

# Vermont Federation of Sportsmen's Clubs, Inc.

*Proudly Serving Vermont Since 1875*

[www.vtfsc.org](http://www.vtfsc.org)

Good morning, for the record I am Chris Bradley and I am the President of the Vermont Federation of Sportsmen's Clubs. The VTFSC is an organization that has existed in Vermont since 1875, and we represent thousands of Vermont sportsmen and sportswomen who are members of the 46 (and growing) VTFSC member clubs.

The Federation holds that S.141 is unnecessary, and this is because Vermont is:

- Consistently one of the very lowest violent crime rate states in the nation;
- Continuously has one of the very best gun safety records in the country;
- Is not a major source of guns to other states, in fact we are ranked the 45th lowest source of guns to the 50 states.

We therefore fundamentally believe that S.141 is a solution in search of a problem, and we take the following positions on specific sections of S.141.

## **Section 1**

In regards to Section 1 (**Persons Prohibited From Possessing Firearms**), as a general rule the Federation does not support the concept of creating redundant laws, and this is precisely what is being done with §4017. The Federation respectfully points out that Federal law, specifically [18 USC 922](#) and [18 USC 924](#) already address the intent of §4017 and does so by utilizing Federal personnel, Federal resources and Federal dollars. If indeed the Feds are not aggressively prosecuting prohibited persons who are found in Vermont to be in possession of firearms - and opinions seem to differ on this point - then it must be conjectured that their failure is entirely due to a lack of resources. If that is indeed the case, then the Federation feels that this deficiency is best addressed through our Congressional delegation who would bring focus on this issue to increase the available resources to meet Vermont's needs. The Federation also feels that with the State taking on the additional load of what is not currently being picked up by the Feds, in addition to likely picking up some of the load that is being handled today by the Feds, this can only mean that the burden on resources is shifted onto Vermont. As this appears to be a logical outcome with no corresponding increase in funding: We believe that Vermont will be put in the same lack of resource situation that the Feds currently seem to be in.

As a result of a hard analysis however: Even though the Federation believes that §4017 represents redundancy, and we further believe that this represents what amounts to an unfunded mandate to Vermont taxpayers; given that the Federation does not in any way support prohibited persons from having firearms and given that most law enforcement agencies seem to support taking on this added burden - we opt to not oppose this section as currently written.

## **Section 2**

In regards to Section 2 (**Firearms Relinquished Pursuant to Relief From Abuse**), we believe that this proposed amendment to §2307 is a good amendment which brings the process in line with the Vermont Rules of Civil Procedure, and therefore beings consistency.

Simply put: The Federation does not support having a different or lesser standard for firearms than for any other form of property, so we therefore fully support this section as currently written.

## **Section 3**

In regards to Section 3, **Report on the New Hampshire Gunshop Project**, the Federation is at a loss to understand the need for the implementation of this project to be put into statute. We further question the need to create any report given that we believe that this report has essentially already been written and incorporated into a document entitled *Reducing Suicide Risk by Limiting Access to Lethal Means*, with this report being authored in October 2014 by the **Vermont Center for Health and Learning** on behalf of the **Vermont Department of Mental Health**.

As an aside here: The Federation took it upon ourselves to investigate the details of this project shortly after we learned of it as we felt it is completely in line with the Federation's focus on education and training. As President, I have had both telephone contact and email contact with Ms. Elaine Frank, who is the co-chair of the New Hampshire Firearm Safety Coalition (NHFSC), which is the group that initiated this project in NH in conjunction with Gun Shops, Firing Ranges, Legislators, Mental Health advocates, injury prevention advocates in addition to researchers and volunteers. We have reviewed all of the available materials; we have reviewed their methods of rolling this initiative out; we have reviewed their methods of follow-up and monitoring, and we have additionally been in contact with Alex Potter from the Vermont Center for Health and Learning who was the principle author of *Reducing Suicide Risk by Limiting Access to Lethal Means*.

The Federation offers no objection whatsoever to this portion of S.141, and other than the fact that we do not see the need for this initiative to be legislated (this initiative was not legislatively mandated in New Hampshire), we will in all likelihood take on a central role in this initiative once we understand what our level of involvement would be such that we can seek formal approval for full support by our membership.

## **Section 4, 5, 6 and 8**

In regards to Section 4 thru 6 as well as section 8: We offer no objections to these portions.

## **Section 7**

In regards to section 7 (**Persons Prohibited By Federal Law From Possessing Firearms due to Mental Illness; Petition for Relief From Disability**), the Federation cannot support this section as it is currently written and currently stands in strong opposition to this section.

To make our position crystal clear, I begin by stating that the Federation does not support people possessing firearms who have been adjudicated as having a severe mental health issue and who are deemed a danger to themselves or others. In stating that however, the Federation believes that the majority of these people are far more likely to be victims of violence than they are to be perpetrators of violence.

As the intent of this section is to remove a person's right to keep and bear arms by reporting these people to NICS, and we acknowledge that the number of people falling into this category are small in number, we are nonetheless intently focused on the process by which a person can have their rights restored as it must be recognized that people with mental illness can fully recover. This restoration process must be clearly defined; it must not require exorbitant costs; and above all else must adhere to Due Process.

As currently written, the Federation's primary objection to this section involves any consideration whatsoever of any "waiting period" before an affected individual could petition a court for the restoration of their rights **AFTER** the Vermont Department of Mental Health has decided that an affected individual is no longer a danger to themselves or others.

In contemplating this proposed "waiting period", it must be recognized that since the process to have an individual's rights restored requires a court action, and that there are typically lengthy delays between requesting a court action and that action actually being heard in court; this delay directly equates to an individual being denied Due Process to recover their rights.

Arguably: At the point in time that the Vermont Department of Mental Health has made their determination that a person no longer represents a threat or otherwise lets an order expire, then that is the point where the process to restore a person's rights should begin. Immediately.

The Federation therefore does not and cannot support this section unless the waiting period is removed entirely. Should the waiting period be removed - the Federation could be inclined to cease opposition to this section, but if that cannot occur: The Federation will remain in opposition to this section, and therefore the entire bill.

In summary: The Federation reiterates its position that redundant laws are not needed and are unnecessary, and we are keenly focused on the constitutional aspects of removing and then restoring a citizens unalienable rights.

As we do not support the concept of prohibited persons having firearms, and we likewise do not support the concept of people with severe mental health issues and who are likely to be a danger to others having firearms: Should the waiting period be removed from section 7, we would be poised to cease opposition to this bill, while at the same time making it crystal clear that given the genesis of this bill we cannot and will not ever be able to fully "support" it.