

Subject: H. 600 & H. 610

I'm really, really tired -- along with a LOT of other Vermonters -- of your incessant and pathological attacks on OUR RIGHTS.

Will you EVER finally STOP?

Alex Knight
Marlboro

To the Vermont Legislature:

This is to register my **STRONG OPPOSITION** to proposed bill **H-610**.

Please be reminded that the 2nd Amendment to the United States Constitution is a natural right that IS NOT granted by government but rather, SPECIFICALLY RESTRICTS government from infringing on this right.

Mark J. Rocheleau
89 W. Shore Rd.
So. Hero, VT

I'll be brief, since this will probably just be disregarded anyway:

If you're going to pass H. 610, why beat around the bush?

You might as well ban private ownership of firearms in Vermont altogether. Let's just stop the nitpicking nonsense, and get it over with.

Does that sound agreeable enough? And then we can also stop going through this annual charade once and for all.

Alex Knight
Marlboro

Dear Honorable Representatives, I, Fredrick R. Manning Jr. of Colchester, am opposed to Bill H.610 because, as a lifelong and lawful Vermonter I am entitled to the same trust from you, that I placed in you, when I asked you to care for my State, my family, my friends and all of our futures. Unfortunately, misguided, overreaching and self serving leadership has overreacted to current events and compared our good citizens with irresponsible lawless criminals in other states and placed no trust in our abilities to be diligent with our firearms. We understand the gun problem and we're not it. You repeatedly say that you don't want our guns but your shackles loom larger each legislative session. You well know that mental illness and drugs and poverty are the real root of the dilemma, not the hunters and gun enthusiasts that live in Vermont, but still you continually attempt to erode our ability to be relevant, responsible and trustworthy citizens. I and so many others are so offended by the flagrant audacity of your body to constantly ignore our pleas and our need to be able to protect the ones we love. That ability surely is part of Life, Liberty and the Pursuit of Happiness, never mind historic

Amendments and Articles. I truly worry each and every day about our safety and then I worry about what new and twisted law will change my life here in Vermont. In closing, please allow me to quote the United States Supreme Court from its briefing on the 2008 case of District of Columbia v. Heller. The Court stated that "the 2nd Amendment is a personal and individual right to bear arms for reasons of personal protection. Neither Federal nor State officials have the legal authority to intrude upon that right ". Repeat after me, do not "have the legal authority to intrude upon that right ". Thank you for your time. -FRM

I hereby state my objections to H. 610 as currently being considered by the VT House of Representatives:

- The objectives this bill are already addressed by existing VT and federal laws
- H 610 infringes on the rights guaranteed by Articles 11 and 16 of the Declaration of Rights of the VT Constitution & And the Second and Fourteenth Amendments of the U.S. Constitution

In November, 1984 I was certified as a full-time law enforcement officer by the VT Criminal Justice Council. From that time until October 2016 worked as a law VT enforcement officer and/or field supervision officer & probation parole officer for the VT Department of Corrections. My duties included enforcement of domestic abuse related laws, supervision of domestic violators and ensuring victims were aware of the rights and services were available to them and assisting them in getting these services. I also co-facilitated groups required for violent offenders.

Standard procedure followed by myself and my fellow officers included responding to domestic disturbances, securing the scene for the safety of all involved, investigation and arrest if probable cause was found. If arrest was made, a judicial officer would be contacted and either direct the suspect to be lodged or release him on conditions. If released, I never saw a judge fail to include the condition prohibiting the suspect's possession or use of firearms. The defendant would be lodged or flash cited ensuring the matter would be promptly addressed in court. Also, a volunteer victims' advocate would be called to speak with victims about their rights and assist with preparation of a request for a temporary relief from abuse order. Again, I never saw the judge fail to prohibit the defendant's possession of firearms. In short, all the bases were covered regarding the victim's rights and safety and the issue was expeditiously brought before a judicial officer for his/her determination.

Chapter 21 of Title 15 of Vermont Statutes Annotated Abuse Prevention already provides effective tools for dealing with domestic abuse issues. T. 13 VSA 4017 brings VT into line with USC 922(g) which prohibits anyone subject to a domestic restraining order or who has a conviction for domestic assault from possessing firearms. It's my feeling that H 610 does not give due respect to judicial discretion and may infringe on rights involving search and seizure of property and due process.

Articles 11 & 16 and the Second & Fourteenth Amendments address rights, not privileges or entitlements but rights. While rights may not be absolute, any infringement upon them must be justified by a clear and compelling need. As H. 610 is before the VT Legislature, it should be a clear and compelling need in VT. Background checks are an imposition on citizens availing themselves of their right to keep and bear arms. It is not unreasonable for citizens to expect a quick response to the background check else their right to purchase a firearm could be held up indefinitely. This is the reason for the "default proceed" process in the federal firearms check and elimination of such removes what should be the government's burden to prove why the citizen should be denied his/her constitutional right.

