalty For A Crime Committed With A Firearm., HB-5660 An Act Concerning Immunity From Liability For Harm Caused To An Individual Who Is Committing Violent Acts Against Others While On School Property., HB-5676 An Act Increasing The Minimum Penalty For Illegally Selling Or Possessing A Firearm., HB-5934 An Act Concerning The Feasibility Of Outfitting Firearms With Biometric Reading Devices., HB-5935 An Act Concerning The Purchase And Storage Of Firearms., HB-5937 An Act Requiring Universal Background Checks On All Firearm Sales At Gun Shows., HB-5949 An Act Concerning Possession Of Certain Ammunition Feeding Devices., HB-5950 An Act Reducing The Incidence Of Gun Violence., HB-5951 An Act Prohibiting The Sale Of Firearms And Ammunition Through The Internet., HB-5952 An Act Concerning The Penalty For Criminal Possession Of A Firearm Or Electronic Defense Weapon., HB-5953 An Act Concerning The Penalty For Illegal Possession Of An Assault Weapon., HB-5954 An Act Concerning The Possession Of Semiautomatic Firearms With Fixed Magazine Capacities Of Over Ten Rounds., HB-5955 An Act Concerning The Sale And

Manufacture Of Certain Firearm Magazines., HB-5956 An Act Concerning Renewal Of Pistol And Revolver Permits., HB-5957 An Act Limiting The Number Of Pistols Or Revolvers An Individual May Purchase In Any Thirty-Day Period., HB-6006 An Act Requiring Gun Store Owners To Safely Secure Rifles., HB-6008 An Act Requiring Reporting Of Firearm Inventory., HB-6010 An Act Promoting The Safety And Well-Being Of State Residents., HB-6013 An Act Concerning The Use Of Hand-Held Metal Detectors By Peace Officers., HB-6014 An Act Concerning The Safe Use Of Electronic Defense Weapons., HB-6131 An Act Concerning Lost And Stolen Firearms And Gun Trafficking., HB-6161 An Act Concerning Ineligibility For A Permit To Carry A Pistol Or Revolver., HB-6162 An Act Concerning Ineligibility For A Permit To Carry A Pistol Or Revolver Based On A Prior Hospitalization., HB-6163 An Act Creating A Database Of Individuals Who Are Prohibited From Purchasing Or Possessing A Firearm Due To Psychiatric Or Psychological Disorder., HB-6215 An Act Limiting The Possession Of Assault Weapons And High Capacity Magazines., HB-6216 An Act Concerning The Regulation Of Firearms, Assault Weapons And Ammunition., HB-6244 An Act Concerning The Purchase Of Long Guns And Long Gun Ammunition., HB-6245 An Act Requiring The Registration Of Firearms., HB-6246 An Act Concerning The Sale Of Ammunition For A Pistol Or Revolver., HB-6247 An Act Concerning The Determination Of The Mental Health Status Of An Individual Applying For A Pistol Or Revolver Certificate Or Permit., HB-6248 An Act Concerning The Regulation Of Firearms By The State., HB-6249 An Act Concerning Requirements For The Purchase And Storage Of Firearms And Ammunition., HB-6250 An Act Concerning Criminal Background Checks Prior To The Sale Or Delivery Of Firearms Other Than Handguns., HB-6251 An Act Requiring Fingerprinting And Criminal Background Checks Prior To The Sale, Delivery Or Transfer Of All Long Guns., HB-6260 An Act Concerning A Municipal Response To Gun Violence., HB-6261 An Act Concerning Liability With Respect To Assault Weapons And Firearms., SB-1 An Act Concerning The Protection Of Children, Families And Other Individuals From Violence., SB-21 An Act Authorizing Bonds Of The State For An Eternal Light In Memory Of Victims Of Gun Violence., SB-42 An Act Concerning The Criminal Possession Of Ammunition., SB-122 An Act Concerning Restrictions On Gun Use., SB-124 An Act Banning Large Capacity Ammunition Magazines., SB-140 An Act Concerning Liability Insurance For Firearm Owners And Sales Tax On Ammunition., SB-161 An Act Concerning The Reduction Of Gun Violence., SB-207 An Act Establishing A Registry Of Firearm-Related Injuries And Deaths., SB-277 An Act Concerning School District Policies Regarding The Carrying Of Firearms In Public Schools., SB-307 An Act Providing Funding For The State-Wide Firearms Trafficking Task Force., SB-377 An Act Concerning The Suspension Or Revocation Of Pistol Permits., SB-495 An Act Concerning Commission Of Certain Felonies With A Firearm Or Assault Weapon., SB-496 An Act Prohibiting The Award Of Risk Reduction Credit Toward A Reduction In Sentence For A Crime Committed With A Firearm., SB-501 An Act Concerning The Ban On Assault Weapons., SB-503 An Act Concerning State Agency Responsibility With Respect To Federal Criminal Background Check Information., SB-504 An Act Concerning Large Capacity Gun Magazines., SB-505 An Act Concerning The Minimum Age Requirement To Purchase A Rifle., SB-506 An Act Requiring Criminal Background Checks For All Private Firearm Sales., SB-600 An Act Concerning The Purchase Of A Rifle Or Shotgun., SB-601 An Act Concerning The Definition Of Assault Weapon., SB-604 An Act Concerning The Secure Safekeeping Of Firearms., SB-605 An Act Concerning Requirements For The Purchase Of A Rifle Or Shotgun., SB-606 An Act Concerning Application Criteria For A Permit To Carry A Pistol Or Revolver., SB-607 An Act Concerning Application For A Temporary Permit To Carry A Pistol Or Revolver., SB-608 An Act Prohibiting The Possession, Importation,

