

**From:** Kendall Jacobsen

**Sent:** Wednesday, March 8, 2023 1:14 PM

**To:** Martin LaLonde; Tom Burditt; Kevin Christie; Joseph Andriano; Angela Arsenault; Ela Chapin; Karen N. Dolan; Kenneth Goslant; William Notte; Thomas Oliver; Barbara Rachelson

**Cc:** Peninah Hodin

**Subject:** Thanks and follow-up from Everytown!

Chair Lalonde and members of the House Judiciary Committee:

Thank you very much for the opportunity to testify before you last week on H.230. I just wanted to follow up with more detail on some points and questions that were raised during last week's meeting. We will also be providing more detail soon for the Committee regarding a NY Supreme Court decision on NY's ERPO law, the extensive due process (and penalties for filing false/harassing petitions) built into Vermont's ERPO law, Justice Thomas' dissenting opinion in *Silvester v. Becerra*, and more.

**Regarding which states have laws on secure firearm storage and waiting periods, and what the penalties are for violating storage laws:**

- 23 states and DC have some form of firearm storage law, including every other state in New England. Those states are: CA, CO, CT, DE, FL, HI, IL, IA, ME, MD, MN, NC, NH, NJ, NV, NY, RI, TX, VA, WA, and WI. You can find more information about those laws on our page [here](#), which includes cites to the laws.
- Many states with secure storage laws provide even harsher penalties than a fine when a person fails to store securely, even when no one has accessed the firearm or when no harm has occurred, including MA, CA, CO, MN, VA, and NV which all provide for criminal penalties in those situations. OR law's penalty is more lenient, and more akin to H.230 here in VT as it contains a civil fine penalty only when a person fails to store a firearm securely and no harm or no access has occurred.
- 9 states have laws requiring a waiting period before a gun purchase. Those states are CA, FL, HI, IL, MD, MN, NJ, RI, and WA. You can find more information about those laws [here](#). Required waiting periods in those states range from 3 to 14 days, meaning the 72 hour waiting period prescribed in H.230 would place Vermont among the three shortest waiting periods in the country. In addition, other states require buyers to obtain a permit before purchasing a firearm or handgun, and in these states, the processing time for the permit approval process creates a cooling off period similar to a waiting period for buyers. These states include CT, MA, MD, and NY.

**Regarding links to relevant Vermont historical laws on firearm storage:**

- [This link](#) will take you directly to a list of historical Vermont laws compiled by the Duke Center for Firearms Law which relate to firearm storage.

**Regarding statistics on whether firearms generally make us more or less safe:**

- Every year, more than 43,000 Americans [are killed](#) with guns and approximately 76,000 more are shot and wounded.
- Access to a gun [triples](#) the risk of death by suicide.

- Access to a gun [doubles](#) the risk of death by homicide.
- The presence of a gun in a domestic violence situation makes it [five times](#) more likely that the woman will be killed.
- According to our analysis of data from the most recent year of gun deaths by country (2015 to 2019) on [GunPolicy.org](#), the US gun homicide rate is 26 times that of other high-income countries and the US gun suicide rate is nearly 12 times that of other high-income countries.
- [A study](#) of female intimate partner homicide risk factors found that even for women who lived apart from their abuser, there was no evidence of protective impact from owning a gun. [A California study](#) found that women who purchased a gun died by firearm homicide at twice the rate of women who did not.

#### **Regarding claims that guns are used millions of times a year in self-defense in the US:**

- This claim is typically based on a series of studies from the early 1990s that have since been [thoroughly debunked](#). Proponents of this argument also often cite research conducted by John Lott, a [widely discredited](#) researcher. A [majority of researchers](#) call Lott's analyses -- which have rarely been peer-reviewed -- skewed and misleading.

#### **Regarding claims that *Heller* found firearm storage laws unconstitutional:**

- This is an incorrect reading of the *Heller* decision, which made clear that it was not striking down such laws (see page 60 of [the decision](#)): "Nor, correspondingly, does our analysis suggest the invalidity of laws regulating the storage of firearms to prevent accidents." Courts have subsequently upheld state secure storage laws, including the Ninth Circuit.
- *Heller* invalidated a law that required people, as interpreted by the Supreme Court, to keep guns unloaded even if under attack in their homes. That's not what any secure storage laws do, as the Court itself recognized.

#### **Regarding waiting period laws' impact on gun shows:**

- Illinois has both a waiting period law and a permit to purchase law. Their waiting period law makes no exceptions for gun shows, yet there are still many gun shows which take place yearly in Illinois. See this link for a list of upcoming shows: <https://gunshowtrader.com/gunshows/illinois-gun-shows/>
- If the gun show would be over by the end of the waiting period, a licensed seller would simply ship the firearm to an FFL near the purchaser. This is already how things work if someone is coming from out of state to the gun show and buys a gun from either an FFL or a private seller.
- This is a process vendors at gun shows are already intimately familiar with. So adding a waiting period just means they would be shipping firearms to FFLs near the purchaser for both in-state and out-of-state purchasers.

Thanks again for the opportunity to weigh in. Please let me know if any of you have any questions.

Sincerely,

**Kendall Jacobsen**

Associate Regional Director of State Government Affairs, Northeast  
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