

**Testimony of Stephen A. Reynes on S.22
before the Senate Judiciary Committee on 12 March 2018**

I am Stephen Reynes of Calais, Vermont. I am an attorney and an ordained Deacon in the Episcopal Church. In the 1980's I served three terms in the House and was elected to the Senate in 1988. I was the lead sponsor of the attached S.98, which proposed a ten-day waiting period for the purchase of a handgun. The Bill was referred to the Judiciary Committee. Although S.98 had eight bipartisan co-sponsors and was endorsed by the Vermont Chiefs of Police Association, the Committee did not even hold an introductory hearing. I commend your Committee for taking up S.22.

I've read the news reports and listened to a video excerpt of the testimony of Alyssa and Rob Black, the parents of 23-year-old Andrew Black, before your Committee. I've seen the photo of Andrew at work on December 3, 2018, looking relaxed and content, a guy I would enjoy talking with, hiking with.¹ Three days later he bought a gun at 11:30 and was dead by 4:00 o'clock.



¹ <https://www.burlingtonfreepress.com/story/news/politics/government/2019/02/28/after-andrew-blacks-suicide-parents-ask-gun-sale-waiting-period/2991356002/>

I can't help but wonder if S.98 had become law whether Andrew would be alive. His parents testified to you that they believe Andrew would be alive if a waiting period had been in effect, based on their son's behavior and his electronic messages. I can't help but wonder if Professor Cheryl Hanna would be alive if a waiting period had been in effect. When I was getting information for S.98, there was an instance where someone had walked into a gun shop in Brattleboro, bought a gun, walked out of the store and immediately committed suicide on the sidewalk.

From my experience, and I think many people's experience, the world can look very different a few days later, not so desperate. A seemingly unrelated conversation with a co-worker or small acts of kindness from a stranger, friend or family member, or a combination of unpredictable things, can make a huge difference.

A constitutional right does not mean it is immune from reasonable regulation for protection of society. I see the waiting period as a moral issue. Enactment of waiting period is good public policy that would save lives. It could also make a heartfelt difference for those otherwise left behind.

Thank you.

S.98

1
2 Introduced by Senator Reynes of Windsor County, Senator Carlson of
3 Bennington County, Senator Conrad of Chittenden
4 County, Senator Little of Chittenden County, Senator
5 McCaffrey of Rutland County, Senator Racine of
6 Chittenden County, Senator Webster of Orange County
7 and Senator Wick of Chittenden County

8 Referred to Committee on

9 Date:

10 Subject: Crimes; firearms; transfer of handguns; waiting period

11 Statement of purpose: This bill would establish a ten-day waiting
12 period prior to the commercial sale of a handgun.

13 AN ACT RELATING TO HANDGUN SALES

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 13 V.S.A. § 4016 is added to read:

16 § 4016. TRANSFER OF HANDGUNS

17 (a) Definitions. As used in this section:

18 (1) "Person" includes an individual, partnership, association
19 or corporation.

1 (2) "Handgun" means any firearm with a barrel less than 12
2 inches in length, or any firearm designed to be fired by the use of
3 a single hand.

4 (3) "Transfer" means transfer by sale by a dealer in firearms.

5 (b) Ten-day waiting period. No person may transfer any handgun
6 until after ten days have elapsed from the time a written
7 notification of the transfer has been sent by the transferor to the
8 department of public safety and to the chief law enforcement officer
9 of the town of residence as identified on the list prepared by the
10 commissioner of public safety under subsection (d) of this section.
11 The notification shall be sent by registered or certified mail,
12 return receipt requested.

13 (c) Law enforcement review. The notification of a handgun
14 transfer shall be made by sending a copy of the completed
15 standardized form required for firearms sales by licensed dealers
16 pursuant to 18 U.S.C. 923(g), or another standardized form which
17 contains the same information as the federal form and has been
18 approved by the commissioner of public safety. Upon receipt of
19 notification of a handgun transfer, the department of public safety,
20 in cooperation with the local law enforcement agency, may conduct an
21 investigation in order to determine the truth or falsity of the
22 information supplied in the notification. If it is determined that
23 receipt or possession of the handgun by the transferee would be in

1 violation of an applicable federal or state law, the department of
2 public safety shall notify the transferor in writing and the handgun
3 transfer shall not be completed. A law enforcement officer shall
4 not be subject to civil liability for an omission or failure to
5 comply with this section.

6 (d) List of law enforcement officers. The commissioner of public
7 safety shall annually provide each licensed firearms dealer with a
8 list of the chief law enforcement officers or, if there is no
9 municipal police department, the address of the state police
10 barracks serving each city and town.

11 (e) Exceptions. Nothing in this section shall be construed to
12 affect transfers to licensed firearms dealers for bona fide resale
13 in the ordinary course of business, or to official government law
14 enforcement or armed services agencies.

15 (f) Penalties. Any person who knowingly provides false
16 information on a notification form or violates the provisions of
17 this section shall upon conviction be fined not more than \$10,000.00
18 or imprisoned for not more than two years, or both.

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To the Committee on Health and Welfare.

By Senators Crowley, Howrigan and Mazza,

S. 96. An act to authorize resident state police.

To the Committee on Transportation.

