

- I understand there are strong feelings around the room regarding firearms and the right to bear arms.
- As you all know, the US Constitution has been interpreted to mean and the Vermont Constitution is very clear, the right to bear arms is an individual right. The Vermont constitution goes so far as to say people have the right to bear arms for the defense of themselves. The Governor has been very clear in his passionate belief in the Constitutions and all amendments to the US constitution – last year we had this conversation about the 10<sup>th</sup> amendment when we discussed S. 79.
- However, as you also know, both the US and the Vermont Supreme Courts have rules that these provisions, like many other constitutional liberties, are subject to reasonable regulation.
- I am here to address two issues – not S. 221 and H 422, although I will get to that – the two issues I think we can all agree on are that we need to keep firearms out of the hands of people who should not have them and we need to keep our kids safe in the schools.
- When we start to talk details, we retreat to our ideological corners, we resort to name calling and often profanity and which side is more wrong – and we forget the two primary issues:

we need to keep firearms out of the hands of people who should not have them and we need to keep our kids safe in the schools

- The governor is very concerned about our ability to have a civil, fact based discussion about how to achieve these ends.
- We are very happy that all sides seem to have come together to discuss S. 221. We expect action on that in the Senate and we would expect action for that in the House.
- I am pleased to see this committee considering this bill even before it has arrived and thank you all for recognizing the urgency.
- The Governor’s memo outlines a range of steps to make our communities healthier and our children safer. The emphasis is on school safety.
- The Governor has expressed specific support for several common sense measures which would keep guns out of the hands of people who should not have them:
  - S. 221 – extreme risk protection orders
  - H. 422 – allowing law enforcement responding to a criminal domestic violence incident to remove guns from the home; and
  - H. 675 Conditions of Release which this committee has already considered
- We have identified these bills as common sense measures which can be constructed in a way to address constitutional concerns. Nothing in these proposals even raise second amendment rights or limit the right to bear arms. These proposals have been crafted in a way to address 4<sup>th</sup> amendment search and seizure concerns.
- We see the two bills as accomplishing different purposes – one is clearly a civil court proceeding. The other occurs in exigent circumstances when a crime has been alleged to occur. Others are better suited than I to explain the distinction.
- I would like to leave you with a hypothetical: say we have an 18 year old who has been planning a mass killing in a school for at least two years. He has a journal which documents his progress, a checklist of objectives and a kill list. He has identified a date for execution of his plan for

sometime in the very near future. One of the items on the list is to purchase a shotgun and that individual has purchased a shotgun.

- If your goal is to keep firearms out of the hands of people who should not have them and we need to keep our kids safe in the schools, my question is whether the measures we adopt this session will accomplish this goal. This question should be raised with law enforcement, defense counsel, prosecutors and the judiciary.
- The Governor bears the burden of his responsibility to our kids very heavily. This weekend he had the chance to talk to the Governor of Florida who very recently attended 17 funerals. The Governor wants to work with the legislature to pass common sense reforms while protecting our Constitutional rights.