



February 8, 2023

My name is Alison Shih and I serve as Counsel for Everytown for Gun Safety where I'm responsible for supporting state legislative efforts in Vermont. Everytown is the largest gun violence prevention organization in the country, with more than 10 million supporters including moms, mayors, veterans, survivors, gun owners, and everyday Americans fighting for public safety measures that can help save lives. I want to thank you all for allowing me to testify in support of S.4.

I want to focus my remarks today on some specific provisions<sup>1</sup> in the bill that will help block illegal gun access at the point of sale, prohibit access to assault weapons by young people who are at an increased risk of perpetrating violence, and allocate funding to support community-based interventions that break the cycle of violence in the hardest-hit places.

First, this bill significantly strengthens Vermont's laws focused on ensuring guns are kept out of the wrong hands. It's simply common sense to ensure that people who are currently fugitives from justice and people subject to final domestic abuse- or stalking- related restraining orders are prohibited from purchasing or possessing firearms. Likewise, it's logical and prudent to ensure that people who are charged with carrying a dangerous weapon while committing a felony, drug trafficking, or human trafficking should be prohibited from purchasing or possessing a firearm.

I want to particularly highlight the importance of ensuring those subject to final stalking-related or domestic abuse-related restraining orders are prohibited from accessing firearms. When it comes to gun violence against women, the United States is the most dangerous country in the developed world. Women in the US are 28 times more likely to die from firearm homicide than women in other high-income countries.<sup>2</sup> While domestic abuse is not just borne by women, it is an epidemic that affects millions of women across the country, and guns in the hands of domestic abusers can turn abuse into murder. Indeed, the presence of a gun in a domestic violence situation makes it five times more likely that the woman will be killed.<sup>3</sup> And incidents of stalking are of particular concern when it comes to the lethality of these criminal acts. A study of incidents in ten major US cities found that nearly 9 in 10 attempted murders of women involved at least one incident of stalking in the year prior to the attempted murder.<sup>4</sup>

---

<sup>1</sup> Sec. 6. 13 V.S.A. § 4017a; Sec. 8. 13 V.S.A. § 4020a i; Sec. 9. 33 V.S.A. § 511; & Sec. 10. 20 V.S.A. chapter 209 §4671

<sup>2</sup> Everytown analysis of the most recent year of gun homicides by country (2015 to 2019), GunPolicy.org (accessed January 7, 2022).

<sup>3</sup> Campbell, J. C. et al. "Risk factors for femicide in abusive relationships: results from a multisite case control study". American Journal of Public Health. (2003). <https://doi.org/10.2105/ajph.93.7.1089>

<sup>4</sup> Judith M. MacFarlane et al., "Stalking and Intimate Partner Femicide," *Homicide Studies* 3, no. 4 (1999): 300-16, <https://doi.org/10.1177/1088767999003004003>.



We know that common sense measures like those contained in S.4 can help. States that have restricted access to firearms by people under domestic violence restraining orders have seen a 10-13% reduction in intimate partner homicides.<sup>5</sup>

And while I know there has been some discussion in committee about the potential impact of the US Court of Appeals Fifth Circuit decision in *United States v. Rahimi*, I want to be very clear about what it means right now nationally, and what it means, and doesn't mean, for Vermont. Right now, we are in a moment in time where in the wake of last year's United States Supreme Court decision in *Bruen*, foundational public safety laws are being challenged across the country. We expect the vast majority of these laws to survive these challenges, but we also face a period where we are going to see a lot of litigation. We saw the same thing happen after the *Heller* decision in 2008. While we think the *Bruen* decision was wrongly decided and reckless, the opinion certainly does not mean that our domestic abuse protections should be struck down under the Second Amendment. We expect the Fifth Circuit opinion to be reversed, if *Bruen* is applied faithfully upon appeal. We can't know how long all of this litigation will take, but it's critical that it doesn't deter or intimidate you from carrying on your important work to pass laws you know can keep people safe from gun violence.

Thirty-one states plus DC have enacted a law barring people subject to domestic abuse restraining orders from having firearms.<sup>6</sup> All of those laws remain in effect, as *Rahimi* only addressed an analogous provision in federal law. I'll talk in a moment a bit more about why there is some uncertainty about laws related to firearms in our courts and how we should be thinking when proactively enacting them. But on this particular policy, which is a common-sense bedrock gun safety law, you and your colleagues in the Legislature should be looking to bring Vermont's laws up to the standards of the vast majority of states, and especially every other state in the region, including New Hampshire, Delaware, Connecticut, Massachusetts, Maryland, Maine, New Jersey, New York, Pennsylvania, and Rhode Island and not be dismayed by an opinion that, until potential reversal upon appeal, only impacts the enforcement one provision of the federal law in Louisiana, Texas, and Mississippi- the three states that comprise the Fifth Circuit.

