

Testimony on S.1, S.2, S.13 and S.22

Senate Judiciary - February 28th, 2019

Chris Bradley, President - Vermont Federation of Sportsman's Clubs

Thank you for providing the Vermont Federation of Sportsman's Clubs (Federation) an opportunity to speak before this Committee. For any of you who do not know about the Federation, we are an organization that traces its roots in Vermont back to 1875. We are, in essence, an association of clubs: The Federation is an umbrella organization that represents over 50 Sporting Clubs across the Great State of Vermont, with those clubs representing tens of thousands of Vermonters.

In the packet of information I have provided, there are individual statements concerning S.1, S.2 and S.13. As I perceive that my time to give testimony will be limited by necessity: I will state that the Federation fully supports all three of those bills as they correct several oversights that resulted from the rather unsettling speed with which things were pushed through the House last year. I feel that issuing a strong statement of support for S.1, S.2 and S.13 are adequate, and given my time constraint I will therefore devote the rest of my time to addressing S.22.

Regarding S.22 and the general topic of Suicide: The Federation is unequivocal. Suicide is a tragedy which has touched just about everyone.

The Federation, all of its members, and most likely everyone here today deeply values human life. Too many of us know the boundless sorrow that results when someone takes their own life. I personally understand the profound sense of loss in the wake of a suicide, as I have lost a beloved uncle and a very dear close friend to suicide and both chose to insure that their lives ended by using a firearm. The death of my friend was especially reflective to me.

It is the Federation's understanding that the primary impetus for the consideration of bills that will enact a Waiting Period on the purchase of a firearm is to address suicide, and we believe it is an honest attempt to prevent similar tragedies in the future. We therefore fully understand and appreciate the intent. It is, in effect, an effort to Save Someone From Themselves.

We understand the role that firearms can play in suicide, and even though firearms are only used in approximately 1% of suicide attempts and we understand that when a firearm is used the outcome is usually lethal.

Our understanding of the relationship between people in jeopardy, firearms and suicide is why the Federation took the lead, along with the Gun Owners of Vermont, in establishing a

Vermont version of the New Hampshire Gun Shop Project. We became aware of this as a result of obtaining, reading and then embracing a document authored by the **Vermont Center for Health and Learning (VCHL)** under a grant supplied by the **Vermont Department of Mental Health (VDMH)** entitled [*Reducing Suicide Risk by limiting Access to Lethal Means*](#). In taking on that lead role, the Federation worked hard to develop handouts, posters and related materials, and we then made that material available to our clubs and FFLs. We tackled that project on a completely volunteer basis with the intent of raising awareness by providing what to look for, tips on how to approach an individual, tips on questions to ask and other existing resources that sportsmen, sportswomen, Sporting Clubs and FFLs might use to help prevent such tragedies. Examples are in the packet - and while most are logoed by the SPC, the Federation and GOVT created the content.

When S.22 was released, we embraced the challenge to see if there was something further we might contribute. After reviewing what had been done and what existed, we sat down and mapped out the framework for a reporting system that could provide a simple yet effective method that had the potential of being more effective at stopping suicides than a Waiting Period, and we did that by completely focusing on HOW such a system might work, not the reasons WHY it couldn't work.

Immediately after mapping out what those systems might look like, we ran squarely into a wall of privacy rights; we ran into the very real possibility that the creation of a well-intentioned database of People of Concern could be misused and abused, and we ran into issues of Due Process. Should you be interested, I have included my write-up of the systems we envisioned in my packet.

While the Federation would have concerns over how such a system is implemented: I believe the medical community and others would likely step in rather heavily and oppose such systems due to the issue of Privacy Rights, despite there being several HIPPA exemptions to reporting people at risk as was outlined by Legal Counsel earlier this week..

To specifically address the two components of S.22, I will first address the second part of S.22: Safe Storage. As far as this portion is concerned, we fully believe that such a safe storage scheme was fully addressed by the SCOTUS in D.C. v. HELLER; we believe that this will be impossible to enforce; we believe that this will negatively impact the ability to defend one's home, and we believe that this bill creates bizarre situations where a person is in violation by simply leaving their bedroom in the middle of the night to visit the bathroom. We oppose this portion.

Regarding the Waiting Period portion, we offer the following points:

1. **Right to Self-Defense vs. An Attempt to Save a Life**

In considering this bill, we see a problem in attempting to achieve a balance between an individual's Constitutional right of Self Defense versus the establishment of a waiting period that might delay a person from committing suicide.

