

## S.55 With LaLonde Amendments

As the pivotal moment that brought us here is the horrific tragedy which was a failure of our society at Parkland, I would like to offer a short list of some things that didn't happen on February 14<sup>th</sup>, 2018:

- 55 to 120 million gun owners didn't commit mass murder
- Laws that forbade weapons in schools didn't work
- Laws forbidding unlicensed carry of firearms didn't work
- A passed background check didn't stop a heinous attack on innocents
- Going back for a period of 6 years, the local police didn't arrest a disturbed person for multiple acts of threats, violence, harassment, peeping and weapons violations
- A school didn't protect its students by pressing charges against a person who had broken multiple laws concerning weapons, destruction of property and assault

I cannot fathom walking into a school with the intent of killing kids. It is beyond my comprehension, as I would hope would be true for everyone in this room. Yet, there are people who do think about these things, they actually carefully plan out these heinous acts, as well as carefully prepare, and they often opt to take their own life as opposed to being taken into custody.

For the actions of a miniscule number of people that are obviously not thinking as the rest of society thinks, and even though you have provided "grandfathering" for my generation, you are clearly establishing a framework which can only serve to restrict the rights of future generations. For that I strenuously object, above and beyond my objections over the simple facts that none of the laws you propose will stop a determined person from creating havoc and mass death.

You blame the tool, when the problem is the person wielding that tool. For the acts of the deranged few, the vast majority suffer "restrictions". While it has been established that some individual rights are subject to "reasonable restrictions", it is obvious to me at least the proponents of bills such as this wish to have the Supreme Court determine what the definition of "reasonable" is, and how "reasonable restrictions" gets squared with the only individual amendment I am aware of that carries the clause: "shall not be infringed".

To begin, I would like to review a situation that exists in Connecticut. As you will recall, in December 2012 a sick and deranged 20-year old perpetrated the horrendous and evil act of gunning down twenty 6 and 7 year-old students and six adults at Sandy Hook Elementary School.

In response to that unconscionable act, the Connecticut Legislature quickly responded by crafting a law that banned the sale of a number of semi-automatic firearms that they labeled as "assault weapons". Connecticut residents who owned these types of firearms were allowed to keep what they already owned: But to remain legal they were required to register these firearms with the state before December 31st, 2013. As of January 1st, 2014 there had been 41,347 registration applications made, and as there was no provision made for registering these firearms after December 31st, 2013: Any Connecticut resident who had one of these firearms and who had not complied with the registration immediately became felons.

Given the low number of registrations, the media in Connecticut began to wonder just how many Connecticut citizens had not complied.

Because exact numbers could not be determined, the National Shooting Sports Foundation (NSSF), which is a trade association for firearms manufacturers, made an estimate. Using data obtained from numerous surveys, consumer purchase information, NICS background check data and data from private party transactions, they estimated that there were 350,000 owners of such firearms in Connecticut as of January 1, 2014.

If that 350,000 number is correct, and because these style of firearms are modern and new in nature, virtually all of these purchases were likely made by citizens who were able to pass a background check, meaning that these were honest and law-abiding citizens with no criminal records. Yet, when it came time to register, a little less than 12% complied, meaning that a 88% DIDN'T comply, which meant that over 308,000 law-abiding citizens of Connecticut appear to have voluntarily opted to become felons as opposed to remaining legal by registering.

Now let's look at a similar situation in New York. In April of 2014 the New York SAFE act took effect, which required New York residents to register any firearms they owned which matched New York's version of what an "assault weapon" was. As an aside, this law was passed in the dark of night, without hearings, debate, or any input from gun owners and their advocates. On any other issue: These would be actions which would be condemned by a society that cherished freedom, liberty and ethical and transparent government.

In any event, the question quickly arose as to how many people registered their guns, and so the government of New York was asked to give that number. New York refused. In response, New York was hit with a Freedom of Information Request. Again, the government in New York refused. Eventually however New York was sued to obtain the number, and as a result they were finally forced to provide what should have been information freely available to the public.

From that lawsuit, we learned that just 23,847 people registered that they had these type of firearms.

Again however, the question arose as to how many New Yorkers actually owned the firearms that were designated as "assault weapons". Using the same approach as had been done with the Connecticut estimate the NSSF calculated the total number of owners in New York of these sorts of firearms at 1,000,000. If we can accept the NSSF's estimate, then just over 2% of the estimated number of New Yorkers who were thought to have this style of firearm registered while over 97% didn't, meaning that 976,153 New Yorkers willingly opted to become felons. Again: The vast majority of these people likely also had to go through a passed background check when they originally purchased these firearms, meaning that these were all likely to be honest and law-abiding citizens with no records.

