

Vermont Federation of Sportsmen's Clubs
Testimony Before Senate Judiciary Committee on S.30

Chris Bradley - President & Executive Director

2/24/2021 - Version of Testimony Given

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.

I also remind all of us that Vermont is consistently one of first or second safest states in the nation when it comes to Violent Crime, as reported by the FBI.

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 or being distracted.

To quote the sponsor of this bill as to its purpose: ***"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."***

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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 the stated reasons 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 at 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**

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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."***

When Capitol Police Chief Matthew Romei testified, he indicated that he has the tools he needs to handle firearms showing up at the Statehouse.

In regards to defensive uses of firearms, President Obama issued executive orders which directed the CDC to study the causes and prevention of gun violence. That study was subcontracted to the Institute of Medicine and National Research Council. Specifically, that study found that the defensive use of firearms is "a common occurrence".

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I quote from that study: "***Almost all national survey estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals, with estimates of annual uses ranging from about 500,000 to more than 3 million per year, in the context of about 300,000 violent crimes involving firearms in 2008.***"

To suggest that firearms are rarely used in self-defense, is a rather severe misstatement.

As we look closer at why Vermont is so safe, we actually see a number of things that work against that. For example: We know Vermont to be quite rural overall, and we also know that for 2019, Vermont had the lowest number of Full-Time Equivalent (FTE) Law Enforcement Officers of any state in the nation per 100,000 residents. The LOWEST in the nation. Obviously then: Our continued ranking as the 1st or 2nd safest state in the nation cannot be due to an overwhelming police presence.

Today: Approximately 200 Vermont towns rely solely on the Vermont State Police to provide law enforcement coverage, with that equating to approximately 50% of Vermont's population, and approximately 90% of Vermont's land mass. Further than all that, VSP's coverage is not 24 hour: They, by necessity run only two 10-hour shifts, leaving 2AM to 6AM with "On Call" coverage only.

Because of our rural character: Vermonters have had no choice but to learn that not only are they the first persons effected by crime: They are also usually their own first responders.

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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. 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

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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 in 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***

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than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."

Thank You