

Testimony to the Task Force on Gun Violence Prevention and Children's Safety
for the Public Hearing of the Bipartisan Task at Newtown High School (January 30, 2013)
by Robert Hutchinson, 8 Split Rock Rd, Newtown CT

My name is Robert Hutchinson and I live in Newtown.

My town is descending in anarchy, fear, and insecurity. Only you, the Connecticut General Assembly, can save us by enacting gun violence prevention legislation that embodies the requirements and prohibitions supported by Connecticut Against Gun Violence.

Here's why. Newtown's firearms discharge ordinance is patently inadequate to ensure the safety of Newtown residents. Yet a ranking member of the Newtown Legislative Council has indicated that the full council will not move to deliberate or put to a vote any amendment to that ordinance *unless and until the Connecticut General Assembly enacts enough of the gun violence prevention legislation currently before it as would be permissive of and conducive to conformable and complementary amendments in the Newtown town code.*

An account follows of the relationship between the possible passage of gun-control legislation by the General Assembly and the contingent possibility that Newtown residents who are ever more fearful for their children's physical safety and mental health might be able to secure a local solution to our town's ongoing public safety nightmare caused by the uncontrolled explosion in semi-automatic weaponry blasting away in the midst of our residential neighborhoods.

On any given weekend, many neighborhoods in Newtown sound like a war zone in result of semi-automatic target shooting on unregulated ranges on private properties that are bounded by residential lots. Newtown has been experiencing a surge in the frequency and rate of shooting and a proliferation in the places of shooting: the number of shooting complaints by worried homeowners logged by the Newtown police has doubled in the past one year alone; and shooting complaints now constitute the largest category of calls received by the Newtown police.

On my street, we are sometimes surrounded by the sounds of semi-automatic fire sustained by high-capacity magazines coming simultaneously from nearby points to the south, west, and north. Three Sunday mornings ago—and three weeks after 12/14—the inevitable happened: a person on our street was hit by a stray bullet. A man working on the roof of my neighbor's house was struck in the hand by a bullet from one of two semi-automatic guns that had been firing all morning on an unregulated private range 1750 feet away. Some weekends in the summer, "shooting parties" on this same range fill the air of our neighborhood with the chatter of multiple semi-automatic weapons for eight hours continuously.

After the man was shot, my neighbor called the Newtown police. The responding officers explained that there was no action they could take with respect to these shooters or this shooting, since Newtown's firearms discharge ordinance imposes no restrictions (not even the 500-foot restriction that applies to non-owners) on the discharge of firearms on the shooter's own property. The police officers strongly discouraged my neighbor from requesting them to file an incident report. My neighbor insisted that they do so. The resulting incident report lied, stating that a bullet fragment had struck a ball in my neighbors' yard—as opposed to the truth that a whole bullet had struck a man standing on the exterior of their house. The report also omitted the relevant information that neither of the shooters was an owner of the private property from which they were shooting.

A group of my neighbors who had been on hand after the man was shot met with the Newtown police chief last week to apprise him of the false incident report, request its rectification, and seek confirmation of the responding officers' statement that the shooters were not in violation of

the town's ordinance and that Newtown law enforcement officers lack authority under the ordinance to curb shooting on a private range even after an incident such as the one reported demonstrates that the hazard to surrounding residents is all too real. The chief undertook to correct the incident report and affirmed the officers' statement as to their impotence under the ordinance to restrict or restrain target shooting on private property in Newtown.

In response to the crescendo in shooting complaints being made to the Newtown police, the chief last spring took to the Newtown Board of Police Commissioners his concern about his 47 officers' lack of authority to respond appropriately to residents' anxiety for their safety. The bipartisan board unanimously approved a proposed amendment to the town's firearms discharge ordinance that would empower the police to regulate private shooting ranges and forwarded it to the Legislative Council for consideration. The council—widely believed to be in thrall to the town's three shooting associations and the National Shooting Sports Foundation, the US gun industry's lobby headquartered in Newtown and vocally intrusive in Newtown government—committed the proposed amendment to the appropriate mono-partisan committee, which in November 2012 voted unanimously to reject it.