Vermont has been and remains one of the top two or three safest states in the nation. Again, this raises the question is this law necessary?

Thank you.

Douglas Wright
Stamford, VT

I am writing to ask you to oppose House bill H610. This bill seeks to remove firearms from the homes of people that are accused of domestic abuse. This bill appears to have good intentions but fails to allow the victim any due process through the court system. Our current so-called red flag law has already shown that firearms can and will be seized simply because somebody said somebody was going to steal someone's firearm to shoot somebody. This bill also places much interest in what kind and how many firearms the defendant may own which seems to be collecting a database on firearms in VT. Also, there is no liability for mishandling of the firearms during confiscation and subsequent storage of them. This is absolutely unacceptable to treat private property with such little regard.

As far as the background check section goes, I see no possible way of enforcing the law requiring private citizens to have a background check performed at a licensed dealer so I see no reason to extend the waiting period for it either. There is currently a 3-day time limit to conduct a background check if there are concerns with a buyer. Thank you.

Kevin French

White River Jct. VT 05001

15 FEBRUARY 2020

RE: H.610 and S.268; I am writing to express deep opposition to both bills and request that members of both chambers vote against them. Neither bill will accomplish anything except infringe on on the Second Amendment of the U. S. Constitution, Article 16 of the Vermont Constitution, and the rights of lawful citizens. As I have stated in previous memorandums (from actual experience) a waiting period on firearms purchase, whether 24 hours or 10 days is not a solution for prevention of a suicide.

However rather than me writing another memorandum stating the same facts over and over I will strongly urge you to read and absorb the very well researched and written memos submitted by Eric Davis, President of Gun Owners of Vermont, and Chris Bradley, President, Vermont Federation of Sportsman's Clubs; and also listen closely to their testimony.

As stated before in previous memorandum's there is no such thing as "gun violence", but there is a major **people problem**. A firearm, knife, hammer, cleaver, vehicle, etc. is an inert object capable of nothing without the action of a human. During my eleven years of law enforcement I never once arrested a Ford, Chevy, Dodge, etc. for DUI, C&N, ESL, attempting to elude, etc. I did how ever arrest the human operator for the offenses. **GUN VIOLENCE** is a phrase created by those **groups, individuals, and the media** who wish to disarm law all abiding citizens as is the term **ASSAULT WEAPONS**. A .223 caliber semiautomatic rifle with a synthetic stock is a far cry from an assault weapon. The military version M16, M16A1, M16A2, M4, etc. are in fact a defensive weapon which is being replaced with a more effective round.

I would also like to point out that it seems **quite coincidental** this hearing was scheduled so close to the anniversary of the Parkland School Massacre and the start of political ads for Bloomberg feathering an introduction by President Obama on how "MIKE" isn't afraid to "TAKE ON THE GUN LOBBY". It is a well known fact that both are anti second amendment and that Bloomberg has spent millions and millions of dollars to start the disarming of America. For those of us who went to school when history was actually taught, we all know how well disarmed countries in Europe worked for Hitler. As I remember the oath I took each time I was sworn in was "**I will support and defend the Constitution of the United States against all enemies, foreign and domestic**". Not that I will dissect the Constitution to suit my wants when it's convenient.

RE: H.124; Speaking as a former LEO I personally am not opposed to a switchblade which opens like a regular jack knife but has a push button spring assist. I do however believe that making the stiletto switchblade legal should be looked at some more prior to passage. Most stiletto switchblades have sufficient force in the spring to penetrate the abdomen or between ribs when pressed against one's body. A stiletto acts in the same manner as a spring loaded center punch used to break glass such as a vehicle window.

I will email a copy of this memorandum to Governor Scott and urge him to veto these bills should they make it to his desk.

Thank You for your time, and again please read and absorb the very well researched and written memos submitted by Eric Davis, President of Gun Owners of Vermont, and Chris Bradley, President, Vermont Federation of Sportsman's Clubs; and also listen closely to their testimony.

Sent from [Outlook](#)

George A. Thomson JR
MSG USA (RET)

February 17, 2020

Comments: H.610

Subject: Firearms and domestic violence

This bill raises troubling concerns over potential impediment to ones "due process" rights. Vermont's 2018 red flag law has been touted as "reasonable". The changes being presented here are specifically further eliminating ones right to "due process". What specific event(s) since 2018 are precipitating these onerous changes? I see that one change is a judge does not have the latitude **to not remove guns under a RFA**. The order "must" remove all firearms, no matter where they are located.