So let us ask ourselves, why would citizens who are law-abiding NOT abide by a law that ostensibly is intended to keep everyone safe?

With a stroke of the pen in two states, a whole new class of citizen was created: Law-abiding citizens who could pass background checks because they had no criminal records, but who were willing to become felons when they felt their rights were being infringed. I might suggest that Vermonters come from even hardier stock.

In an article in the Burlington Free Press that appears in today's paper, I note that Representative LaLonde is quoted as saying "We're still very much in the fact finding mode." With a possible vote scheduled for this afternoon on S.55, and the schedule showing a definite vote on Friday, how and where is the fact finding taking place? Is it solely thru this testimony whereby 4 pro-gun people are given 15 minutes to speak across 1 hour while just one anti-gun speaker is given almost 2 hours? How is that fair or unbiased? In order to do due diligence on "fact finding", why is this not being studied in a dedicated Committee, or even better, allow for a public hearing on these matters?

## §4021 Large Capacity Ammunition Feeding Devices (LCAFD)

1. What is the definition of "Transfer"?

This section says "person". What would the status be of an organization or a Trust?

2. (c) "lawfully possessed"?

What is an example of an un-lawfully possessed feeding device?

3. (c) A 20-rd magazine exists in NH, and it was "lawfully possessed" by a NH resident prior to July 1, 2018. I visit NH and buy that magazine, and then travel back to VT with it. I appear to be in compliance with this section. Am I?

4. (c) A person decides to move to VT because of its current "liberal gun laws". He owns a large number of high-capacity magazines, which he "lawfully possessed" prior to July 1, 2018 in the state he previously lived in. He is not in jeopardy of violating this law, correct?

Assuming that he is not in jeopardy, he could sell these to Vermonters, correct?

5. (c) A mail-order company in another state sells LCAFDs which they warrant were "legally possessed" prior to July 1, 2018. Can a Vermonter buy one of these without being in violation of this law?

6. (c) Under this section, a Vermonter can buy a LCAFD from another that was "lawfully possessed" prior to July 1, 2018. How would the Vermonter be able to tell whether or not he is violating the law from an unscrupulous seller? Would state LE/DPS be able to assist with this?

7. (d) "This section not apply..." should be "this section does not apply".

8. (d)(4) prohibited from receiving ammunition? Isn't this about Magazines?

9. (e) What is the rationale for a 10-round limit?

Many modern pistols accept "double-stack" magazines which by design accommodate more than 10-rds.

- a. Why, when pistols are apparently acceptable for defense, should they be limited to an arbitrary 10-rd limit?

b. Why do police carry pistols with magazines that exceed this limit?

10. (e) Disintegrating links?

11. Magazines are not serial numbered. How would it be determined as to when a magazine was built?

## § 4022 Semiautomatic Assault Weapons (SAW) Prohibited

1. (a)(1) What is the definition of “Transfer”?
2. (b) A Modern Sporting Rifle exists in NH, and it was “lawfully possessed” by a NH resident prior to July 1, 2018. I visit NH and buy that firearm, and then travel back to VT with it. I appear to be in compliance with this section. Am I?
3. (b) A person decides to move to VT because of its current “liberal gun laws”. He owns a large number of modern sporting rifles all of which meet the definition of a SAW, which he “lawfully possessed” prior to July 1, 2018 in the state he previously lived in. He is not in jeopardy of violating this law, correct?

Assuming that he is not in jeopardy, he could sell these to Vermonters, of course with Voluntary Background Checks passed correct? I say “Voluntary Background Checks” because I strongly state that S.6 is virtually unenforceable, and therefore compliance must be seen as voluntary.

4. (b) A mail-order company in another state sells SAWs which they warrant were “legally possessed” prior to July 1, 2018. Can a Vermonter buy one of these thru his FFL without being in violation of this law?
5. (b) Under this section, a Vermonter can buy a SAW from another Vermonter that was “lawfully possessed” prior to July 1, 2018. With or without Voluntary Background Checks in place, how would the Vermonter be able to tell whether or not he is violating the law from an unscrupulous seller who lies when he states his date of ownership (I.E. ownership was really after July 1, 2018)? Would state LE/DPS be able to assist with this?
6. (c)(1)(A)(i) Why is a telescoping stock, bad? By using a telescoping stock, a modern sporting rifle can be readily adapted to fit different people. As all body types are not the same, for example a man of my stature versus my lady, who is 5’10”. Since swapping fixed stocks is apparently allowed but cumbersome, why would you discriminate against couples with different body types?
7. (c)(1)(A)(ii) With the amazing ingenuity of Americans in the face of ridiculous laws, grips are available for modern sporting rifles such as the AR-15 which are “featureless”. For example, I think we can all agree what a “pistol grip” looks like. However, by creating a grip with a large thin back-facing flange, it is no longer a pistol grip because you can no

longer grip it as you could a “pistol grip”.

