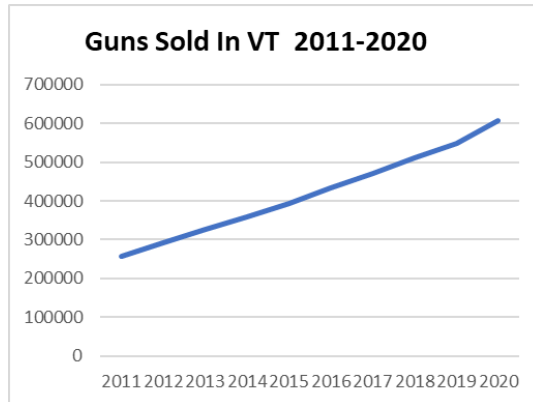


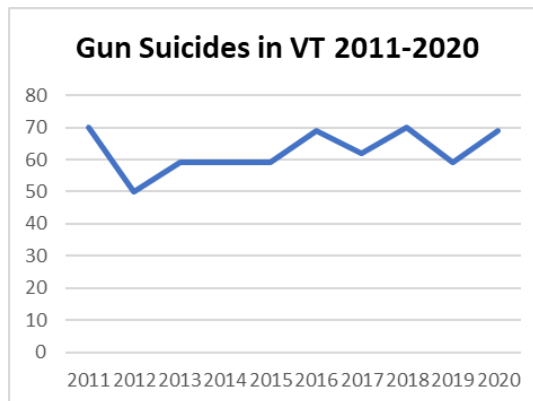
Waiting Periods

As written, the theoretical promise of a Waiting Period in H.230 was to reduce suicides. There is, however little to no evidence to support that claim.

The following graph shows the increase in firearms in Vermont between 2011-2020.



This next graph shows the number of suicides by firearm in Vermont for the same period.



376,409 new guns in Vermont, however the suicide rate did not increase, which can only mean a solution lies elsewhere.

Magazine Bans

Within 1 week of the 2018 Mag Ban law being signed into law, the VTFSC filed a civil suit challenging it under the Vermont Constitution.

Several months later, and after the law was in effect, an individual went to NH, bought newly banned magazines and returned to VT, thereby illegally importing them. He was criminally charged.

Unfortunately, the criminal case took priority over our civil case. As a result, the criminal case got to the Vermont Supreme Court before ours did.

In the final analysis it probably made no difference in the outcome because the Vermont Supreme Court used a means-to-end balancing test to determine that the law was constitutional under the Vermont Constitution.

However, the Federal Constitution and the rights it guarantees take precedence over state law. As a result, after *Bruen*, the Supreme Court of the United States (SCOTUS) has now clarified limits on the government's gun control powers and given clear direction as to how inferior courts must decide cases involving the Second Amendment.

To win against our challenge, the government must prove that similar restrictions limiting ammunition capacity existed at the time of our founding.

Supreme Court Rulings

- In 2008, *D.C. v Heller*, struck down a District of Columbia law that required firearms to be either disassembled or locked up in one's own home. It also established a new standard for 2nd Amendment review.
- In 2020, *McDonald v Chicago* struck down a Chicago law which prevented citizens from defending themselves outside the home.
- In 2022, *NYSRP v Bruen* struck down a law that prevented citizens from being able to obtain a permit to carry a firearm for self-defense. In making that ruling, SCOTUS clarified how inferior courts must review and decide laws related to the 2nd Amendment.

As a result of these cases, SCOTUS has declared that any law that impinges on the core of the 2nd Amendment, which is self-defense, is **Presumptively Unconstitutional**, and the government will lose UNLESS it can prove historical precedent for the restrictions at the time of our founding.

Inferior courts across the country must now review Second Amendment cases in a manner that is consistent with the direction provided by SCOTUS, and it is clear that infringements like Waiting Periods and Magazine bans will not pass constitutional muster.

Background on H.230

When first introduced, H.230 was a “short form” bill with no substance; it was described as a bill to address the problem of suicide in Vermont.

When finally fleshed out it had three sections:

- Safe Storage
- Expand Extreme Risk Protection Orders
- A Waiting Period

The Safe Storage section as originally written directly and undoubtedly conflicted with *D.C. v Heller*, a 2008 landmark SCOTUS decision, but we got this changed to be Negligent Storage.

The Extreme Risk Protection Order law was already flawed due to the fact it ignored Due Process, but the law was expanded to allow family members and household members to file an ERPO. This change was adopted, but only after we insisted that the standard of Evidence must be Clear & Convincing (as opposed to Preponderance).

When the meat of the bill was finally added, the House Committee on Health Care was unsure of whether to legislate a 48- or 72-hour Waiting Period. In the end it chose 72-hours, despite no evidence showing either time-period would work to reduce suicide.

H.230's Waiting Period is ineffective and an unconstitutional infringement on our Second Amendment Rights.



Waiting Periods

and

Magazine Bans

are

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The VFTSC to challenge the
new Waiting Period law and
existing Magazine Ban law

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