

4/19/2023

Dick Sears
Senator Bennington District
343 Matteson Rd.
North Bennington, VT 05257

Robert Otty (North Ferrisburgh)
President, North Country Sportsmen's Club (Williston)

Re: H.230

Role – President, North Country Sportsmen's Club (NCSC)

NCSC is located in Williston and was founded in 1962. We have about 120 members at any given time, and are also open to the public. NCSC is a shotgun-only club with facilities for various clay target sports and serves a range of shooters from recreational to competitors to hunters getting ready for bird seasons. NCSC also hosts a number of hunter education courses and other Department of Fish and Wildlife events each year.

There was a discussion in the House Judiciary committee about the obligations that the Safe Firearms Storage section of H.230 would place on sport shooting ranges. The outcome of this discussion seemed to be that, because of the wording referring to "premises", that sport shooting ranges would be responsible for the secure storage of any firearms on their site, including those owned by the range and those owned by attendees. If this were the case, presumably, the sport shooting range could be found in violation if a firearm accessed at their site is subsequently used in any of the activities described in the Penalties section.

In short, this will place a significant burden on sport shooting ranges that most will not be able to accommodate. We simply are not staffed to provide the level of oversight necessary to ensure safe firearms storage on our sites, and such staffing would be impractical to implement. Most sport shooting ranges in Vermont are set on dozens of acres, and (depending on the type of shooting occurring) may include 15 – 20 stations scattered over the entirety of the property. Additionally, most are volunteer organizations that run on a proverbial shoestring in both finances and manpower. In other words, we can neither pay for the increased staffing that would be necessary nor draw on a non-existent overabundance of volunteers. Sport shooting ranges need to rely on the responsibility and safe firearms handling of *attendees* rather than the custodians/controllers of the premises (presumably the sport

shooting range organization). I am happy to further discuss the realities of sport shooting range operations in the state, but I must ask for either a specific exemption for shooting ranges (as defined in 10 V.S.A. 5227) or wording that would limit the scope of the bill to other premises that you may seek to cover.

I also want to comment on what may have been an honest misstatement in the initial walkthrough of H.230 in Senate Judiciary. In response to a question about the initial gun show exemption from the 72 hour waiting period, and its July 1, 2024 repeal, I believe that Erik FitzPatrick commented that House Judiciary would consider some sort of process that would allow current gun owners to bypass the background check for subsequent purchases. My understanding from House Judiciary sessions is that they would consider a process (to be defined) that would allow current gun owners to bypass the waiting period for subsequent purchases.

Relating to the effect of the waiting period on gun shows, I would ask that the committee consider either *requiring* creation of a process where current gun owners would be exempt from the 72 hour waiting period (the proposed 1 year deferral only allows time for *consideration*) or making the gun show exemption permanent. As I believe others have testified, a 72 hour waiting period would deal a significant blow to gun shows. They simply become a less attractive event if you must return to a different location (i.e. the seller's location) days later to acquire your purchase. While I don't believe that data was presented, and I will admit to not having any myself, I would reiterate the presumption that most gun show attendees are already gun owners. And given the bill's primary intent to create barriers to impulsive acts of suicide, and the relative infrequency of gun shows, it seems unlikely that someone would *wait* for a gun show for the opportunity to purchase a firearm without a waiting period.

There is a link between gun shows and sport shooting ranges in that some use gun shows to fund their operations. Regardless of your opinion of gun shows (or sport shooting ranges, for that matter), I hope that we can agree that sport shooting ranges provide a service to all residents of the state, whether all residents use the ranges or not. They are the places where hunter safety courses are held, along with other classes on safe handling and use of firearms, and where recreational shooting can occur in a safe environment. Sport shooting ranges don't prevent recreational shooting in backyards, farm fields, and woodlots, but they do lessen it.

I would ask the committee to consider and include provisions in H.230 that do not place additional undue burdens on sport shooting ranges' operations and revenue streams.

Role – Impacted Citizen

As an “impacted citizen”, I want to speak specifically to the Safe Firearms Storage section. My intent is not to revisit the topics of whether this section in particular or H.230 in whole is a good idea or bad idea, whether it will or won’t be effective, or whether it’s constitutional or not. However, the more I have read the bill and listened to testimony, the more I have begun to question whether Vermonters will understand what they need to do to comply (should the bill become law). The bill is largely written in “plain language”, which is normally a benefit, but here this may mask some important definitions that gun owners will need to understand and may not. The root of this issue seems to be legal definitions that differ from plain language definitions in some substantive ways.

Terms in Definitions section:

- Child – I see that this is defined as a person under 18 years of age. If this is the intent, is there a reason “minor” wasn’t used? I don’t think of a 16 year old as a “child”, yet they would be defined as such here.
- Prohibited Person – Most of us understand that some people are prohibited from owning or possessing firearms. But the criteria may be less well known. Some of us may be familiar with the questionnaire questions on ATF Form 4473 (convicted felon, unlawful user of illegal drugs, dishonorable discharge, restraining order, illegal alien, etc.). But are these the *only* criteria that could define someone as a “prohibited person”, or are there other criteria that could define someone as a “prohibited person” that Vermonters would need to be aware of?
 - While I would (personally) prefer this detail described in the bill, other Definitions include a reference to State or Federal law. Would that be an option here?

Terms not in Definitions section:

- Knows or reasonably should know (particularly, “reasonably should know”) – Does the custodian/controller of a premises need to make an effort to know whether a person is a child or prohibited? If so, what standard would they need to meet? A person who does not hold a FFL cannot perform a background check. Would they need to ask visitors to the premises the questions on the ATF Form 4473? Record the responses?
- Likely (to gain access to the firearm) – Legal definitions of “likely” seem to run the gamut from understanding that something *could* happen to the more commonly understood (by the public)

50% plus 1. While the Findings describe a high incidence of suicide by firearms (to be clear – my intent is not to dispute these statistics), when the number of handlings and uses of firearms or residence in and visits to premises where firearms are present are considered relative to the number of gun-related incidents, it would be difficult to consider a particular instance as statistically “likely” to result in access to a firearm that will end in a crime, use in a threatening manner, serious bodily injury, or death.