The tragic case in Maryland last year has set proponents of "Red Flag Laws" back on their heels. The gun owner was subject of a protective order, purported to have been filed by an "estranged aunt". She was able, anonymously, (under the law) to make the charge. The individual (subject of the order) was not afforded any avenue to offer testimony to counter the charges up front, no due process. With heavy, incessant banging on the door and windows at 5:17 in the morning by police (who the owner didn't know were actually police) the home owner responded with a gun in his hand. This is not an uncommon response. He was told by police that they were there to "confiscate" all of his guns. Depending on what narrative you read, he apparently argued with them over why this was happening. It sounds like they told him they would not tell him who the complainant was... they didn't have to. Apparently a struggle ensued and he was shot dead by a police officer. His family was dumbfounded by the issuance of the order and said he was never a risk to anyone. **THE CONSENSUS IS THAT RED FLAG LAWS SHOULD NEVER BE A DEATH SENTENCE.**

More research found that "Red Flag orders" are continuously being secured against "innocent" people across the country. One attorney, in Florida, stated that she has seven cases she is defending. Five have already been thrown out and the defendants were exonerated from all charges. The two remaining cases are also expected to be thrown out, but only after people's lives were completely disputed, property (firearms) were confiscated/damaged and sizable legal costs were incurred. **People know how to weaponize these laws to "get even" for a multitude of self-serving reasons. ANY RED FLAG LAW IN VERMONT MUST CONTAIN PENALTIES FOR A FALSE CLAIM OR TESTIMONEY AND AFFIRMATIVE DUE PROCESS.**

There seems to be total disrespect, in fact, a hatred for firearms that carries over to how **Red Flag laws** are written/fashioned. Many people have tens-of-thousands of dollars or

more invested in gun collections. Many guns are irreplaceable, custom built, or very rare antiques. There are incidents under these laws, or other firearm confiscatory, laws where a complete inventory was taken from a home. In one case that I know of, firearms were literally thrown into the back of a pick-up truck on a rainy day and taken to a warehouse where the roof was leaking. In that proceeding a federal judge threw the case out **after 12 months**, saying it was the worst prepared federal case he had ever seen. The judge told the defendant he could have his guns back (hundreds-of-thousands of dollars' worth). After further fight and delay, he went to the warehouse. All the guns were completely destroyed, not salvageable. When he asked the federal prosecutor what he was going to do about it, the answer was, **"sue the U.S government"**. **NO RESPECT FOR THE INDIVIDUAL OR HIS PROPERTY OR THE INHERENT RESPONSIBILITY TO BRING FORWARD A FACTUAL CASE TO COURT.**

For the state of Vermont to attempt to usurp federal firearm statutes by further restricting how firearms can be procured, how NICS checks are carried out, such as the ATF 3-day default proceed, is unnecessary. This occurs in extremely rare instances. If, in three days, there is no specific STOP, that means NICS (FBI) has found no issues and the transfer can proceed. NICS has affirmatively determined that the transferee is not prohibited from possessing firearms and there is no "specific" denial decision transmitted. This affected .0162% of all transactions in 2018. There were 28,369,760 NICS checks in 2019. To further hold up a transfer, based on no factual basis, is additional harassment of firearm purchasers.

I cannot see further justification in pursuing H.610. It escapes me as to what this bill's intended deliverable is, **OTHER THAN TO FURTHER DEGRADE AND HARRASS LAW ABIDING VERMONT GUN OWNERS. IT REMINDS ME OF HILLARY CLINTON CALLING A LARGE SEGMENT OF OUR POPULATION "DEPLORABLES"**.

Bruce Lindner

Colchester, VT

.cc Gov. Phil Scott

Please enter into hearing record

As a native Vermonter it sincerely pains me to say, where else but in the "**People's Socialist Republic of Vermont**" would it be presumed to be proper to to impose penalties of guilt upon a citizen before he, or she has had his, or her day in court ? In other words the presumption of innocence until proven guilty is out the window, and a new standard of guilty until proven innocent is adopted . Sadly, it is my observation that this State is being railroaded to hell in a hand basket by a legislative majority of Flatlanders. Ms. Grad, I was at the hearing last year when you gaveled down the waving of American flags. That act was not only a demonstration of support for that particular speaker, but also of patriotism towards the flag and the principals for which it stands, and your bias as displayed, was out of line, and despicable ! You Madame Chair should recuse yourself from the chair, as that action, and others (how many drafts has there already been this year on this bill, and how much time have you allowed for the Vt. Fed. of Sportsmen, etc. to mount an argument to each of these drafts, how much notice have you given the Bloomberg/Gifford skills ?) should raise the question of impartiality with anybody who is in fact impartial, or on the other side of the issue from you. It is impossible for a Constitution respecting law maker to approve of this bill without also saying that due process is not impacted by it. Madame Grad, do the right thing, admit your bias, and recuse yourself as the Chair of this

committee ! To the rest of you on this committee, as Senator Benning stated, ***No new gun laws*** ! As I see it, every gun law, statute, or regulation passed since the 2nd Amendment, and Article 16 were adopted, have in fact infringed on the right as stated in those documents. We (the People) don't need, and I (this citizen) do not want, ***any*** new gun laws !