We strongly support Vermont prohibiting people who are fugitives from justice, people charged with particularly concerning offenses, and people subject to final domestic violence- and stalking-related restraining orders, from having guns.

---

<sup>5</sup> April M. Zeoli et al., "Analysis of the Strength of Legal Firearms Restrictions for Perpetrators of Domestic Violence and Their Associations with Intimate Partner Homicide," *American Journal of Epidemiology* 187, no. 11 (November 2018): 2365–71, <https://doi.org/10.1093/aje/kwy174>.

<sup>6</sup> Everytown Gun Law Rankings, Everytown Research and Policy, Updated January 12, 2023, <https://everytownresearch.org/rankings/law/prohibition-for-domestic-abusers-under-restraining-orders/>



We are likewise grateful that this bill will help ensure that young people with dangerous histories are not able to purchase a firearm by facilitating the reporting of juvenile records to NICS, which will help Vermont comply with the enhanced federal background check now required under the Bipartisan Safer Communities Act. We also support that this bill would prohibit young people under 21 from possessing assault weapons, which are semiautomatic firearms that have features that increase their lethality or concealability.

Assault weapons are generally capable of firing far more bullets, far faster than manual-action hunting rifles. In addition, each round fired from an assault style rifle has a muzzle energy much higher than a bullet fired from a handgun.<sup>7</sup> This means that each round of an assault style rifle inflicts greater damage to the human body than a round from a typical handgun<sup>8</sup>—and these guns can fire many, many of these high-powered rounds extremely fast. The assault weapons prohibition in S.4 will help keep firearms that were designed to be weapons of war and really have no place in the civilian market, out of the hands of young people.

We know that prohibiting assault weapons can save lives, as these laws have been associated with a lower likelihood of an active shooter event. Between 2009 and 2020, when assault weapons were used in a mass shooting, six times as many people were shot, more than twice as many people were killed, and nearly 22 times as many people were wounded per incident on average, compared to mass shootings where assault weapons were not used.<sup>9</sup> A 2019 study also found that while the federal prohibition on assault weapons and high-capacity magazines was in place from 1994-2004, mass shooting fatalities were 70% less likely to occur than during the 13 years studied before and after the prohibition was in effect.<sup>10</sup> Unfortunately, the federal prohibition was allowed to sunset in 2004, making it even more critical for states to step up and regulate these unusually dangerous weapons.

---

<sup>7</sup> Peter M. Rhee et al., “Gunshot Wounds: A Review of Ballistics, Bullets, Weapons, and Myths,” *The Journal of Trauma and Acute Care Surgery* 80, no. 6 (June 2016): 853–67, <https://doi.org/10.1097/TA.0000000000001037>. Generally, most current state laws define assault weapons to include semiautomatic firearms that have a number of military-style features, semiautomatic firearms that come equipped with fixed high-capacity magazines, or other specifically enumerated high-powered firearms.

<sup>8</sup> Rhee et al., “Gunshot Wounds.”

<sup>9</sup> Everytown for Gun Safety Support Fund, “Twelve Years of Mass Shootings in the United States,” June 4, 2021, <https://everytownresearch.org/maps/mass-shootings-in-america/>. The 30 mass shootings involving assault weapons resulted in an average of 35.1 people shot, 11.6 people killed and 23.6 people wounded per incident, compared to an average of 5.9 people shot, 4.8 people killed and 1.1 people wounded when other or unknown-type guns were used.

<sup>10</sup> Charles DiMaggio et al., “Changes in US Mass Shooting Deaths Associated With the 1994-2004 Federal Assault Weapon Ban: Analysis of Open-Source Data,” *The Journal of Trauma and Acute Care Surgery* 86, no. 1 (2019): 11–19, <https://doi.org/10.1097/TA.0000000000002060>



Currently, nine states and DC broadly prohibit the possession of assault weapons, representing over a quarter of the US population. This includes the nearby northeastern states of Massachusetts, Connecticut, New York, New Jersey, and Maryland. California was the first, and their law has been in place for more than 30 years. The most recent assault weapons prohibition was enacted in Illinois just last month, and I had the honor of testifying in support of that bill during the legislative process. We support Vermont's efforts to thoughtfully regulate access to these weapons by young people.

