

I oppose h 610. I find it to be a totally unnecessary bill.

Sincerely,

Larry martin

WORCESTER, VT

Hello, My name is Christen Szeg and I live in Tunbridge. I'm writing to voice my strong opposition to bill H610. I've watched as this has been introduced, changed and changed again, all for the worse.

My fears are simple, where is there any protection against gross misuse of such a law?? How can I have law enforcement show up unexpected and remove my personal property, without having the ability to prepare an an adequate defense of myself?

Is our criminal justice system not built on the foundation of the concept of innocence until proven guilty in a court of law? Legislation like this totally upends that. This legislation totally destroys anybody's right to due process. A person can file a totally false claim, and then have law enforcement essentially trespass and remove my personal property, and if I do anything about that, I'm now the criminal! That is absurd.

If I threaten someone, and the threats are believed to be legitimate should I still be offered the chance in a court of law to defend myself against those charges before I'm judged a threat to myself or others. Someone who doesn't like me or has a grudge can simply falsely accuse me of a threat, and I can have my guns taken away? That is completely wrong. I had an issue several years ago with theft of property, and the Orange County Sheriffs department bungled the case to the point I had to file a second statement, as the original had gotten lost. If I can't trust the sheriffs department to not loose paperwork, do you think I'll trust them with anything else of mine? Absolutely not.

Laws like this are ripe for misuse, and even to the point the Rhode Island branch of the American Civil Liberties Union had written a brief questioning the aforementioned laws. There have already been news stories about people misunderstanding or overhearing irrelevant conversation and some innocent person having the police at their doorstep.

This is an incredibly dangerous path to travel down, for anybody that is concerned about liberty.

Regards,

Christen Szeg

James R. Haddad

Citizen of Huntington Vermont

H610 Testimony for House Judiciary Committee

February 17, 2020

Here we are in 2020. The anti-gun crowd is again attempting to subvert the basic rights of due process and self-defense with the proposed bill H610. The underlying “submarine” move is to claim that the bill protects citizens from abuse and harm by removing firearms without due process from ALLEGED abusers or those ALLEGED to seek to harm. Nothing in the bill about protecting the rights of a person innocent of such claims, nor how their rights are “returned” with justice, nor how a wrongfully accused regains possession of his property free of charge and damage.

Common sense would suggest that an allegation of abuse would initiate some fact seeking, protection of the intended victim of abuse, and incarceration of the alleged abuser. This course of action would focus the intervention on the specifics of each instance. That is exactly where the focus needs to be. Stealing property by confiscation of whatever “weapon” a person owns without due process only creates a larger government in a state already encumbered by too much government. As we have seen, any piece of property can and will be a weapon in the wrong hands. Expanding ERPOs and mandating gun confiscation for RFAs, as currently written without any due process, erodes the rights of all citizens, and appears to be a scare tactic by certain legislators following some agenda whose source is not public. How is the public safer if we take someone’s property versus incarcerating the alleged abuser? Whose rights are being removed?

Slippery slopes aside, I can see how this kind of legislation could lead to other problems. Perhaps a driver does not like how you, a legislator, drives. Claiming relief from abuse and seeking an emergency protection order, the police confiscate your vehicle, do not allow you to possess one, based upon an allegation provided by a passerby. Perhaps someone does not like that you narrowly missed their child while skiing. You will find the police at your door confiscating your skis, your vehicle, your grill, your chain saw, your hammer, your skillsaw, your archery equipment, your dog. All of these items acquired lawfully in the pursuit

of happiness could be at once just as lost as your basic rights if this kind of legislation is enacted.

Another problem with this bill is the immunity provided law enforcement agencies who participate in the confiscation aspects of H610 that mandate the use of force. Common sense says detain the abusers, leave the innocent alone. The folks in law enforcement are by and large upstanding citizens that lead an exemplary life. Every bushel has a few bad apples, and its not a big stretch to envision abuse of this sort of law by the actions of an over-zealous law enforcement officer.

Focus on the bad guy. Do not focus on inanimate objects that do not make our wonderful state and republic less safe.

My name is Elizabeth Gray, I am recent victim of domestic violence. My husband and I had split up to resolve differences. I met a man that I volunteered with and unexpectedly started a relationship.

From December 14th, 2019 until December 17th, 2019 the man I met abused me and kidnapped me. I am afraid for my life. I had sold my handgun the morning of the 14th as he had felony charges against him. I am upset because the new bill you wish to have brought to life would prevent me and my husband whom I have reconciled with to having a firearm in OUR home. Also, if I was still in that former relationship but I would not be able to have a gun in my home to defend myself should he chose to attack again. That firearm could save my life as well as our grandchildren's. If we are being battered or beaten, we should be able to have a firearm handy to defend ourselves. If the firearm is not present what is to say the one abusing us could not be hurt, main=med or killed by another object? I was almost killed by a 36-inch steel demolition prybar. If you take away the rights of the victim to have a firearm present you the elected officials, elected by the people for the people, to do what the people want and ask for, you must live with your decisions and potential death, i.e. that of the victim, on your hands.

