

The Gun Owners of Vermont Inc. P.O. Box 753 Bellows Falls, Vt. 05101 (802) 463-9026

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My name is Ed Cutler and I am here representing the Gun Owners of Vermont and our thousands of members statewide.

We oppose H.422 for many and varied reasons.

To begin with, this bill is unconstitutional under both the U.S. Bill of Rights and especially under Articles 1st, 11th, and 16th of the Vermont Constitution. It will also nullify the victim's right to self-defense under Title 13 §2305 by removing the ability to defend themselves against not only the abuser, but, being a rural state, any rabid or aggressive animal from a raccoon up to and including a moose or bear that happens to wander into the area.

During these hearings you will hear from women who have successfully defended themselves against an abuser. There has also been a number of E-Mails submitted on this same issue. Listen to their words carefully and understand that the mere presence of a firearm can, and does have a chilling effect against an aggressor. In almost all cases of this happening, the victim never had to discharge the firearm, they merely had to show a firearm to stop an attack. As a matter of fact I personally know 4 women in this state who this has happened to. Since that day they have not been bothered or attacked by that abuser again. The reason Vermont, New Hampshire and Maine have historically had low violent crime rates is because of the huge number of people that own firearms. As a matter of fact the F.B.I. Uniform Crime Report shows that Vermont has the lowest violent crime rate in the nation. Vermont has been one of the top ranked safest states historically for over 220 years.

What can we do to prevent an abuser from doing what they do?

There are already laws on the books to stop this kind of thing. The police already have the constitutional authority to arrest and disarm an abuser under a number of different statutes. Some of them are assault, assault with a deadly weapon, and criminal threatening. As a matter of fact, even pointing a firearm or deadly weapon at another human being is against the law and carries a serious punishment. To keep this short there are already laws on the books to handle this kind of situation.

2

What will happen if this bill passes? There will be a number of things that could possibly happen: This is not a full list and there are many more.

1) A neighbor hears a shouting match between two individuals. There is no violence involved but the neighbor does not know that so calls the police. They respond as they should but they also do not know what is going on. These two individuals are still pretty mad at each other so one of them says they are being threatened. The officer asks if he can search the house. Someone replies "yes!" Most people will say "yes" simply because they either do not know their rights or want to seem like they're cooperating with the officer. Because of this new law, the officer has NO CHOICE but to make an arrest and call dispatch to request a number of large trucks and several personnel to completely remove every firearm and all ammunition, every kitchen knife, axe, hammer, scissors, trophy, chair, golf club, fork, pencil, chain, tire iron, can of gasoline, garden tool, family car even the bed sheets and everything else that can possibly be used as a deadly weapon. By the time the officers are finished, the house is down to nothing but bare

walls and there is not a single stick or rock on the property! After the police have spent countless hours transporting, sorting, photographing, cataloging, inventorying, and caring for those thousands of items, the two people calm down and the next day the false charges are dropped. All of those confiscated items will have to be removed from inventory, loaded back into trucks and returned to the owners in the same condition they were in when taken. If not, the department will be sued for damages.

2) This time there is a real crime. The abuser again gets arrested and everything in the house and property is removed. The abuser will be released after a court hearing. Being the type of person they are they will try to go after the victim. We have to understand that abusers do not care what the law says, if they did they would not be abusers. You have now left that victim helpless. They can call the police and hope. Even if they call 911, the average response time in Vermont is over 20 minutes. A lot of damage can be done in that time. The victim no longer has anything they can use to defend themselves. This includes firearms, knives, frying pans, or even the car they could have used to escape from that person.

3) The abuser is arrested and goes to court. Most attorneys could get him off on constitutional grounds. The abuser is now walking the streets, angry that all of his personal belongings were taken from him. If this happens the abuser, now madder than when the incident occurred, thinks they can get away with anything and is apt to do something worse to the victim. Are you, as legislators, willing to have an abuser walking the street because this law is overturned while the present laws, which have stood the test of time, are effective, constitutional, and already work?

3

In previous testimony it was stated that between 1994 and 2015 there were 77 domestic violence homicides committed with firearms.

That is an average of 3.4 per year. In 2004 and 2009 there were ZERO total firearm fatalities. Show me another state that has zero homicides by firearm over an entire year.

We, as well as everyone in this room, do not want to see any man, woman or child being abused, but this bill will not prevent ANY abuse. It will have the opposite effect by taking away the abused person's right and means to defend themselves and their children. An abuser, who by their very actions does not care what the law says, will not be deterred by one more law.

Vermont has other very serious problems. Drug trafficking and drug/alcohol abuse are rampant. As a matter of fact, comparing the statistics from the Vermont State Police so far for 2017, we analyzed 635 "press releases" from 1/1/17 to 3/8/17.

- 185 Motor Vehicle Crashes
- 183 DUIs (including #4 & #5)*
- 35 Burglaries
- 22 Drug Crimes
- 21 Violations of Conditions of Release*
- 19 Male Domestic Assaults
- 14 Fugitives from Justice*
- 10 Accidental Deaths
- 9 Female Domestic Assaults

- 7 Thefts
- 4 Robberies
- 3 Abuse Prevention Order Violations*
- 3 Felons in Possession*
- 2 Firearm Homicides
- 2 Snowmobile Deaths * = Repeat Offenders

There are people dying from crashes, DUI and overdoses of both prescription and illegal drugs. You should figure a way to stop things like this from happening. But, you understand that legislation will not stop crime, nor make criminals obey the law.

Instead of passing this unconstitutional bill into law, which will be overturned and will not be effective, more focus should be placed on mental health, addiction prevention and couples counseling.

Respectfully, Ed Cutler President, Gun Owners of Vermont 802-463-9026