

Vermont Federation of Sportsmen's Clubs

Testimony Before Senate Judiciary Committee on S.30

Chris Bradley - President & Executive Director

2/24/2021

I begin by stating that I believe we are all aware that there at least 10 existing statutes that can come into play whenever someone acts out with a firearm.

With the advent of S.30 however there is now a stated intention to address the basic possession of firearms with strict criminal liability when a firearm is carried into a designated prohibited location, even when there is no intent, and even without any consideration for the basic human flaw of being forgetful.

To quote the sponsor of this bill as to its purpose, he stated the following: ***"As it stands now if someone carries a gun into a hospital, or if they carry a gun into a child care center and someone sees the gun and asks them to leave, they have no recourse, a Police Officer can't get rid of that gun, and the person can stand on their rights to have the gun in the environment."***

He then went on to say: ***"So part of the idea is preventing people from bringing it in, the other half of it is that once you have determined that somebody has a gun on that property, the statute, if we pass it, would give them that right to escort that person off the property. And then obviously there are questions about how or when or if you could prosecute them, but a Law Enforcement officer could get them out."***

While we are not sure of exactly what was meant by suggesting that there would be questions about how or when or if someone would ever be prosecuted, the above were some of the reason why this bill was brought forward.

In response to his, the VTFSC pointed to 13 VSA 3705 as an existing law that not only appeared to address those precise concerns: It is already in use for that exact purpose at state buildings, at hospitals and at other locations in Vermont. Further than that: The manner in which 3705 would be enforced is identical to how S.30 would be enforced.

The Committee has heard from Mr. Campbell, who expressed concerns that there should be wording about "knowing", and he then referenced 13 VSA 4004 (Firearms and schools) as having the elements of "intent" and "knowing" that he thought should be considered language. He suggested that the definition of a public building was vague, and that there could be an issue with Leased Office Space.

When Defender General Matthew Valerio testified, he shared with us the 4 criteria he uses for evaluating bills:

- Are there any constitutional rights implicated?
- Are there current laws on the books that cover the activity?
- Will the bill achieve its intended purpose?
- Will the bill make anything worse inadvertently for those intended to be protected?

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In regards to those 4 questions, the thoughts he shared seemed to indicate that 3 out of 4 of those tests were not met, as he indicated that he thought there were laws on the books that addressed this (such as 13 VSA 4003 which references "intent" and his thought that simply carrying was not the problem); he stated that in his opinion the bill would "**probably not**" achieve its intended purpose; and he suggested that this bill would effectively prevent an employee at a daycare, government building or hospital from being able to respond to a threat should one present itself.

Defend General Valerio then shared with us that he served on the Governor's Violence Prevention Task Force, and in referring to that effort, he then made this statement: "**One of the things that became pretty well recognized when you are talking about actual safety, was that more criminal laws and prohibitions on weapons were not going to be the way to increase Public Safety.**"

Towards the end of his testimony, Mr. Valerio made one other comment: "**I understand that there are times to pass bills that in and of themselves aren't going to have a major effect on anything, and these might be some of those times.**"

When Commissioner Brown testified, he stated: "**...we have not had any issues with the implementation of these regs or the enforcement of these regs up until this point.**" He also suggested that if S.30 was passed, "**... it could really complicate our ability to continue to regulate in a way we have in the relationship we have established to our providers who are used to these rules and working within these rules.**"

When Commissioner Fitch testified, she is quoted as saying: "**At this point, I don't feel a necessity to either modify the rules that currently exist, or a necessity for this bill in terms of the purposes of BGF at this time.**" She then further stated that: "**I have what I need to regulate guns within BGF...I don't find this bill to be a necessity for BGF.**"

When Commissioner Michael Schirling spoke, he indicated: "**No known incident with firearms in recent history.**"

When Devon Greene of VAHHS testified, he stated: "**There is security at hospitals, at most if not all hospitals at this point, there is security there.**"

As a basic issue of propriety, firearms owners fully realize that openly carrying firearms is not suitable or appropriate at any number of locations due to the simple fact that seeing firearms can make many people uncomfortable. This is especially true when firearms are seen at locations where they are not normally seen such as perhaps Hospitals and Government buildings.

Since the NCIS Background Check system came into being in November of 1998, the FBI reports more than 630,000 firearms were sold to Vermont residents, with a record 57,965 being sold in 2020 alone.

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Firearms are quite literally everywhere in Vermont, with an average of 1 firearm for every Vermont citizen - not counting the hundreds of thousands of guns that existed in Vermont BEFORE 1998.

While that may be a staggering number of firearms for some to consider, the vast, vast majority of these firearms are held by honest and law-abiding citizens who know enough to not make others uncomfortable by purposefully bringing a firearm to a location where they are not normally seen.

The creation of "Gun Free Zones" where there is no investment in security personnel or screening equipment does not make anyone safer, in fact they only create an illusion of safety, there is no "true" safety at all. In point of fact: It is now known that people with evil intent are far more likely to target "Gun Free Zones" for the simple reason that there is a much greater chance they can cause even more death than another place. For that reason, I have chosen to call these areas "Zones of Illusionary Protection", or ZIP, as that is what they really offer the people that may go there for safety reasons: They get ZIP.

When Vermont became the 14th state to the Union on March 4, 1791, firearms were ubiquitous and being proficient with a firearm was very highly regarded. Since then, Vermonters have enjoyed the freedom and liberty that our Constitution(s) grant us, and as we are a pretty rural state: Firearms continue to play a role in a significant number of Vermonters lives.

Now, after 230 years of clear history that demonstrates responsible firearm ownership which must and has contributed to Vermont's continued ranking as one of the first or second Safest States in the Nation in regard to violent crime and third lowest ion the Nation for property crime: Vermonters are now presented with a bill that would, right out of the gate, impose a strict criminal liability on a Vermonter's right to keep and bear arms when this is clearly not based on any demonstrated need, but instead based only on conjecture.

The Federation does not support this bill.

I close with a quote from Thomas Jefferson: "***Laws that forbid the carrying of arms... disarm only those who are neither inclined nor determined to commit crimes... Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man.***"

Thank You