Transfer Or Sale Of Certain Types Of Unreasonably Dangerous Ammunition., SB-609 An Act Prohibiting The Purchase Of More Than One Pistol Or Revolver In A Thirty-Day Period., SB-610 An Act Eliminating The Option Of Obtaining An Eligibility Certificate For A Pistol Or Revolver., SB-611 An Act Concerning The Fee For Issuance And Renewal Of A State Permit To Carry A Pistol Or Revolver., SB-612 An Act Concerning The Penalty For Illegal Possession Or Transfer Of A Firearm., SB-613 An Act Concerning Gun Violence., SB-615 An Act Prohibiting The Discharge Of Firearms Near Private Residences., SB-676 An Act Concerning Large Capacity Firearm Magazines And Similar Devices., SB-679 An Act Concerning The Penalty For False Statement Or Information In Connection With The Sale Or Transfer Of Firearms., SB-710 An Act Concerning Permits For Gun Shows., SB-711 An Act Establishing An Age Restriction On The Purchase Of Long Guns., SB-734 An Act Establishing A Gun Offender Registry., SB-737 An Act Concerning The Establishment Of A Gun Offender Registry., SB-739 An Act Concerning The Appeal Of Firearms Permitting Decisions., SB-740 An Act Increasing The Penalties For Straw Purchases Of Firearms., SB-742 An Act Concerning Rebuilt Assault Weapons., SB-743 An Act Concerning Crimes Committed With Firearms., SB-745 An Act Restricting The Use Of Exploding Targets., SB-780 An Act Concerning Suitability For A Pistol Or Revolver Permit., SB-781 An Act Requiring Presentation Of A State Pistol Or Revolver Permit To Purchase Ammunition., SB-782 An Act Concerning Secure Storage Of A Firearm.

I oppose most of these proposals, supporting a few that actually would lead to better safety, though Senator Looney's SB-782 mirrors an email I sent (text included below) to Senator Boucher following the 12/14 tragedy which had been passed around the Republican Caucus and shared with others.

As a Justice of the Peace and member of two Bethel commissions, I've taken an oath (the same as each of you) to defend the Constitution (U.S. & Connecticut). In my role as a J.O.P., that means I will perform my duties regardless of any lifestyle choices of marriage applicants which are different than my own.

As legislators, my understanding of that Oath is that each of you must safeguard against proposing and passing laws that are reasonably likely to be found in conflict with the Supreme Law of the land (upheld in D.C. vs. Heller). That's what you took an oath to defend, even if its defense seems inconvenient when relating to emotional and horrible events as we witnessed in Sandy Hook.

I am imploring you NOT to dismiss protected rights of law abiding citizens, and most especially those who have been vetted through State Police and FBI checks, fingerprinted and issued a firearms permit. The 200,000 or so permit holders are among the most solid of Connecticut's citizenry, and are not part of the problem your deliberations seek to address.

The 2nd Amendment is often not explained quite this way, but I ask you to consider: In the 1700's, common legal writings offered a preamble to explain a motive for what follows, then followed by the core legal statement. The "We the People" preamble sets the stage for what follows, but the core IS what follows. The preamble is an introduction, a "scene setter".

The Right guaranteed by the second amendment is the Right of the people to keep and bear arms. That's all of it. Not bound by anything more, that's the Right not to be infringed.

Arms means a firearm, ammunition and an ammunition store combined (sidearm, magazine and cartridges in today's language). One reason, and not necessarily the only reason to express the need for that Right is to maintain a working and coordinated militia of the people. Absence of the need for or inclusive of a need for that form of militia today simply does not abrogate the core Right. Nothing in the preamble conditions the actual Right granted. As mentioned earlier, in *D.C. v. Heller* (the Supreme Court held that the Second Amendment protects an individual's right to possess a firearm for traditionally lawful purposes, including self-defense within the home), that Right was affirmed to be an individual Right which was found to be extended to the States in *McDonald v. Chicago*. These are landmark decisions which you cannot ignore!

