

## Testimony for SB 978-1 Proposed Amendments

TO: Senate Judiciary Committee

FROM: Mark Atwood

4/1/19

Please accept this letter as my formal testimony as related to SB 978-1

I formally request a Nay vote for this bill for the following reasons.

I am not usually a person to speak out about issues that plague my mind, but I feel I must raise a banner in opposition to the illogical and asinine gun control policies put before us today in the amendments to SB 978. As with other bills proposed on gun control, it is not about trying to ensure the safety of the citizens, but it is more about expanding government control. This is a classic piece of legislation that TRULY embodies the tyranny our forefathers warned us against. The Bill of Rights is very clear here, “The rights of the people to keep and bear arms, shall not be infringed.” The language is so very clear that it shall not be **infringed**—an act so as to limit or undermine. The framers of the Constitution intentionally used this term so as to be clear that the government has no business meddling in the rights of the individual citizen to self-defense. The Supreme Court in 2008 affirmed this right for individuals in the Heller decision. The authors of the Constitution were not ‘granting’ this right, they were *recognizing* it as a right given by God. This bill is riddled with violations directly and indirectly to this amendment in the Bill of Rights. It is illogical to think that limiting a citizen’s ability to defend himself will bring about less gun violence, the statistics and the courts disagree with this line of thinking. Just recently, a federal judge in progressive California ruled that limiting a person to a 10 round magazine hinders their ability to defend themselves so it was ruled unconstitutional. In 2008 Justice Scalia wrote in the opinion of the court that, and I quote” The requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional.” The implication here is that anything that renders a person’s firearm unusable makes it useless for self-defense and therefore violates the law. This bill is riddled with regulations as to the type of arms allowed by law abiding citizens which goes contrary to the Caetano vs. Massachusetts case where the Supreme Court reiterated earlier rulings that “the Second Amendment extends prima facie, to ALL instruments that constitute bearable arms, even those that were not in existence at the time of the founding” and that its protection is not limited to “only those weapons useful in warfare.” This clearly does not allow for regulation of the type of firearms a person can own. The problem is that this has already been violated to a small extent and now causing a ‘slippery slope’ for even more stringent laws as is the custom of politicians’ past. These are just a few examples of how this bill violates the Bill of Rights, the fact that this is even presented as a valid piece of legislation shows the complete lack of education about the Constitution and a complete disregard for the rights protected within. This proposed bill directly infringes upon our guaranteed rights as citizens to protect and defend ourselves in all walks of life. It is ludicrous to imagine that any one of the other rights secured by the Constitution can be picked apart and regulated at the whim of the majority. Think of the precedent you are setting if you decide to meddle with the 2<sup>nd</sup> Amendment, dictating who or when or where it is

allowed. Would anyone dare try to repeal or change the conditions of the 13<sup>th</sup> amendment which abolished slavery? Or how about the 19<sup>th</sup> amendment which gave women the right to vote? This would be preposterous if suggested, but they hold no more or less weight in the Bill of Rights than does the 2<sup>nd</sup> amendment. The language in the SB 978 amendments suggest that it is unlawful to own certain types of weapons, if passed, how would this be enforced? Would the State Police go house to house and violate the 4<sup>th</sup> amendment or would they just rely on the honesty and integrity of citizens to turn in their illegal contraband? The only ones who might comply would be the law abiding citizens, the lawless citizens would not. For an example I would direct you to the war on drugs.

Other amends of this bill are a litigation nightmare. Setting a precedent of an owner or business owner being liable financially for someone misusing their product is ridiculous. We don't sue car manufacturers or dealers for the illegal actions of a drunk driver or damages incurred if someone steals your car. Its ludicrous to think of the billions of dollars in lawsuits that this would open the door for in relation to injuries or deaths incurred from the illegal use of a product. This would not stop gun violence. People who break the law with gun violence have no regard for laws period. All it would do is penalize a law-abiding citizen that was already a victim of a crime. Are we to understand that if the mother of the deranged Sandy Hook killer would have survived, we would have held her financially and criminally liable for the actions of her son? Add insult to injury... I am trying to figure out the proposed scenario that brought about this part of the amendments and the intended outcome. Has anyone really thought this thru? I would predict a plethora of unnecessary and impossible lawsuits all to shackle the law-abiding citizen or gun dealer or manufacturer with a responsibility for an action that belongs on a criminal. In the past decade, individuals have tried suing gun manufacturers to no avail. The responsibility for injuring or killing another human being lies solely on the one who pulled the trigger. Or as in the UK, used a knife, or a hammer, or a baseball bat, because the courts know, its not the object used but the person who used it and the evil within that needs to be addressed. But this is all a moral issue of the heart.

Time and time again, history has taught us that when government heads for gun registration and gun confiscation on any level, it never ends well for the citizens. As soon as their right to keep and bear arms is stripped away, they become subjects of tyranny. It might not happen right away, but it is inevitable. The framers of the Constitution knew this and guaranteed the government, both federal and state would be kept in check by an armed citizenry. They actually spelled it out in the Declaration of Independence as not only a *right*, but a **DUTY** of the citizen to resist a government that oversteps its bounds. These sacred rights spelled out by our forefathers are words we live by and some give their lives for.

The words are very clear...shall not be infringed.