Health care providers, please define "reasonably believes". Springfield Hospital reasonably believed my cousin, 6 months older than myself and my mother in law had pneumonia, unfortunately they had stage 4 lung cancer and passed away within 3 months of diagnosis. Please define your reasonable beliefs. If my healthcare provider believes I will shoot to protect myself and my family, I expect full support from her. Please define "dangerous weapon". A person can die from eating utensils, broken glass, steel prybars (which almost killed me), knives, etc. If I have a restraining order in place, I need to keep myself and my family safe. That is not an argument that is a fact.

If my husband or son give me a gun to keep me safe when I am home alone at night and I need to use it to defend myself from the abuse of a former boyfriend, there

is a reason. I need to be safe when I am home alone and there is a question to the abusers where abouts and what could happen to me. My family wants me here and to be with them and I want to be here with them and for them. If you take that right from victims and they give me a gun or I legally purchase one through a firearms dealer and we are uncertain as to where the abuser is and what could happen, not only will we the victims be punished but so would the individual who gave me the firearm to begin with and that is not right. I have passed the background checks and owned handguns. If I should not have a gun, they would not give me one.

I have a deep-seated fear of this person due to our infamous catch and release system in Vermont. I want to have a gun handy. This bill is going to leave victims vulnerable and unable to defend themselves against potential future attacks.

Elizabeth Gray

N Springfield, VT 05150

House Committee on Judiciary

I am sending this to express my opposition H.610. Although I understand the concerns for the safety of our law enforcement officers and victims of domestic violence I think this bill is too far reaching and redundant of current federal laws.

Leslie Benoit

Richmond Vt 05477

This bill is strictly about power and control. The ability of the State Government to control the law abiding citizen.

How about punishing the person who is found guilty of committing a crime while in possession of a firearm?

How about some mandatory sentencing?

As my old friend Perry once told me...."you can send them to Montpelier, but you can't make them think".

So true, so true.

Gary Sweet

(An endangered species, a native VERMONTER)

I'm Opposed to this bill and urge legislature to vote no as this bill like the others before it punish innocent law abiding citizens Instead of the criminals committing the crimes. My guns have never hurt/threatened any person but time and time again my right to own them is under attack. Instead of Making laws For law abiding gun owners let's make stricter punishment for criminals and better safety for places like school's, office, buildings And malls Until we make it clear that we are not going to tolerate this criminal acts by prevention and stricter punishment the problem will continue.

Hello-

Due to the weather we aren't going to be able to make it to show our support of Vermont's Constitution at the Public Hearing of Bill H. 610.

While the courts already have the ability to remove firearms in most domestic violence situations, the current bill overreaches on civil liberties to those experiencing a mental health crisis that could be very short term and because of some sort of extraordinary acute issue. The continued pressure to expand Extreme Risk Protection Orders (ERPO) could make a gun owner not get mental health counseling services because they don't want to lose their firearms. Take a dairy farmer who is exhausted and over stressed suffering from an anxiety/panic attack. If they go to the Retreat and explain how they are feeling they may be Red Flagged. Firearms would be removed not just from them, but their entire household. While we often automatically think of a man in this role...It could also be a female farmer who has been in an abusive relationship and carries a firearm for her own defense after many less than trust-building interactions with police where they do not respond quick enough. Someone having a temporary mental health emergency is not the same as a mass murdering evil psychopath.

If I need to get a firearm for self-defense because I'm in immediate danger I better hope that the "immediate" danger can wait. An example would be the incident at the farm where a felon's husky dogs attacked our farm animals and threatened me. If after the attack I wanted to buy a firearm to defend our turkeys, I would have to hope the dogs will wait. Creating road blocks like closing the "Charleston Loophole" are equivalent to mandating that a pregnant woman needed to wait three days and submit to a mental health screening before getting an abortion. It becomes prohibitively arduous to obtain something that is enshrined as a right.

The large scope of enforcing this bill is a logistic and costly nightmare. It could be unfairly targeted towards the economical disadvantaged communities in Vermont. As theft and crime have gone up in Brattleboro 225% it is important that our neighbors have ways to protect their properties, families, and themselves.

I urge that the legislators passionately proposing this legislation uphold their public servant duties and listen to both sides of the debate. I request that those supporting the right for Vermonters to bear arms be given the same courtesy of hearing notifications.

If we are looking for legislative solutions I urge you to look towards better funding and expansion of our mental health, helping our economy, and supporting projects that fund 4H Shooting Sports and Hunter's Safety Trainings.

