

Good evening, my name is Paul Manganiello, I am the co- Medical Director of the Good Neighbor Health Clinic, in WRJ, and I would like to thank you for taking public testimony for your Committee. I am here to support the passage of H 610

Death as an endpoint is only part of the story of suicide. In 2017, the most recent year for which we have data, there were 112 deaths by suicide in Vermont. More than 60% of those deaths, 66, were firearm related, and there were approximately 1,100 injuries for attempted suicides. Firearms were responsible for only 1 percent of these reported self-inflicted non-fatal injuries i.e., poisoning, cutting, suffocation, etc. Due to the inherent lethality of firearms, those who choose suicide by firearm rarely have a second chance.

Suicide occurs along the entire spectrum of life. Interventions to reduce the incidence of suicide by gun needs to be targeted and comprehensive if we hope to have any meaningful impact; just proposing a piece of legislation in hopes of getting something passed is an exercise not worth the time and effort spent. If you are trying to have an impact on risk reduction for those under the age of 21, when it is illegal to purchase a firearm, waiting periods to purchase a firearm will be irrelevant, this is also the case for individuals who are over the age of 21 and who already have a firearm that is accessible to them. The duration of requiring a waiting period is also crucial. Suicide is oftentimes impulsive, and studies have shown that a 72 hour waiting period in an acute crisis would allow more time for the at risk individual to receive needed help. Waiting 72 hours to take ownership of a firearm should not be seen as a hardship, but a public health benefit.

Our legislators need to enact legislation, which addresses the whole of life's spectrum as it relates to suicide. We can look to other states for best practices. For those under the age of 21, a Child Access Prevention (CAP) law; for those over the age of 21 wanting to purchase a firearm, a 72 hour waiting period; and for those who already have access to a firearm, a strong Extreme Risk Protection Order ("red flag", ERPO). All three have been shown to be effective at reducing death by suicide.

Last year I testified at the Senate Judiciary Committee's public hearing, which was held in Randolph. There seemed to be misconceptions voiced surrounding CAP laws. In those states, which have strong CAP

laws. Criminal liability only occurs to the owner of the firearm when someone is injured or killed as a result of the firearm not being properly secured (locked and unloaded). Police cannot perform random checks on the homes of gun owners to make sure that a firearm is secured. The law doesn't forbid a gun owner from carrying a loaded firearm, it is only when a mishap occurs and the firearm is not in the possession of the owner and the firearm hasn't been safely secured, that criminal liability is a possibility.

At that same hearing, some voiced opposition to the waiting period legislation, since it might prevent an individual who feared for their life by an intruder, from being able to obtain a firearm for personal protection. On the surface that might seem like real "protection" but a person who is inexperienced in handling a firearm, is statistically more at risk of injuring himself or herself, or a family member. In Vermont, you are not allowed to hunt without a license, which requires proof of completing a gun safety course, why would anyone want to have a gun in the house without becoming proficient in how to use it? You should purchase a firearm when you are calm and not during a crisis. For self-protection, you need to know how to handle a weapon safely.

Attempts at suicide reduction have nothing to do with the Second Amendment but everything to do with our public health. H 610 will enhance Vermont's current ERPO, and S 268 has provisions, which will impose a 72-hour waiting period before taking possession of a firearm, and institute CAP provisions. We need to decrease "Access to Lethal Means", if we hope to significantly reduce death by suicide with guns.

Again thanks for holding this public hearing, I wish you well in your deliberations.

Sincerely yours,

*Paul Manganiello*

Paul Manganiello MD, MPH  
Emeritus Professor Obstetrics and Gynecology  
Geisel School of Medicine at Dartmouth  
Co- Medical Director Good Neighbor Health Clinic, WRJ, VT

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Dear Vermont House Judiciary Committee Members:

I am writing to express my SUPPORT for H. 610. I believe the provisions in this bill will serve to protect victims of domestic abuse and violence in ways that are reasonable and appropriate, namely by removing and reducing access to firearms by individuals who pose great risk of harm

to others (and/or to themselves), as determined by law enforcement officers and courts. I base my belief on reports of our state's Domestic Violence Fatality Review Commission, and on numerous reports in the news over recent decades. I believe this bill has been carefully considered and written, and should be enacted into law.

