

Vermont Federation of Sportsman's Clubs
Testimony on H.230 – House Committee on Health Care
February 21, 2023

My name is Chris Bradley, and I am the President and Executive Director of the Vermont Federation of Sportsman's Clubs. If you are not previously aware of the VTFSC: We were formed back in 1875, and we formed to address the fact that White Tailed deer had been hunted to near extinction here in Vermont. We were successful in spearheading the re-introduction of White Tails, and as a result of that effort we helped to form what is now the Vermont Fish & Wildlife Department.

The VTFSC is comprised of approximately 50 member clubs, with approximately 14,000 members.

Given the number of suicides each year: It is likely that many in this room have been directly affected by suicide, and I myself have lost an uncle to suicide, as well as a very dear close friend; two men who chose to end their lives with a firearm with firearms they already owned.

The Federation, as an organization and as individuals, are fully aware of the nexus between firearms and suicide, and we have worked to address that.

In 2014 the Vermont Department of Mental Health (VDMH) in conjunction with the Vermont Center for Health and Learning (VCHL) authored a document entitled **Reducing Suicide Risk by Limiting Access to Lethal Means**. I share two quotes from that study: ***“This research finds that to decrease firearm deaths by suicide the immediate focus must be on recognizing that saving the lives of gun owners is a conversation and a cause that must be shifted from firearm legislation to mental health promotion, and to communities, families and networks of friends and peers...”***, and the quote ***“In conclusion, efforts to increase awareness and reduce risk in the gun-owning community need to be completely decoupled from legislative efforts related to firearms. Efforts toward visibility and awareness campaigns, and reduction in the stigma attached to mental health concerns and help-seeking, are strongly advised.”***

That approach made a great deal of sense to us, and so the two leading pro-2nd Amendment groups in the State, the VTFSC and Gun Owners of Vermont (GOVT), embraced that approach. We voluntarily partnered with VDMH and VCHL to successfully implement a transfer of what had become to be known as the NH Gun Shop Project into Vermont. Working first with NH, and then with VDMH and VCHL, we re-worked all of the copious materials that were given to us from NH to make them Vermont specific, and we were allowed to modify some of the messaging to make it more “comfortable” to sportspeople. Both VTFSC and GOVT worked not only to redesign all of the material, we also committed to rolling that material out to our member clubs and FFLs. While we did all of the redesign work and roll out: VDMH paid for all the printing which I believe cost about \$8K.

I have provided a copy of a presentation I did for the VT Gun Shop Project; I am making available a copy of the 2014 report, and have also brought along some of the materials which we created for your review.

I would go into greater detail about what why we did what we did, how we did it, and how it was received – but I will not be giving a detailed presentation on that - and will instead focus on specific testimony.

Sections 1 & 2

Again, we are fully aware of the nexus between firearms and suicide.

We are also aware that the biggest risk factors reported among Vermont deaths by suicide was related to having a mental health diagnosis for the latest period reported (2017-2018), which was [68%](#).

It is however our understanding that the vast, vast majority of suicides committed by firearm are done with firearms already owned. We are certainly aware of suicides which occurred when a person in distress went to a gun store, bought a firearm, and then immediately killed themselves with it, and from the testimony I believe you received, we are aware of at least 2 across the last 10 years.

As we know, Vermont is a state where a legal process exists whereby someone who is terminally ill can have a death with dignity through a doctor assisted suicide. I have researched this, but in order for a terminally-ill person to achieve that they must involve two separate doctors, as well as two non-interested parties who will serve as witnesses. In my case, I asked my personal physician if I had a terminal disease, would he sign off on my request? He said no, as he felt it would violate his Hippocratic oath, which would mean that for me – I would have to convince two unknown doctors and then involve two non-interested parties – all for a very personal decision.

That uncle I mentioned previously? He had severe depression, he was an alcoholic, and he had just been diagnosed with stage 4 terminal cancer. That dear friend I mentioned earlier? He had served two tours of duty in Viet Nam as an Army Ranger, he was repeatedly dosed with Agent Orange and other defoliants, and as a result suffered from a terrible degenerative nerve disease.

Section 3

You have heard previously in this committee that of the 5 New England States (Maine, New Hampshire, Vermont, New York and Massachusetts): Only Vermont does not have a “Safe Storage” law.

When we looked at the Safe Storage laws implemented in those 4 states (I have submitted statute references to these in a separate document), we see a distinct difference in how Maine and New Hampshire approach this problem versus how New York and Massachusetts approach it.

In New Hampshire and Maine, there is no violation for the act of failing to secure firearms. Instead, there is a violation only if a firearm was stored improperly and then also used improperly.

In Massachusetts and New York, and just like what is being proposed in H230, there is one violation for failing to store a firearm properly, and then there is another violation if a firearm was stored improperly and then also used improperly.

As an aside: It would be the VTFSC's thought that of those four other states, Vermont's history and traditions are much more closely aligned with New Hampshire and Maine than we are with Massachusetts or New York.

Beyond that however – and while I do understand that this is the Health Care Committee – I have an obligation to inform the committee that in the 2008 case of DC v. Heller, the Supreme Court struck down a law which required that Firearms must be made inoperable or locked up, as these actions did not allow the use of that firearm for self-defense situations. Simply put: It is unconstitutional to force citizens to lock up their firearms, but they can voluntarily do so with education, guidance and easy access to low-cost or free locking mechanisms. It may even be worthwhile to establish a grant program for relatively inexpensive biometric locking devices.