According to the **Vermont Judiciary - Annual Statistical Report for 2018**, there were 3,380 Relief From Abuse (RFA) filings in 2018, which was an increase of 8% in the filings from 2017. For those RFA filings which become Court Orders: These cases represent situations where a victim is able to convince a Court that they are under a real threat of bodily injury or death threats from another, such that the court will issue an order to keep the parties separated.

In these situations, a victim has been able to prove that they live under some unacceptable level of risk of injury or even death, and we believe it likely that some of these victims may well want to take the prudent step of obtaining the means of self defense to preserve their own life.

Even if there is only one victim that wishes to purchase the means to defend themselves: Is it reasonable, fair and Constitutional to subject that victim to any waiting period, when any delay might well make the difference between saving their own life or preventing injury?

How do we balance the rights of a person who wishes to preserve their life versus a person who is intent on ending theirs?

2. **People who Already Own a Firearm(s)**

In many cases, when a person who owns guns wants to buy another firearm, they will typically use the same FFL. This is certainly not always the case, but generally speaking, it is true in many cases.

In a situation where an FFL knows that the purchaser already owns a firearm, what purpose is served by delaying the possession?

3. **People Plan**

It is the Federation's view that the establishment of an arbitrary time limit will not work for the simple reason that people plan, and we have seen this time and time again.

Whatever the time period imposed, this cannot and will not guarantee that the person involved will be stopped from attempting to take their own life.

As another consideration I believe there is credence to the thought that when the

suicidal person attempts to buy a firearm and is then told that they cannot take immediate possession due to an arbitrary waiting period, that delay may well be seen by them as yet another injustice heaped upon them to add to their already perceived misery, thereby making them even more resolute.

4. Effect on Gun Shows, Gun Clubs, Banquets and Similar Venues

As a final point, but extremely important to sporting groups, individual sportsmen, sportswomen and local economies would be the negative effect of ANY waiting period on the long established venues of Guns Shows and Sports Banquets where firearm are possible prizes.

While there is much misinformation about gun shows, gun shows are a venue that allows both large and small Firearms Dealers (FFLs) to sell their wares to the public. FFLs have to compete not only with one another, but also compete with FFLS in other states, especially with rifles and shotguns. A citizen wanting to buy a firearm need only travel to NH or ME to buy a rifle or shotgun; no waiting period, and for NH - no tax.

For FFLs who attend Gun Shows, we believe there will be a decline in attendance, for the simple reason that their purpose to be there is to sell, and the somewhat count on leaving with far less inventory than what they came with. If an FFL cannot sell a firearm directly to a purchaser after a NICS check, why would the FFL travel to the gun show?

For citizens who attend gun shows, we believe there will likewise be a decrease in attendance, as these folks would know they could look, but not bring home.

Combined: Less FFLs mean less displays; less displays mean less incentive for citizens to attend; less citizens attending is less reason for FFLs to go...

Above and beyond being a social event that allows for the gathering of like minded people and provides a venue for a wide variety of vendors to sell all sorts of outdoor items that are not firearms, Gun Shows are a very real and very significant source of revenue to Sporting Clubs that host them. Examples of such events would be the Barre Gun Show (put on by the Barre Fish & Game Club), the Morrisville Gun Show (put on annually by Lamoille Valley Fish & Game Club), in addition to others.

Gun shows also bring significant revenue into their host town, such as Barre, Essex Junction and Rutland.

If any waiting period is enacted, this will have an adverse effect on all vendors who traditionally see value in paying for a table, and then displaying their wares at a Gun

Show. For vendors selling firearms this is even worse, as they will likely stop going at all if the Waiting Period exceeds the length of the show (meaning that the purchaser will have to make multiple trips, first to the gun show to discover what they want, and then another trip to the vendor's store sometime later to adhere to the Waiting Period and consummate the sale).

In a similar vein, many Sporting Groups raise much needed funds through banquets, and many of these Banquets provide firearms as prizes. Examples of such banquets would include the Vermont Sport Shooting Association (VSSA), the Federation, the Vermont Trappers Association (VTA) and the Vermont Bearhound Association (VBA), and others.

Again, these banquets represent significant revenue sources for these associations, and we see a negative impact on potential revenue in addition to an inconvenience for winners, especially when there is the very likely possibility that they already own a firearm.

In summary, while the Federation does understand the intent of a Waiting Period, we find it to be little more than wishful thinking. Further, we believe that it is an incredibly small number of people who might, very hypothetically, be saved. This then leads to the logical conclusion: A Waiting Period, no matter how well intentioned it may be or how hopeful it may appear to be, it does not justify the intrusion on the rights of others; neither the right to purchase a firearm, nor the right to privacy.

For the above reasons and others, the Federation must very respectfully oppose S.22.

Thank you for your time.