

From: Ben Broe

Sent: Tuesday, March 14, 2023 10:30 PM

To: Martin LaLonde; Tom Burditt; Kevin Christie; Joseph Andriano; Angela Arsenault; Ela Chapin; Kenneth Goslant; William Notte; Thomas Oliver; Barbara Rachelson; Peninah Hodin

Subject: H.230

Dear Representatives of the Committee on Judiciary,

I first want to say that I OPPOSE this bill.

I do not believe it is the Government's role to dictate how I have to store my personal property within my personal premise, or that a person should have to go through a waiting period to exercise a Constitutional Right (not a privilege), even after meeting all requirements for firearm ownership (ie passing a background check).

As a resident of Burlington, I am very concerned with the increase in crime that we are experiencing and the lack of law enforcement to respond to calls. I feel that a storage law greatly infringes on my right to self-defense, if at night I am forced to secure my firearm separate from ammunition, as the firearm would be out of my control while sleeping. This right to immediate self-defense was clearly expressed in the Supreme Court's Heller decision. The waiting period law also infringes on the right of those who have an immediate need for self-defense. Anyone who wants to hinder my right to self-defense in my home with what we have going on in Burlington is clearly not thinking with "common sense" and frankly in my opinion is siding with the criminals.

I also believe most aspects of the bill will be found unconstitutional under the new established standard by SCOTUS in the NYSRP v Bruen. The new standard says all 2nd Amendment cases MUST be decided by a plain text and historical traditions approach. The intermediate scrutiny test is no longer valid, and courts need to disregard government objectives and public policy arguments when deciding these cases. If this bill becomes law, it will absolutely be challenged in the courts and a high probability of being found unconstitutional to the new standards.

With that being said I know the majority party is hell bent on passing gun control this session. It is frankly sickening to see the amount of anti-gun and anti-sportsmen bills being introduced this session.

Although I fundamentally disagree with the bill I will offer some suggestions to make it more palatable and would appreciate your consideration.

1) Instead of section 2 being "Secure Firearms Storage" take the approach commonly referred to as the Access Prevention approach. States that take this approach do not prohibit the unlocked storage of firearms but impose criminal liability if a child or prohibited person gets an unsecured firearm and uses it to harm themselves, others, or commit a crime with it. Another alternative would be to remove line 17 from page 2 which appears that a \$100 penalty can be imposed for only the act of not locking up firearms.

2) Section 8 the waiting period portion. We continually hear the gun control supporters mention Florida's waiting period law and how it has had little impact on gun shows. In the Florida example that I sent you over a week ago it shows that there are exceptions within the waiting period law. This can include proof of meeting some criteria or exceptions of certain types of firearms.

Thank you
Ben Broe
Burlington Resident