In the Connecticut Constitution, Article first, section 15 it's even more straightforward: **"SEC. 15. Every citizen has a right to bear arms in defense of himself and the state."**

As the tragedy resulting from the singular and exceedingly rare actions of a psychotic, deranged young man on December 14th caused great pain to many in our community; it highlights the need to reduce access to firearms to the criminal element. This must be done without also infringing on protected Rights. Safety and the 2nd amendment are simply not mutually exclusive, and the facts show that thousands of people have been saved from assault or deadly assault through proper use of a firearm as a defensive device.

It is from the viewpoint of lawful self defense that I will argue most of my points.

Citizens have a Right to protect themselves. That right is not something "granted" by the law. Rather, the law simply codifies that Right which always existed. In fact, the ***Right to defend oneself is even noted in Exodus 22***, where it shows that self defense resulting in the death of the perpetrator holds no penalty: "Exodus 22:2: [If the thief is caught while breaking in and is struck so that he dies, there will be no bloodguiltiness on his account.](#)" ***This is a basic human right. It's inalienable.*** The Constitutions of both the US and CT just recognize this and codify a Right that always pre-existed.

From the point of view of a defender, there's simply no difference between defending a home invasion at 3AM, or the response of Law Enforcement drawing a weapon to defend in self defense. From a purely tactical and physics point of view, each defender needs exactly the same sidearm force-multiplication. According to police in New York, the standard pistol used in that state holds 15 rounds. According to an ABC news report, "State Senator Eric Adams, a former NYPD Captain, told us he's going to push for an amendment next week to exempt police officers from the high-capacity magazine ban. In his words, "You can't give more ammo to the criminals". That's exactly right. The same logic applies to the tactical needs in the rare home invasion scenario. Do lawmakers think "Joe Citizen's" aim would be perfect, adrenaline pumping, hand shaking in a middle of the night break-in?

In another Supreme Court case, (*Castle Rock v. Gonzales*), it was determined that law enforcement has no constitutional mandate to protect citizens. Often they do, but the citizen is their own first and last line of self defense. To personalize this, I have an absolute Right, and a moral imperative to protect my wife and family. Period!

Many ***standard capacity*** magazines for pistols have between 12 and 19 rounds, depending on caliber. Larger rounds have greater stopping effectiveness, smaller round have less, and the grip of a pistol can contain a greater number of smaller rounds than higher. Recalling

that handgun owners have been fingerprinted, checked out by the FBI and local police, the right to self defense must not be infringed with arbitrary limitations on standard capacity magazines. These are the people that have been certified as trustworthy! If the police argue that a weapon like a Glock 17 (has 17 rounds) is needed, then any lawful homeowner or carry defender needs the same.

This table shows standard capacity for select manufacturer's, as per their websites. These weapons also commonly used by law enforcement. Note that the standard capacity reflects the defensive capabilities and trade-offs between caliber and quantity.

	Standard Capacity as supplied		
Pistol	9mm	.40 cal	.45 cal
Glock	17	15	13
S&W (M&P)	17	15	10
Beretta	17	14	10
Springfield	16	12	10 or 13

For handgun permit holders, I implore you to not limit pistol magazine capacity to below 20 rounds. This would cover virtually all of the standard pistols, including those similar to the ones listed in the table, based on standard 9mm capacity. These are as manufactured without "funny looking" extensions that hang way below the grip (as in a 30 round magazine attached to one of those Glocks).

In fact, I can't even imagine why law-enforcement "needs" anything more than twenty rounds either, including rifles! If 20 works for cops, law abiders and permit holders deserve no less protective capabilities.

This is an accurate analysis: When an active shooter is in an undefended venue, magazine size does not matter. A "Lanza" would do as much damage reloading a half dozen ten round magazines as two 30's. But as a homeowner, I need to know that I can defend if I have to without a reload.

You might ask, "why the passion"? In 2002, a home invasion in New Fairfield resulted in the death of two people, Ronald Ahrlich and his wife Roberta. Roberta was a nurse at my allergist's office. I knew her for years. They did have any defensive capabilities. Also, just a couple of weeks ago, there was a break in just around the corner from my home; the perpetrator is presently in jail facing charges (Court Docket DBD -CR13-0145724-S / January 5th). This crystallized my need to be able to defend my family, made real by these incidents. The D.C. v. Heller decision reaffirmed my individual right to keep and bear arms, and the actual events I cited justify my personal need. I completely believe I need a full, standard capacity handgun magazine, and I completely believe proposed limits to half capacity are a direct and dangerous infringement on my legitimate defensive right to protect myself and family from even low-probability life-threatening assault. "Hartford" has no moral right to dictate otherwise. My personal needs are echoed by thousands of other law abiding citizens.