After the meeting with the police chief, a larger group of my neighbors—including the parents of most of the dozen children on our street who are enrolled in Newtown schools—met with the chair of the ordinance committee to ascertain whether—in light of 12/14 and the shooting incident on our street—her committee might be persuaded to rescind its rejection of the amendment and give it accelerated reconsideration. The parents explained that their children—who were already afraid to go outside and play in their yards and pools last summer when the air was filled with the sound of nearby shooting—are now, since 12/14, scared to tears by the sound of shooting even while they are inside their homes.

The chair replied that the thorough and orderly deliberations of her committee cannot be accelerated and, indeed, will be prolonged in this instance by three timing factors: the post-12/14 sensitivity of the issue; the imminent preoccupation of the Legislative Council with budget matters ahead of the town's budget referendum in the spring; and, finally, the town's legal concern about conforming to prospective changes in state preemption as long as a significant body of bills to amend and extend Connecticut's gun violence prevention laws remains pending. She said that, with respect to the possibility of amending Newtown's firearms discharge ordinance, the Legislative Council will take its lead from such changes as might or might not occur in the state gun laws. She urged us therefore to direct our efforts to appeal for a revision of our local ordinance in the first instance to the Connecticut General Assembly.

So there you have it. I appeal to you—the General Assembly at large and Newtown's four representatives in particular (Sen. McKinney and Reps. Carter, Bolinsky, and Hovey)—to enact gun violence prevention legislation that embodies the requirements and prohibitions supported by Connecticut Against Gun Violence, so that we—the parents and neighbors of Newtown's 12/14-traumatized schoolchildren who are being regularly terrified and imperiled by the unregulated semi-automatic gunfire all around us—have some hope of being able to offset the entrenched power of the gun lobby in Newtown and effect the changes that we so urgently need to our local ordinance. Without the bellwether changes that we implore you to make in state law, we have no hope of changing our local ordinance in a concordant direction.

Finally, to illustrate further the urgency of our need in Newtown for amending our firearms discharge ordinance, I briefly adduce some relevant physical and historical parameters. The current Newtown firearms discharge ordinance was enacted in 1968 and permits unrestricted discharge anywhere on a shooter's own property and discharge on the private property of another

person restricted only by the owner's permission and a 500-foot rule with respect to inhabited dwellings.

Historically, let's compare Newtown's build-out in 1968 when the current ordinance was enacted with today's reality. In 1970, the number of housing units in Newtown was 4,209; in 2010, that number was 10,061—an increase of 139 percent. In 1980, the proportion of Newtown's total land area that was developed was 26 percent; in 2008, that proportion was 77 percent—an increase of 196 percent (alternatively described, a 70-percent shrinkage in vacant land).

Physically, let's consider how many people are put in harm's way by the discharge of a single round from a single unregulated private range on a private property in Newtown that is bounded by residential lots. The present population density of Newtown's residential land is 1072 residents per square mile. The radius of a one-square-mile circle centered on a discharge point is 2979 feet. This ~3000-foot-radius circle contains on average, then, 1072 Newtown residents. Consider that the terminal range for an AR-15 rifle for Army range planning purposes is 3500 meters—285 percent longer than the range calculated for the firing circle that encloses 1072 Newtown residents. Finally, consider the multiplier effect on a single-shot risk calculation that is introduced by hours-long shooting sessions of multiple semi-automatic guns using high-capacity magazines being fired from multiple ranges with overlapping killing circles. As a modest example, a semi-automatic weapon firing every other second for 2 hours will discharge 3600 rounds—increasing the risk to any person within the weapon's killing radius 3600 times. Shouldn't Newtown's civilians—and especially our children—be afforded at least as much protection from the dangers of Newtown's shooting ranges as the US Army mandates its soldiers on Army ranges?