The part of the bill that discusses exempting law enforcement from any damages incurred during the seizure, transportation and storage of the defendant's firearms. (Section 5 (6)(B) This part is also worrisome..unlawful confiscation of private property is a very slippery slope.

Article 11. [Search and seizure regulated]

That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure

While I understand the motivation behind these bills is safety and good intentioned, I don't think they will have the desired outcome. It puts more power in the hands of government and lethal enforcement in the hands of police. We already feel firearm legislation has gone too far and stand firmly against any new bills.

The other parts of our Constitution that I feel have already been extremely violated over the past two legislative sessions are as follows:

Article 16. [Right to bear arms; standing armies; military power subordinate to civil]

That the people have a right to bear arms for the defence of themselves and the State

and

Article 9. [Citizens' rights and duties in the state; bearing arms; taxation]

That every member of society hath a right to be protected in the enjoyment of life, liberty, and property,

I appreciate you taking the time to read my thoughts and hope that they will be considered.

Sincerely,
Kate Bowen

Fellow Vermonters:

Vermont had previously been famous for its near total lack of gun control. In fact, the unrestricted carry of firearms had come to be called "Vermont Carry". Listening to the rhetoric of those pushing gun control, such freedom should long ago have led to pandemonium. Of course, it didn't. Vermont has also been famous for being one of the safest places in the nation, if not the world.

Now that we have started down the slippery slope of gun control, have we gotten any safer? No, of course we haven't. Our first wave of gun control has not made us any safer. However, it has made life much more complicated for the good, law abiding gun owners of Vermont. Arguably, it is now less safe for those law abiding people as they have to navigate these laws.

Proving the slippery slope argument, well-funded gun control advocates are now back to inflict more gun control laws upon us. Should we ask at what point they'd be satisfied? They prey upon trumped up fears, hoping that you will forget our history of safety and responsibility, or that their proposed laws have consistently failed to improve safety elsewhere in the nation.

The fact is that arbitrary magazine restrictions do nothing to hinder violence. Even low capacity magazines can be changed in about a second. The only difference is that now, law-abiding gun owners have had to purchase or carry extra magazines and several popular firearms have become restricted.

"Red flag" confiscation laws stand in contrast to both gun and property rights. They raise serious concerns about due process and the power of the state. They normalize the concept of confiscation and are likely to be abused in the future. Proving this point, supposed safeguards built into the original law are now under attack.

I urge you all to set aside factors like party loyalty or the politics of fear and do the right thing. Stand up for freedom and the rights of Vermonters. Vote "No" on all new gun control proposals.

Thank you for your time.

Sincerely,

Henry Lampman
Springfield, VT 05156

We do not need any more restrictions against our second amendment rights!
They are property passed down thru generations. We vote no more gun bills. You
might take a look at machetes baseball bats or knives even hands.

Gale Parkhurst

Another proposed gun law.

I really wanted to make tonight's testimony event but am unable to because of the weather and financial restrictions.

I have read the proposed bill H.610 and oppose it because of the following reasons.

Limiting transfer's is an added burden to gun owners who will have to travel far and spend unnecessary funds to do a background check. Limiting veterans who are no longer actively serving, Really? Seems like a good way to identify gun owners for future registration to me.

If a defendant is currently incarcerated or convicted of a felony, they have already lost their right to own firearms. The crimes listed in this bill are already felonies, if I'm correct. They are already restricted to not being allowed to reside in a residence with firearms. Those imposed with a no trespass or restraining order are denied being in possession of a firearm as well, this section of the bill is irrelevant.

Line 16 and 17 again relating to the last paragraph, are you protecting the VICTIM if you remove firearms from their residence? The Vermont Constitution states the right to self-defense. This maybe their only defense against a more powerful attacker.

Law enforcement absolutely should be held responsible for the care of seized firearms, some of these firearms are very valuable and family heirlooms! If the defendant is found innocent (or their heirs) their property should most definitely be returned in the same condition as when seized. Oh, does this fall under illegal search and seizure?

Law enforcement to report "temporary orders" annually? Are we no longer innocent until proven guilty?

Extreme risk protection orders, again, firearms are already restricted from possession.

Does a prejudice healthcare professional really have the right to determine whether you may own a firearm, questionable at best? Are Doctors now judge and jury?

Not only does this bill violate a victim's rights but also makes them vulnerable. This bill outlines laws that are already in existence. I am strongly opposed to any new gun laws. Vermont has been one of the three safest states in America for a very long time, maybe because of our high number of gun owners. Criminals or those with malicious intent don't give a damn about gun laws, you're only hurting the law-abiding innocent.