What is the definition of “conspicuously”? Is there a measurement that corresponds to this so that a Vermonter would know what is or is not in violation of this law?

8. (c)(1)(A)(iii) Again with the amazing ingenuity of Americans, stocks are available for modern sporting rifles such as the AR-15 which are “featureless”. For example, I think we can all agree what a “thumbhole stock” looks like. However, by creating a stock with no “thumbhole”, but instead simply provides a sculpted “groove” along the side of the grip but no “hole”, it is no longer a thumbhole stock you can hold it as you could a “thumbhole” stock.

To the best of the committee’s knowledge, has the fact that a firearm had a “thumbhole stock” ever played any part in any of the violent acts that have spawned this and similar laws?

9. (c)(1)(A)(iv) A distinction is being made between a “second handgrip” and a “protruding grip”. I believe I can understand what a “protruding grip” might look like. How does one differentiate between a “second handgrip” and a forestock?
10. (c)(1)(A)(v) To the best of the committee’s knowledge, has the fact that a firearm had a bayonet mount ever played any active part in any of the violent acts that have spawned this and similar laws?

If a person duct taped a Swiss army knife to the barrel of a firearm, is duct tape a “mount”?

11. (c)(1)(A)(vi) Suppressors are now legal to use at firing ranges, and this was passed because they reduce the decibel level of a firearm. Suppressors are usually attached to threaded barrels.

Why are you negatively impacting all the positive aspects which using suppressors gives us?

To the best of this committee’s knowledge has the fact that a firearm had a “flash suppressor, muzzle break” or “muzzle compensator” played any role in any of the violent acts that have spawned this and similar laws?

12. (c)(1)(A)(vii) To the best of this committee's knowledge, has the fact that a firearm had a "grenade launcher" played any role in any violent act?

"Launchers" do have legitimate uses, such as launching noise makers and smoke cartridges.

Where does one buy live grenades? Assuming someone can get grenades, I suggest that they will easily be able to get grenade launchers, RPGs and more.

13. (c)(1)(B) Why is there two criteria for (c)(1)(A) and (c)(1)(C), i.e. "ability to accept a detachable magazine and at least one" of various evil characteristics, where as this section only allows one?

14. (c)(1)(B)(iii) A distinction is being made between a "second handgrip" and a "protruding grip". I believe I can understand what a "protruding grip" might look like. How does one differentiate between a "second handgrip" and a forestock?

15. (c)(1)(B)(iv) Shotgun shells can come in different lengths while still being the same gauge. If a shotgun accepts shells of different lengths, and when loaded with one shell length it's compliant but with another it isn't, is the gun illegal?

16. (c)(1)(B)(v) this section makes illegal any shotgun with a detachable magazine. However, (c)(2)(A)(i) exempts a pump shotgun. Is a pump shotgun that accepts external magazines legal or not?

17. (c)(1)(C)(iv) What does "attaches to the pistol outside the pistol grip" mean?

18. (c)(1)(C)(v) Suppressors are now legal to use at firing ranges, and this was passed because they reduce the decibel level of a firearm. Suppressors are usually attached to threaded barrels.

Why are you negatively impacting all the positive aspects which using suppressors gives us?

19. (c)(1)(C)(vii) Heavy frames are desirable for competitive shooters. What is the purpose of limiting the weight to being less than 50 ounces?



20. (c)(2)(C) This section suggests that a shotgun that has a detachable magazine is allowed if it “cannot hold more than five rounds”, but (c)(1)(B) does not allow for any detachable magazine?
21. (c)(2)(D) According to this section, a WWII-era M1 Carbine would be exempted. Why would an newly-made M1 Carbine, which is identical in every detail, be illegal?

## §4024 Firearms Transfers; Waiting Period

1. What is the definition of a "Transfer"?
2. What About Self-Defense needs?
3. What about liability to the FFL for holding property owned by another for 10 days?
4. (b) give a penalty which is the same as illegally possessing a magazine. Is the illegal transfer of a gun the same penalty as transferring a magazine?