I also want to take a moment to address some of the prior testimony opposing this provision of the bill, which mischaracterized assault weapons prohibitions as “having been, and are being, struck down as unconstitutional.” I want to clarify for the record that to date not a single assault weapons prohibition has been struck down. In the Colorado case<sup>11</sup> cited by a previous witness, the case was filed ex-parte without the chance for defendants to respond, and the plaintiffs subsequently [voluntarily dismissed](#) the case which dissolved the preliminary temporary restraining order, and, while new litigation has been filed challenging these same laws, there has not yet been a decision in that case on constitutionality. There have, on the other hand, been recent decisions affirming the constitutionality of large capacity magazine prohibitions, which have examined much of the same evidence and considered many of the same sorts of arguments that would be (and are being) relied upon in assault weapons litigation.<sup>12</sup> In a very thorough, and well-reasoned opinion in [Oregon Firearms Federation Inc. v. Brown](#), a Trump-appointed judge in federal district court found that the historical evidence supported the constitutionality of the state's large capacity magazine law. The same reasoning should apply to an assault weapons law. In fact, the Oregon court considered the the Colorado decision regarding the Boulder County ordinance that a prior witness referred to – and correctly noted that it was issued without a hearing or without defendants even filing anything with the court and thus “it provides no guidance on the constitutionality of large-capacity magazine restrictions post-*Bruen*.”

But I want to highlight two important things. First, no one can confidently predict how our firearms laws will be evaluated in a post-*Bruen* landscape. The *Bruen* opinion ruled unconstitutional New York's “proper cause” requirement of their concealed carry permitting law and impacted New York and the six other states with similar standards. It did not evaluate any other kind of firearm restriction. It did, however, articulate a new text-and-history test by which all firearm laws will be evaluated going forward. This new approach to evaluating laws will be unpredictable until we see much more evidence of how courts, and in particular appellate courts who are only now beginning to weigh in, rule. We have seen in the months since *Bruen* was decided a wave of litigation around the country—far more than 50 cases at my last count. Last

---

<sup>11</sup> *Rocky Mountain Gun Owners v. The Town of Superior*, 2022 U.S. Dist.

<sup>12</sup> *Oregon Firearms Fed'n, Inc. v. Brown*, 2022 U.S. Dist. LEXIS 219391, \_\_\_ F.Supp.3d \_\_\_, 2022 WL 17454829; *Ocean State Tactical, LLC v. Rhode Island*, 2022 U.S. Dist. LEXIS 227097, 2022 WL 17721175



week we saw one of the very first opinions delivered by a federal Court of Appeals in applying a *Bruen* analysis. But we are still a long time away from seeing whether and if there are splits between circuits, and whether and if the Supreme Court of the United States decides to grant *cert* to resolve any potential disagreements among the circuit courts on any particular gun violence prevention policy.

Secondly, and most importantly, I want to zoom out to look at this bill in a national context—because other states that regulate assault weapons take a much more robust approach, since those states prohibit assault weapons for all ages, not just for young people. In fact, several states block most gun possession by people under 21, not just for assault weapons. And over one-quarter of the US population lives in a state that broadly prohibits assault weapons possession, regardless of a person’s age. This bill’s provision is limited in prohibiting only those under 21 from possessing assault weapons. It’s a moderate approach to dealing with the realities that young people are far more likely to commit firearm homicide and that these kinds of weapons can cause far more damage, far quicker than firearms without these features. And ultimately, the goal of legislation like this is to save lives, which this bill will do.

Lastly, but just as importantly, we’re thrilled that this bill would create a Community Safety Grant Program for localities to support community programs, with a corresponding \$10 million appropriation in Governor Scott’s proposed budget to fund it. And we particularly urge the support of community violence intervention programs, which are programs that address the full cycle of violence—from acute moments of crisis, to programming that serves to address root causes, to supporting the healing process of victims and survivors. This comprehensive, community-based approach is particularly needed now. According to reports, in 2022 there were 25 homicides in Vermont.<sup>13</sup> That would be the highest number of homicides in more than 20 years, according to FBI data.<sup>14</sup> As Mayor Weinberger spoke about last week, Burlington alone saw more murders than in the previous four years combined, including numerous firearm homicides, as well as more than double the number of gunfire incidents than in 2020.<sup>15</sup>

The drivers of gun violence are complex and multifaceted. But this bill represents an approach offering a range of proven solutions to support both prevention and intervention. Thank you very much for the opportunity to testify in support of this important legislation. I am grateful for your efforts to address the epidemic of gun violence in Vermont.

---

<sup>13</sup> Cam Smith, “Vt. homicide rate in ‘22 highest in nearly 3 decades,” WCAX, <https://www.wcax.com/2023/01/11/vt-homicide-rate-22-highest-nearly-3-decades/>

<sup>14</sup> FBI National Incident-Based Reporting System, “Crime Data Explorer,” <https://cde.ucr.cjis.gov/>, accessed February 2023

<sup>15</sup> Burlington Police Department, “Burlington Police Chief’s Report,” December 2022, <https://bit.ly/3wTSrB0>