Randy Gray

N. Springfield, VT.

John Klar H 610 written testimony

H 610 is patently unconstitutional. It seeks to impose an extended waiting period on gun purchases, without any requirement of a finding of cause -- simply, the government didn't say it was OK. I have complained about this publicly, including to the Office of Legislative Council. Erik Fitzpatrick from that office drafted and endorsed this Bill without reference to this Second Amendment and Due process flaw; Attorney General TJ Donovan applauded the Bill and said his office fully supports it.

Now the Bill has been amended to provide a *30-day* waiting period. This is absurd, for two obvious reasons: 1) Vermont cannot compel federal agencies to investigate people for 30 days where federal law provides three. Basic preemption law. Thus the 30 days is a *fraud*, imposed by the drafters of this bill. No further background check can be achieved by this body; 2) There is still no appeal process, which violates fundamental Due Process guarantees. Perhaps this is what happens when social worker Sarah Robinson drafts laws for the lawyers.

But you know this. You all know it.

Members of this Committee are flaunting the Rule of Law, and the US and Vermont Constitutions, and are thereby severely undermining public trust.

Any committee member who opposes this law stands *for* the Bill of Rights. Anyone who supports it has openly committed *treason*, for all to see.

Martin Lalonde and Maxine Grad are both experienced attorneys. They KNOW that this law breaches the Constitution, but they bull ahead anyway.

Imagine putting a three-day (or 30-day!) waiting period on the "right" of a woman to have an abortion. That "privacy" right is *implied* in the Constitution: the framers would never have considered such a thing; the Second Amendment is *express*, with the clear admonition "Shall Not be Infringed." But Maxine and Martin don't care -- they are hellbent to infringe it; eclipse it; eliminate it.

Recent emails show the Office of Legislative Council is complicit in this treason, even having Sarah Robinson draft H 610, and approve Erik's changes. Why is Erik -- why are any of you -- being *paid* to defraud, deceive and deprive citizens of their inalienable rights? What supreme arrogance makes you believe we are so ignorant as to tolerate this assault?

<https://fyivt.com/uncategorized/what-is-the-judiciary-doing/>

Erik Fitzpatrick, Office of Legislative Council email:

“Sarah, can you please read the blue highlighted changes closely to make sure I have integrated them correctly? I did a bit of editing and rewriting for clarity and organization, but did not intend to change anything substantively. Thanks for your help and let me know what you think.”

To Maxine Grad he writes: “Attached is the revised draft of H.610, incorporating the recommended changes Sarah sent after the meeting last week.” (What meeting? When? Who attended?)

Maxine's response: “Thanks. Erik once Sarah ok's it, it can get sent out and posted.M”

The author of H 610 as revised is thus Sarah Robinson. Sarah is the Deputy Director at the **Vermont Network**.

<https://vtnetwork.org/the-network/network-staff/sarah-robinson/>

“Her work is guided by core values of love, community and openness.” Her work here was not open, excluded an important part of Vermont's community, and was therefore unloving.

Sarah's emails contain this: “*Uprooting the causes of violence so every last Vermonter thrives.*” As a social worker, Sarah Robinson must know that the root causes of violence are often economic. We citizens do.

VT suicide rates are some of the highest in the country, especially for youth.

Domestic violence in Vermont is increasing steadily -- note, 52% of homicide deaths from domestic violence from 1994-2015 were women, meaning 48% were men.
WCAX

<https://www.wcax.com/content/news/How-bad-are-domestic-violence-crimes-in-Vermont-487469021.html>

<https://legislature.vermont.gov/Documents/2020/WorkGroups/Senate%20Judiciary/Justice%20Reinvestment%20II/W~Ellen%20Whelan-Wuest~VT%20Justice%20Reinvestment%20II%20Working%20Group%20Meeting~1-22-2020.pdf>

“... felony convictions have grown, primarily due to increases in convictions for assault, domestic violence, and sexual assault.”

Opioid use is skyrocketing and widespread, contributing to crime, domestic violence, and the neglect of children (ACE's)

Economic despair is the cause of these increases -- no government studies appear to even consider this common sense fact. This legislature and Committee seem unwilling to analyze that obvious reality. Are they ignorant, or do they deliberately choose not to?

(A 2018 Government Report shows that *Rutland* had the highest number of violent domestic violence cases, not Chittendon, indicating that socio-economic conditions are causative:

<https://ago.vermont.gov/wp-content/uploads/2018/10/2018-Final-DV-Report.pdf>)

The VT bureaucracy grows unrestrained -- increasing taxes, hurting businesses, and sowing economic despair: the oldest killer in the book. Then, the bureaucratic response, which we see in this room, is to take guns away from law-abiding taxpayers.

Thanks for this Bill, and your conduct -- now we can show the whole public and nation the dangers of those who ignore Constitutional protections to further their personal enrichment or zealous ideological fixations.