As to semi-automatic, modern sporting rifles that are customized to resemble some military models, they are functionally identical to less “scary” looking models. There is absolutely no factual reason to change the definitions of “assault rifles”. Other semi-automatic rifles like a .22 rimfire “squirrel gun” may have a tubular feed over 10 rounds. It does not resemble anything “assault-style”, and similar tube fed semis must be excluded from your proposals, as they are even with New York’s new draconian laws.

Present laws describing “assault weapons” is fully adequate. It’s also true that a “crazy” will find a way to cause great harm, regardless of the device used. It’s the criminal, not the tool of destruction that matters.

But, as a responsible owner, proper storage of firearms is common sense. The present statutes are inadequate, and I’ve offered the following text to replace current law in emails to my local legislators. This change would actually help to prevent criminal violence:

The law that is presently on the books pertaining to storage:

Sec. 29-37i. (Formerly Sec. 29-37c). Responsibilities re storage of loaded firearms with respect to minors. No person shall store or keep any loaded firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor unless such person (1) keeps the firearm in a securely locked box or other container or in a location which a reasonable person would believe to be secure or (2) carries the firearm on his person or within such close proximity thereto that he can readily retrieve and use it as if he carried it on his person. For the purposes of this section, "minor" means any person under the age of sixteen years.

I would modify to something like this:

Responsibilities re storage of loaded firearms.

- A) with respect to minors.** No person shall store or keep any loaded firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor unless such person (1) keeps the firearm in a securely locked box or other container or in a location which a reasonable person would believe to be secure or (2) carries the firearm on his person or within such close proximity thereto that he can readily retrieve and use it as if he carried it on his person. For the purposes of this section, "minor" means any person under the age of sixteen years.
- B) with respect to any individual prohibited from possessing a firearm.** No person shall store or keep any loaded firearm on any premises under his control if he knows or reasonably should know that a person who is not eligible to possess a firearm is likely to gain access to the firearm unless such person (1) keeps the firearm in a securely locked box or other container or in a location which a reasonable person would believe to be secure or (2) carries the firearm on his person or within such close proximity thereto that he can readily retrieve and use it as if he carried it on his person. For the purposes of this section, " person who is not eligible " means any person prohibited from purchasing or otherwise receiving such a firearm pursuant to section 29-33 or 29-37a.
- C) with respect to any unoccupied premises.** No person shall store or keep any loaded firearm on any premises under his control if that premises is unoccupied unless

such person (1) keeps the firearm in a securely locked box or other container or in a location which a reasonable person would believe to be secure or (2) carries the firearm on his person or within such close proximity thereto that he can readily retrieve and use it as if he carried it on his person. For the purposes of this section, "unoccupied premises" means the physical absence from the property containing any such premises in which a firearm is stored.

In regards to ammunition, I am opposed to infringements like a 50% tax. This sets a price level that will not deter criminals, but unfairly penalizes those least likely to break any law, especially lawful owners on the lower end of the economic spectrum. Such a regressive tax could be challenged on the basis of equal rights. The only change I might make is similar to the practice in place now at Hoffman's store in Newington. To purchase handgun ammunition, display of a handgun permit is required. There's no need to do more than that.

I will address unintended consequences of linking medical records to qualifications in my testimony to that committee, but I point out that people may be less likely to seek help when the Doctor/Patient relationship is breached. Please keep that in mind.

I implore you all to focus on what actually works, and disregard knee-jerk and emotional proposals which do nothing to actually further the cause of safety.

Finally, you must not confiscate, seize or take extremely expensive and valuable assets from those who have lawfully purchased firearms and accessories. These investments, for some, can run into the tens of thousands of dollars. A confiscation or taking would likely lead to extreme litigation based on fourteenth amendment argument and precedent. This would be a huge expense for the state, and if the individual prevails as in "Heller" (likely), your ability to pass future laws you may wish to propose will be forever diminished.

Whatever you do, do not confiscate or take anything from law abiding citizens. It's wrong, very wrong, and as you have seen from the passion displayed during these proceedings, there will be litigation. The courts have, so far, sided with the Constitution, and not laws created by emotion and knee-jerk response.

I hope you will focus solely on what measures are truly effective, and disregard what's not. Reject the bulk of these 90 plus proposed bills, save the few that actually can pass legal challenge with real benefits that do not crush civil rights of law abiders. The acts of a lone and rare madman do NOT justify the abridging of guaranteed rights, in spite of the real horror caused by that one crazed psychopath.

Thank you for reading my whole testimony.

Sincerely,

William Hillman
86 Walnut Hill Rd.
Bethel, CT 06801