Thanks very much.

Eliot W. Nelson, MD  
Professor Emeritus of Pediatrics  
Robert Larner College of Medicine at UVM

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Hello Representatives Grad, LaLonde and Gardner,

I had wanted to go to this evening's hearing but could not attend due to the weather.

I am writing in strong support of H.610 related to firearms and domestic violence. As a victim of domestic violence, I can attest to how mindlessly domestic violence can occur and escalate, especially as we consider that drug or alcohol abuse is often involved. Therefore, we need basic safeguards like stronger background checks and Relief from Abuse orders that require guns to be confiscated as well staying away from the victim. I got an RFA order but the subject violated it. I was lucky that he was not a gun owner but I can see how easily that violation could have turned into serious injury or death for me or our children.

We have such a high rate of domestic violence and suicide here in Vermont that the argument that we don't have these problems in Vermont just doesn't hold water.

These "restrictions" are so mild compared to the protection of liberty for victims of domestic and other violence.

Thank you for sponsoring and supporting this bill.

Lisa Kory  
Richmond, VT

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My name is Dr. Raymond Chin and I am a child clinical psychologist. I have practiced in VT for over 30 years and during this time I have evaluated and treated over 3,000 children. Many have experienced domestic violence and I'd like to tell you about one of them...

I was asked to evaluate a 1<sup>st</sup> grader who was prone to rages and would physically attack children and teachers with little or no provocation. He was constantly supervised by a para-educator, but still managed to either attack her or run off. Everyone was frightened of him. He was obsessed with war and would draw violent scenes filled with guns, bombs, and tanks. Eventually, to keep everyone safe,

he was taught in a separate room in the town library near the school with a para-educator and daily visits by a teacher.

Over time he slowly opened up to me and revealed that his mother had been physically abused by a man. I interviewed the mother who admitted that she was a victim of the man over several months. After one especially vicious assault the man put a gun to both their heads and threatened to shoot them if they ever told anyone. It was clear that the source of the boy's extreme violence was the unrelenting terror of that trauma. Keeping the secret to protect his mother and himself cost him his mental health, friendships, and education. He also learned that violence is the way to get what you want or to punish those who you don't like.

This case illustrates the powerful effects of domestic violence with a gun. The psychological damage is often irreversible for young children. As these children grow older they are at high risk for delinquency, dropping out of school, substance abuse, and domestic violence. Moreover, domestic violence resulting in death is 5 times greater when a gun is involved than without a gun.

I urge lawmakers to protect the well-being and lives of the victims and other family members of domestic violence by voting for H. 610.

Raymond J. Chin, PhD  
Clinical Psychologist  
Licensed in VT and NH

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**Subject:** Correction to my testimony on H.610 2/18/20

Dear House Judiciary Committee Members,

Thank you very much for the opportunity to provide testimony on H.610 last night. I misspoke in my statement, and I would like to correct this mistake. I intended to say that the presence of firearms in the home makes it 600% or 6 times more likely that a survivor will be killed ([Zeoli, 2016](#)), instead I said 600 times! I have actually read studies that range from 4-9 times more likely. I apologize for this error.

I deeply appreciate your efforts in looking at this legislation. I have seen, and saw again last night, that this work has a personal toll for your committee. Thank you for doing this work on behalf of Vermonters.

Respectfully,  
Kerri

Kerri Duquette-Hoffman, MSW

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2/18/2020

House 610 Testimony

House Committee on Judiciary

Seton McIlroy, Woodstock resident

Volunteer, Moms Demand Action

Chairwoman Grad and committee members,

Thank you for allowing me to speak today. My name is Seton McIlroy, I am a resident of Woodstock and member of the Vermont Moms Demand Action chapter. I am here to speak in support of H.610. The legislature should close the Charleston loophole and ensure that the existing red flag law is accessible to family members. Respecting Vermont's heritage of gun ownership while supporting measures that help keep our communities safe has always been the goal and today the bill in front of you continues to do just that.

