

Submitter: Sean Connolly  
On Behalf Of:  
Committee: House Committee On Judiciary  
Measure, Appointment or Topic: HB3075

I oppose this legislation on a number of grounds, only a few of which follow here.

The permit to purchase scheme is merely a method to layer on bureaucratic and financial burdens for citizens to hurdle in order to purchase a firearm for lawful purposes. There are multiple points in the process to check off that require excessive time, have narrow access, and need growing amounts of money and make it so burdensome for people to purchase a firearm, that it is expected they will give up their effort - and leave firearm ownership, a right guaranteed to American citizens, only for the rich and politically connected. The permit to purchase is akin to the poll tax levied on minorities in post Civil War reconstruction era voting to frustrate those wishing to exercise their rights. The permit to purchase creates subjects instead of citizens.

The firearm magazine restriction is an egregious part of this legislation. The made up number of "10" is one not based on anything other than an opinion. Attempts to restrict these arms across the USA began somewhere near 20. Then restrictions became 15. Along came 12. 10 has become fashionable lately. But New York is trying 7. And a recent US President vocally supported 3. This is nothing but an opinion based on emotion. But millions of citizens have chosen firearms whose standard capacity is more than 10. Particularly those interested in defending themselves and their family. It is hubris to assume one person can know better for all how best to defend their family. And again, the numbers are made up. It is apparent because when these made up numbers are discussed in the media, their supporters always trot out rare and hardly used magazines that hold 50 or 100 rounds (and don't work well) in order to scare voters. They don't hold up magazines with 11 rounds.

However the worse part of the firearm magazine restriction is that it turns a well known legal principle on its head - innocent until proven guilty. Supporters of this legislation say that owners can keep their already owned magazines which hold more than 10 rounds. That is patently false because the legislation makes each magazine owner a law violator the day it is enacted. The law does allow an affirmative defense to possessing them. This means that the possessor is guilty of a class A misdemeanor for each magazine, but is allowed to go to court when arrested for possession of a magazine holding 11+ rounds and then undertake the burden to prove with a preponderance of evidence that you possessed them before December of 2022. So the owner is subject to arrest, must plead guilty, and then prove they are excepted to possess in a court of law that they possessed the magazine(s) before a specific date. The financial burden resting on the person having to prove they are

innocent instead of the government proving guilt. By the way, there is no settled way to prove this and will be based on the whim of the charging officials. Again, only the rich and politically connected will be able to exercise their rights.

I would ask that the legislators focus on holding accountable those who commit criminal actions instead of focusing on punishing people for something they possess that has been in lawful use for more than a century. Thank you for your time.