For whatever it may be worth: We believe that Maine and New Hampshire's laws are constitutional, and strongly suggest the committee look at their statutes.

Should the committee choose to move forward with the current approach, we offer the following observations:

Page 3, line 8: We believe that a firearm may be obtained by a child or prohibited person in other ways than just illegal entry.

Page 3, lines 20 & 21: As worded, only a "parent or guardian" may benefit from charging discretion – we believe it may be worthwhile to consider expanding that to encompass more family (Grandparents, Uncles, Aunts, siblings, etc.).

Turning to page 4 (d) (1) and (2), on Information distribution (pages 4 and 5), in our opinion one of the downfalls of the posters we created with the gun shop project was that there is some amount of reticence by gun owners to being constantly reminded that guns can cause suicide.

Regarding this section, the Committee needs to know that Federal Firearm License holders (FFLs) are one of the most tightly regulated professions today. Not only do these good men and women have to be on top of a mountain of rules, regulations and paperwork – none of these people want to be related in any way to someone taking their own life, especially with a firearm that the FFL sold to them. In point of fact, an FFL does not have to sell a firearm to anyone – they are completely free to deny a sale not only because a person fails a background check – they can deny a sale for any reason and no reason.

And they do deny, and they will absolutely deny if they detect the slightest hint of something amiss.

Let us be clear then that when someone who is at risk of suicide goes to a gun store and buys a gun, they are putting on a completely different face than what they may be feeling inside and they will be very intent on hiding those feelings. In that vein, it is difficult for us to believe that a person with those intentions will be dissuaded by one or more signs.

At this point I need to make a tangent, with that tangent touching on the topic of "antique firearms".

Previously, Legislative Counsel walked you through the definition of firearm as defined in 13 VSA 4017(d), and he mentioned that black powder firearms are exempted, as they are considered antiques – even modern-made replicas.

Because these types of guns are exempted – a person can buy one without any background check, and can even order them through the mail. They then only need to buy percussion caps, the proper sized projectiles and black powder – all which can be done without any worry of being blocked or questioned when buying them. A person can even make black powder at home (charcoal, salt peter and sulfur).

I mention this only to let you know that with a modicum of research, a person intent on killing themselves with a gun can do so very effectively, bypassing everything this bill attempts to set in place, and a black powder firearm is typically much less expensive than a modern firearm.

Turning to (d)(3), we do not object, but if a dealer fails to disseminate such material for whatever reason – are they fined?

Turning to (d)(4), we absolutely believe that education on firearms is key. Along with the Department of Health and the Agency of Education, we would respectfully request that other perspectives be allowed to give input on the messaging.

Section 4 - 8

While we see some merit to considering the addition of a family member to the list of those who may file a petition for an ERPO, we are not aware of any situation to date where a family member contacted a State's Attorney or the Office of the Attorney General with an ERPO concern, that concern was rebuffed, and the person in question then immediately went out and did something.

We most assuredly agree that a family member is likely to be the first to detect a person who is at risk of harming themselves or others. However: We feel strongly that bringing an extreme action should require some level of involvement by Law Enforcement – which is why this bill was originally written as it was.

Regarding the addition of "Household member", we feel that definition is too broad, as it encompasses renters, roommates, ex-partners and even ex-spouses to name a few. And again, we ask: Are there situations where requests to a State's Attorney or the Office of Attorney General has failed to intercede when the facts warranted it from whatever source?

Section 9 – Waiting Periods

We find it unsettling that on page 9, line 1, it remains undecided as to whether the appropriate time period to wait is 48 or 72 hours. We also would like to make the point of no matter what time period is chosen, that waiting period plus 5 minutes can defeat it.

Another thought here is that we know there is a vibrant sporting culture in Vermont, with a great deal of that sporting culture involving firearms in some way. A significant number of Vermont homes have

firearms in them, which means a significant number of Vermonters who already have access to lethal means.

We ask: What is the point of subjecting an **already-existing** firearm owner to any waiting period, if the intent is to stop suicide by gun?

On one side of the scale, we have a very, very, very small number of people who buy a firearm for the expressed purpose of immediately ending their life with it, and with or without a waiting period, that suicide would be a tragedy.

On the other side of the scale, we have some unknown number of people who may have a need to immediately purchase a firearm for their defense, which is an unalienable right, and if prevented by a waiting period and they then die unable to defend themselves, that would also be a tragedy.

I would be pleased to present this committee with the stories of women who came under threat, admittedly non-Vermonters, who were not immediately able to obtain a firearm when they wanted to due to a state law that blocked them, and who were then killed by their known assailant.

I can also provide you a story of a women who came under threat by a known assailant, the state she lived in did not prevent her from purchasing a firearm, and the very next day after she bought it: She used it successfully to save herself from a brutal assailant that most likely would have killed her.

We have three final considerations for this committee.

First: The fastest growing demographic of new gun owners are people of color, with purchases by female people of color exceeding purchases by male people of color, and data shows that a significant portion of crime is against people of color.

Second: If Vermont established a Waiting Period, the long history of gun shows, which are very popular events across Vermont and which bring much needed revenue to local economies, will fade away as a direct consequence of this law.

Finally, I must beat the drum of unconstitutionality one last time. Under Bruen, and because there was no historical analogue to a having a Waiting Period to purchase a gun at the time of our founding, we believe it is entirely likely that any Waiting Period will be found to be unconstitutional.

I close with a quote of Martin Luther King: "A right delayed is a right denied".

Thank you for the opportunity to speak.