

Dear Legislators,

I urge you to vote NO on S.141. Some of the issues that I have with the legislation are as follows;

This is a bill that is backed entirely by out of state interests and money. We Vermonters, as inhabitants of the safest State in the U.S., need no new laws. We do fine with what we have. Article 16 of Our Constitution says it best I believe.

Article 16. [Right to bear arms; standing armies; military power subordinate to civil]
That the people have a right to bear arms for the defence of themselves and the State--and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.

According to testimony from the A.T.F. .on March 18, 2015, in the Senate Judiciary Committee, the federal government IS currently prosecuting federal gun crimes and drug runners. Please let them continue to do what our tax dollars pay for. We don't have the resources to do their job. I believe we have enough financial issues already. Adding more does nothing for our State or safety.

Currently, there is a Vermont statute that elevates crimes comitted with a weapon, making parts of this legislation redundant at best. 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."

My issue with the mental health reporting requirement is that it will seriously hinder those who would otherwise seek psychiatric or psychological care. I firmly believe people who would otherwise seek help will not due to the knowledge that they will become a prohibited person. I envision a Veteran returning home with symptoms of Post Traumatic Stress Disorder who would fail to seek help or counseling. Having been in a similar situation as a Veteran I know that had this been the law at the time, it would have given me serious pause in seeking assistance. Assistance which was for me at least, instrumental in my readjustment.

We need a process for restoration for misdemeanors as well. The federal courts have ruled that although a state has not taken the right of firearms possession away, when a conviction occurs that places a person on the prohibited list, automatic restoration of rights do not occur. And as the ATF refuses to consider applications for restoration, the courts insist a state must specifically restore the right. So for a person convicted of misdemeanor becomes a prohibited person, it is effectively a life sentence. Regardless of how many years a person does not run afoul of the law. State offenders who are entitled under state law to possess firearms remain federally disabled. Our Great State provides that once an individual has completed their sentence for a crime, they have paid their dues and no further actions are required in order to regain full status as a law abiding citizen. Consider that this federal disability is a life sentence for even those convicted of a youthful error in judgement. For example, an 18 year old high school student who is convicted for selling a small amount of marijuana to a friend is now banned under federal law for life.

Federal law allows as follows;

April 2, 2015

A person is not considered convicted for Gun Control Act purposes if he has been pardoned, had his civil rights restored, or the conviction was expunged or set aside, unless the pardon, expungement, or restoration expressly provides the person may not ship, transport, possess, or receive firearms.

Persons convicted of a State offense may contact the State Attorney General's Office within the State in which they reside and the State of their conviction for information concerning any alternatives that may be available, such as pardons and civil rights restoration.

[18 U.S.C. 921(a)(20) and (a)(33)]

We have no process for this.

Furthermore, would not Section 7 violate the equal protection clause of the Constitution? "A person who is prohibited from possessing firearms by 18 U.S.C. § 922(g)(4) may petition the Court for an order that the person be relieved from the firearms disability imposed by that section."

It allows ONLY individuals that fall into a specific category protections not afforded to any other category of persons.

"Sec. 7. 13 V.S.A. § 4825 is added to read:

§ 4825. PERSONS PROHIBITED BY FEDERAL LAW FROM
POSSESSING FIREARMS DUE TO MENTAL ILLNESS; PETITION FOR RELIEF
FROM DISABILITY

(a) A person who is prohibited from possessing firearms by 18 U.S.C. § 922(g)(4) may petition the Court for an order that the person be relieved from the firearms disability imposed by that section. The petitioner shall provide notice of the petition to the State's Attorney or the Attorney General, who shall be the respondent in the matter. "

I would recommend that this entire bill be voted down. And perhaps new legislation proposed that would create a restoration process for ALL Vermonters.

Respectfully,
Michael B. Deering
Barre, Vermont