

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

Senate Judiciary - February 28th, 2019

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Thank you for providing the Vermont Federation of Sportsman's Clubs (Federation) an opportunity to speak before this Committee on these bills.

In the packet of information I previously provided, there are individual statements concerning S.1, S.2 and S.13. The VTFSC actively and vigorously supports all 3 of these bills, as we believe that they correct several oversights that resulted from the rather unsettling speed with which things were pushed through the House last year.

While we support all three, we are critically concerned about the passage of S.1, as this is a time sensitive bill. Failure to pass S.1 WILL have a negative effect on competitive shooting in Vermont; it WILL result in out-of-state competitors deciding to not come to Vermont; it WILL result in lost revenue to Vermont businesses where these tourists spend money, and it WILL absolutely financially hurt clubs and associations that work very hard to support and grow a sport that is recognized at the National and Olympic level. The VTFSC therefore urges Senate Judiciary to pass S.1 as it is, and to do so with all due speed.

I will now devote the remainder of my time to addressing S.22.

As there are two components of S.22, I would like to address the second part of S.22 first: Mandatory Safe Storage. As far as this portion is concerned, the VTFSC believes that this 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 oneself, one's home and their loved ones, and we believe that this bill creates bizarre situations where a person is in violation by simply moving about his/her house. We strongly oppose this portion and ask that it be dropped from further consideration.

Regarding the first portion of S.22, a Mandatory Waiting Period: The Federation remains unequivocal. Suicide is a tragedy which has touched just about everyone, including 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 people who impulsively act to kill themselves by buying a firearm.

In a June 2017 report entitled "*Suicide Attempt Morbidity - Data Brief*" from the Vermont Department of Mental Health, we see there were 118 suicide deaths among Vermont residents, and we see that firearms accounted for 52% of those deaths. This was followed by 21% who killed themselves by suffocation, 17% who killed themselves by poison, with

the remaining 10% being caused by other reasons such as drowning, intentional motor vehicle crash and falls.

Looking beyond those tragedies however is telling, as there were 200 hospitalizations and 823 Emergency Department visits for suicide attempts among Vermont residents in Vermont Hospitals. This does not include less severe cases who may have been treated in a physician's office, outpatient facility or by an EMT. Also not captured are people who have suicidal thoughts, make a suicide plan, or have depressive disorders and do not interact with the health care system for whatever reason. We can surmise then that the total number of people in jeopardy is much, much higher than 1,023.

According to this data brief, for the period 2015-2016, poisoning accounted for 55% of visits to Emergency Departments/hospitalizations for self-harm. 31% were for cutting/piercing. "Other" causes (unspecified/not classified) accounted for 10%. Suffocation accounted for 2%. Fire/Burn as well as Firearms each accounted for about 1%.

I will not state that all those people who made those 1,023 documented suicide attempts really did intend to kill themselves. I will however suggest that it is reasonable to believe that a significant majority of those that attempted to kill themselves - really did intend to end their lives.

I now wish to make the following points:

a. **Right to Self-Defense and Waiting Periods**

In considering this bill, the VTFSC sees 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, possibly delay a person from using a gun to commit 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 threat which can include 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. They have that right.

An example of such a situation would be the case of the case of Carol Bowne,

formerly a resident of Berlin Township, NJ. When Carol Bowne felt the threat of domestic violence, the petite hairdresser took steps to protect herself.

Ms. Bowne had gotten a restraining order against a former boyfriend; she installed security cameras and an alarm system at her home, and she then began the process of obtaining a handgun.

But it wasn't enough. Bowne, 39, was stabbed to death in the driveway of her home by her ex-boyfriend.

Carol Bowne was in fear. She took all the steps she could, and because she was not able to obtain what is arguably the best means of defense, she was not able to defend herself from the attack that she foresaw.

I could provide a litany of similar stories, as there are many. Using that single case as an example however, is it reasonable, fair and Constitutional to subject a potential 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, and can no provision be made in this bill to address this?

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

In many cases, when a person who owns firearms 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?

I quote from a 2017 study done by the Harvard School of Public Health: "***When we compared people in gun-owning households to people not in gun-owning households, there was no difference in terms of rates of mental illness or in terms of the proportion saying that they had seriously considered suicide. Gun owners are not more suicidal***"

The intent of S.22 seems very specific: It is intended to prevent a first-time buyer who is suicidal from acting on impulse. If that is the case, shouldn't this bill create an exception that allows someone who already owns firearms to be exempt from this waiting period?

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. It is also clear that the suggested time limits are arbitrary, since H.59 has a Waiting period of 72-hours, S.22 has suggested 48, and others have suggested 24.

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.

If a 24-hour Waiting Period had been in place last year, we are led to believe that that 24-hour Waiting Period would have made all the difference.

I ask you: Will it be any less a heartbreaking situation when someone waits that day and then kills themselves in the 25th hour? If we were to make it a week, would it be less tragic for the person who waited that week, plus one day? Do we then tweak this law each time?

4. **Statistics - The Rest of the Story**

Organizations like Gun Sense Vermont reference a study published in 2015 by the American Journal of Public Health published, and they relate the claim that "*waiting periods for gun purchases have 51% fewer gun suicides and 27% fewer suicides overall*", which sounds very impressive.

I quote from this Study:

"Objectives: Using previous research, we examined the impact of 4 handgun laws (waiting periods, universal background checks, gun locks and open carry regulations) on suicide rates.

Methods: We used publicly available databases to collect information on state-wide laws, suicide rates, and demographic characteristics for 2013.

Results: Each law was associated with significantly lower firearm suicide rates and the proportion of suicides resulting from firearms. In addition, each law, *except for that which required a waiting period*, was associated with a lower overall suicide rate."

So: While this study does show that a Waiting Period reduces suicides by firearm, there is apparently no corresponding decrease in overall suicides, which can only mean that people will simply find another means if they encounter a Waiting Period.

5. **Effect on Gun Shows, Gun Clubs, Banquets, Auctions 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 provide a historical 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 from 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 they count on leaving with less inventory than what they came with. If an FFL cannot sell a firearm directly to a purchaser after a NICS check, the FFL will be less incentivized 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. If they did decide to buy, and that decision happened on a Sunday, then the purchaser would then have to consider the loss of time and money to drive to wherever the FFL resides at some later time to that the sale could be completed

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. 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.

A similar impact will be seen on auctions, such as are run by Thomas Hirschak and Merrill Auction House.

I now return to that number of 1,141 suicide attempts in Vermont, of which 118 were successful.

Of those 1,141 suicide attempts, about 5% were related to firearms.

I would be sure that everyone in this room would agree that the best approach to solving the problem of suicide would be to address WHY people are being motivated to end their lives and find ways to help, as this approach would address 100% of the people who are at risk.

Instead there appears to be a laser focus not on the cause but the manner, based on 1 single event, with only a handful of similar events occurring across the past 20 years. This laser focus by the way targets only the method which 5% of the people at risk employ, while doing nothing to address the methods the other 95% employ.

Isn't the problem all suicides, not just those suicides with guns?

In summary, the Federation does understand the intent of a Waiting Period. We are not however convinced it will save anyone's life, and when push comes to shove, we very clearly see an unreasonable restriction to the unalienable right of self defense.

For the above reasons and others, the Federation must very respectfully oppose S.22. If this is to pass, we urge consideration for changes to the points I raised above.

Thank you for your time.