Most Sincerely,
Pat Finnie

I'm writing to oppose H.610. The "Charleston loophole" isn't a loophole. It's there to protect people from Government abuse. If there is no timeline in which to complete the background check, then the Government could literally take years to make a decision, preventing anyone from ever purchasing a firearm. The problem with the background check system is the relevant information isn't getting into the system quick enough. You could make the waiting period 30 days however, if the information doesn't get put into the system, the waiting period wouldn't make any difference. If really want to improve things, pass laws to make agencies report the information quicker.

Peter Moreman

House Committee on Judiciary,

I am a sixty-eight-year-old resident of this state and in all my years I have never seen such inappropriate legislation against the US & Vermont Constitutions, and the rights of its citizens for an agenda....shameful.

Bill H.610 is just another attempt to limit the ability of law-abiding citizens to own and defend themselves and will do nothing to " stop or curtail " the type of violence that this bill proposing it will. When reading this bill, it is evident that the legislators have limited knowledge on guns and domestic violence and are only listening to half the story for " feelgood " legislation, it's despicable.

Again, I see our elected officials wasting their time on " Nonsense " legislation, for an agenda-driven policy, the state has real problems with taxes, unfunded liabilities, drugs just to name a few of the really disastrous problems within the state and I feel you're wasting your time and mine as a taxpayer when writing such bills.

So please post my " **Opposition** " for Bill H.610, an agenda-driven policy.

Charles H Thompson
Burlington, VT

Dear Ladies & Gentlemen of the Vermont House of Reps;

I understand the intentions behind this bill (H.610) are well-meaning. However, as an advocate for individual rights, I must oppose it for several reasons and request you vote NO.

1) Red-flag legislation is dangerous to all individual freedoms and **violates 4th & 5th Amendment rights (U.S. Constitution)**.

2) H.610 contains a provision that blocks "default proceed" for NICS checks which take longer than the 3 day limit. Under federal law, transfers can proceed after three days. H.610 prohibits proceeding with a transfer for 30 days, **suspending the constitutional rights of a purchaser who may in fact not be a prohibited person, potentially creating the unwanted result of putting the purchaser's life in peril if they were purchasing a firearm for protection.**

3) In the great majority (>98%) of NICS cases, the checks happen fairly instantaneously. If the number of "default proceeds" is unacceptable to this legislature, then they should inquire of the FBI what is needed in order to accelerate the process and reduce that number. Technology has come a long way in 20 years.

4) **A "default proceed" on the NICS does not imply that the FBI has stopped researching.** In fact, the process can continue up to 90 days and if a "deny" result occurs after an initial "default proceed", ATF and local law enforcement will retrieve the firearm.

5) **Having a note from a Health Care Professional does not justify violation of our 4th and 5th Amendment rights.** Expecting a psychiatrist to guarantee or predict *ad infinitum* future good behavior of another human being is a fool's errand. No doctor on the planet would ever risk their career or assume liability in guaranteeing someone else's future behavior - good or bad. This bill would force all doctors to err on the side of caution (for self-protection against lawsuits) and say there is a ALWAYS chance someone will misbehave sometime in the future. I would prefer to see a realistic bill that will not trample upon the Constitutional rights of all citizens.

Sincerely,
Tom Papp
S. Burlington

Dear Sirs and Madams,

I am writing you today to voice my opposition to bill H.610. Do to other commitment I can not be there but wished to voice my opinion. I feel this bill as written is in direct conflict with a person's Constitutional Rights. There are better ways to prevent Domestic Violence then restricting ones Constitutional Rights.

Thank you
David Perrin
Braintree Vt.

Re: Opposition to H610

Without a trial, there is no process to identify false testimony. False testimony violates the “accused’s” Fourteenth Amendment right to due process. At the beginning of this country, an Oath (as mentioned in the Fourth Amendment) had real meaning and standing. The fear of God worked to prevent a falsehood used as probable cause. Today, by contrast, accusations must be evaluated in the context of today’s more self-serving personal or political expediencies. The sheer number of false accusations in the news serves as a stark reminder of this.

The proposed law H610 has no due process protections for the “accused”. As mentioned above, there is no process to ascertain all critical evidence. When critical evidence in a court case is denied, it denies the defendant a fair trial in accordance with due process requirements (*Chambers v. Mississippi*, 410 U.S. 284 (1973)). If this denial of justice cannot be take place in the court room, then it most certainly cannot take place in a living room!

Diana Tierney
Montpelier, VT 05602
