

April 3, 2015

Dear Representatives of the House Judiciary Committee,

I write to you today to express my opposition to bill S.141 and respectfully ask that you vote NO to it and kill it within your committee.

The fact of the matter is that Vermont is the safest state in the nation, having the lowest violent crime rate in 2013, according to FBI statistics. ATF statistics also prove that Vermont is not the “iron pipeline” as supporters of gun control would like you to believe, as the data shows that VT ranks 45<sup>th</sup> of all 50 states and ranks last of all New England States of being a source of guns to other states. It is obvious when reviewing these facts that Vermont does not have a gun problem and that our current laws are working just fine.

The force behind the introduction of new gun laws into the safest state in the nation is the outside influence and money of Michael Bloomberg through the groups Everytown, Moms Demand Action, and Gunsense. Their statistics have been proven false time and time again and their tactics have been proven dishonest and on the verge of being against the law (pending legal action from a local firearm dealer as they falsely accused his internet ads of being a private seller who was making sales to prohibited persons.) His influence has reached our state through the astroturf group Gunsense VT.

Not only is S.141 an un-needed bill, as the statistics show, but it also has many flaws that also warrant a no vote from you.

The section that pertains to felons in possession of firearms is a redundant law. There is already Federal Law that makes it a felony crime for a felon to be in possession of a firearm. Gun control advocates will try to tell you that we need this law because Federal prosecutors are low on resources and are unable to prosecute these cases in Vermont. However this is not true. In a March 18, 2015 testimony from the ATF in a Senate Judiciary committee meeting they stated that they are enforcing and prosecuting these cases. Governor Shumlin also stated in a media statement earlier this year that his office had NOT been made aware by law enforcement agencies that there was a problem with not being able to prosecute these cases. There is also the following current state law:

Title 13, Chapter 85, Section 4005 that states:

While committing a crime, [e]xcept as otherwise provided in 18 V.S.A. § 4253, a person who carries a dangerous or deadly weapon, openly or concealed, while committing a felony shall be imprisoned not more than five years or fined not more than \$500.00, or both.”.

Since a felon possessing a firearm is in fact the act of committing a felony, the state can prosecute based on the above statute. Why is there a need for a redundant law when the Fed’s are prosecuting and there is a current law that allows to state to prosecute if they wish to do so? Our Judicial system is already strapped enough for resources so let the Federal Judicial system keep doing their jobs.

Under the section that describes a violent crime there is the following wording :

(ii) a comparable offense and sentence in another jurisdiction if the offense prohibits the person from possessing a firearm under 18 U.S.C. 2 § 922(g)(1). So although the Senate Judiciary Committee claims to have narrowed the definition of a violent crime this wording was left in which is very vague. This will perhaps leave the door open into what someone's interpretation of a comparable offense is and may prohibit certain individuals from possessing a firearm that should not have been included in the original intent of the bill. The section that pertains to mental health portion of this bill would currently affect around 260 individuals. Many of these people are non-violent and have been committed to the Department of Mental Health for reasons such as refusing to take their insulin and other medications. This seems very extreme to deprive individuals who are not violent of their constitutional rights. The bill states that after 18 months of being out of the custody of the state the individual may petition the court for a relief from disability, which if granted should remove them from NICS. The first issue is you are making someone wait a year and a half to attempt to get their rights back, which in reality will be a much longer time as they wait for a court date. They will also need an attorney and incur other expenses. The bigger issue is that if the petition is granted the Federal government has not funded, since 1992, the process for approving and executing relief from disability requests. In 2007, as part of the NICS improvement amendments, the federal government allowed states to enact their own relief from disability programs. These must be certified by the ATF. As of 2014 about only half of all states had such a program. This ultimately means that if the state does not enact a program than a person will be denied going through the federal government due to lack of funding, meaning they are unable to regain their constitutional rights. Such a program will require MORE scarce state resources.

In conclusion I once again ask you to vote NO to S.141. I have pointed out several valid issues with this bill, but it still comes down to the facts.

**VERMONT IS THE SAFEST STATE IN THE NATION!!!** Our current laws are working just fine. Why would you take steps to enact more laws, which are just a foot in the door to stricter laws down the road, when there is no problem that needs to be solved? Our neighboring state of NY has some of the strictest gun laws in the country and that in turn results to NY having 4 TIMES THE VIOLENT CRIME RATE of VT.

Thank you for your time,

Ben Broe

Burlington VT