When a person is in crisis and considering harming themselves or others, family members and law enforcement are often the first people to see the warning signs. In the wake of a concerning incident in the state, Vermont legislators saw the benefits of creating an extreme risk protection order (ERPO) process, which allows for intervention in order to temporarily prevent someone in crisis from accessing firearms. We know that ERPO laws can help de-escalate emergency situations, they are a proven way to intervene before gun violence, such as a firearm suicide or mass shooting, takes place. Vermont, like many other states around the country, have turned to enacting an extreme risk law as a common sense way to help reduce gun violence.

Under the current law, the only people that may petition for ERPO in Vermont are State's Attorneys or the Office of the Attorney General. If someone is experiencing an emergency crisis where they are at-risk of harming themselves or others, their family or household members will likely have to contact law enforcement. After law enforcement is contacted, they will have to conduct an investigation, where multiple witnesses may have to be interviewed and evidence will have to be gathered before meeting with a State's Attorney's Office or the Office of the Attorney General. And finally after a

State's Attorney's Office or Office of the Attorney General is satisfied that the evidence meets the appropriate legal standard, the court must be petitioned before an ERPO can be granted. This system creates several procedural steps for a family that is facing a personal and painful crisis. If you or someone you know has attempted suicide, you know that, TIME IS OF THE ESSENCE. I applaud Rep. Grad's proposal to add family and household members as petitioners, as a time-saving measure. If this provision passes, family members will be able to petition the courts directly. Those that are often the first to see the red flags need access to the system created to prevent firearm tragedies. I urge you to support this critical adjustment to Vermont's red flag law.

Federal law requires that licensed gun dealers run background checks on all potential gun buyers, but due to a provision added to the 1993 Brady Bill, the law allows sales to proceed by default after three business days—even in the absence of confirmation that the buyer is legally allowed to have guns.<sup>1</sup> What we know is that,

<sup>1</sup> This loophole is the one through which the shooter at Emanuel AME Church in Charleston, South Carolina, obtained the firearm he used in the shooting on June 17, 2015. The shooter, who was prohibited from possessing firearms due to an earlier

Approximately 91% of background checks conducted through the National Instant Criminal Background System. We also know that, From 2006 to 2015, 30 percent of gun sale denials by licensed dealers to buyers convicted of misdemeanor domestic abuse took longer than **three business days**.<sup>2</sup> That means licensed dealers were legally authorized under federal law to transfer guns to **18,000** people who were prohibited from purchasing a gun simply because their background checks took longer than three days.<sup>3</sup> The

legislature should prohibit a firearm transfer until the results of a National Instant Criminal Background Check System (NICS) check drug arrest, was able to purchase the gun he used in the shooting because the default proceed period had elapsed, and the dealer made the sale even though the background check was not complete.

<sup>2</sup> United States Government Accountability Office. Report to the Acting Ranking Member, Subcommittee on Commerce,

Justice, Science, and Related Agencies, Committee on Appropriations, House of Representatives. Gun control: analyzing

available data could help improve background checks involving domestic violence records. <https://bit.ly/2CkTs94>

<sup>3</sup> United States Government Accountability Office. Report to the Acting Ranking Member, Subcommittee on Commerce,

Justice, Science, and Related Agencies, Committee on Appropriations, House of Representatives. Gun control: analyzing

available data could help improve background checks involving domestic violence records. <https://bit.ly/2CkTs94>. In 2017

alone, licensed dealers sold guns to 1,120 prohibited domestic abusers because a federal background check could not be

completed within three business days. United States Department of Justice, Office of Justice Programs, Criminal Justice Information Services Division. National Instant Criminal Background Check System (NICS) operations report. <https://bit.ly/2Hu9H7j> . 2017. This is likely to be an undercount since it is based on solely on background checks conducted by the FBI and does not include data from Point of Contact states that conduct their own background checks.

indicate that the buyer is not prohibited from possessing guns.<sup>4</sup> I urge you to close this loophole in Vermont.

Thank you for your time and the thoughtful manner in which you approach community safety. The bills before you respect Vermont's heritage of gun ownership while helping to keep our communities safe.

Seton McIlroy  
Moms Demand Action - Vermont  
Woodstock VT

<sup>4</sup> Nineteen states and Washington, DC, have laws that give authorities longer than three business days to complete a background check on potential gun buyers: CA, CO, CT, DE, FL, HI, IL, MA, MD, MN, NC, NJ, NY, PA, RI, TN, UT, WA, and WI

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