By Senators Finn, McCaffrey and Ready,

S. 97. An act relating to resident purchase of mobile home parks.

To the Committee on General Affairs and Housing.

By Senators Reynes, Carlson, Conrad, Little, McCaffrey, Racine, Webster and
→ Wick,

S. 98. An act relating to handgun sales.

To the Committee on Judiciary.

By Senator Page,

S. 99. An act relating to state review of national forest lands acquisitions.

To the Committee on Institutions.

By Senators Mazza, Baker and Crowley,

S. 100. An act relating to group credit life insurance.

To the Committee on Finance.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 54. An act relating to tax exemption for home improvements.

To the Committee on Finance.

H. 67. An act relating to the sales and use tax.

To the Committee on Finance.

H. 134. An act relating to the dairy industry income stabilization program.

To the Committee on Agriculture.

H. 135. An act relating to the charter of the Village of Essex Junction.

To the Committee on Government Operations.

Joint Resolution Referred

Joint Senate resolution of the following title was offered, read the first time and
as follows:

By Senator Page,

J.R.S. 18. Joint resolution relating to Vermont forest lands.

Whereas, large tracts of undeveloped forest land in the State held for many years

I am Timothy Moynihan, I live just down the hill in Randolph VT.

I am here tonight (March 12, 2019) to express my opposition to the storage requirement in bill s.22

we should try to help our community members. suicide is a serious issue and

Freedom and Unity, the Vermont state moto, is an excellent moto. It reminds us that there is a balance between our right to freedom and our obligations to our community.

cut from verbal
We have laws which help make sure that all the members of our community understand and fulfil our obligations to promote the general welfare. We also have laws that ensure we do not trespass on each other's personal freedoms. Laws that keep that balance those two priorities help create and preserve what is best in our society.

This bill, S.22, **does not** strike a reasonable balance between personal freedom and the community good.

This law seems to imply that if I am in my own home and leave my firearm on my desk while I go to another room I may be committing a crime punishable by imprisonment.

What if did not have a safe but I locked my house when I leave home, would I be committing a crime for which I could be imprisoned? Does my house count as a "secure container" since it is locked? My point is that **this bill, if made law, would fail at least two tests**, it is **not clear enough** and it would be an **unreasonable burden** on the private citizen.

In other words, it is not a reasonable balance of Freedom and Unity.

Based on this and other reasons I ask you to **oppose Bill S.22**

I also ask you to support bills S.1, S.2, and S.13

Thank You

Timothy Moynihan
Timothy Moynihan

3/12/2019

Comments on Senate Bills S.1, S.2, S.13, S.22

I support the proposals by Senator Rodgers but oppose those of Senator Baruth. Senator Baruth has year after year waged a legislative war against rural Vermonters, apparently expecting us to meekly submit to his despotic attacks. Millions of Americans are presently engaged in civil disobedience against gun laws in states such as NY, MD, MA, NJ, CT, CA, WA, OR, IL, CO, and now Vermonters are included after last year's legislation. The legislation passed last year is despised by thousands of Vermonters and Baruth's present proposals in S.22 go even further, invading our very homes.

The present proposal to mandate locked storage is a clear violation of a SCOTUS decision stating it violates the Bill of Rights - to quote that decision in *D.C. v. Heller* (2008), "We must also address the District's requirement (as applied to respondent's handgun) that firearms in the home be rendered and kept inoperable at all times. This makes it impossible for citizens to use them for the core lawful purpose of self-defense and is hence unconstitutional."

This proposal for locked storage represents Mr. Baruth coming into our homes in an act of war against us. It is a slave alone who is barred the most basic right every living thing possesses, the right to defend one's own life against acts of violence. The proposal is an attempt to enslave us. As this has already been struck down in *D.C. v. Heller*, every Vermonter would be fully justified in ignoring this should it pass. The "obedient must be slaves," to quote Thoreau. Anyone invading my home to enforce this proposal would be rightfully considered a home invader the same as a common burglar. This will be challenged in federal court if passed and as the Supreme Court has already held such laws unconstitutional, it will be a costly loss for the state in court.

This state and our nation needs leaders who will bring peace and some semblance of unity and civility back to our society. It does not need the selfish spreading of hate and contempt that Baruth's proposals represent. There is a national trend of weaponizing politics against individuals or groups one side or the other dislikes. This trend will bring about the disintegration of our nation if it continues unchecked. I urge the committee to not endorse this approach to politics as seen in D.C. these days but to instead drop the proposals that are an attack on rural Vermonters. Last year the legislature veneered its proposals with the claim that it was in response to a planned act of violence in Fair Haven. Jack Sawyer purchased a sporting shotgun at a licensed dealer. The legislature responded by banning common rifle and pistol magazines and mandating we go to licensed dealers. It doesn't pass the straight fact test.

Today Baruth claims this new proposal will stop suicides. 3 people in 20 years committed suicide with a newly purchased firearm. It seems more likely to me that this is really another attempt to attack our culture. This proposal will kill gun shows and I know that is the real motivation. It may also kill the abused person who suddenly faces the wrath of a violent ex who may want to obtain a firearm for protection for the first time. Why should such a person be barred the right of self defense for 2 arbitrarily set days? Is that potential loss of life acceptable because its proponents hate a segment of our society? Thousands of people should not be barred from obtaining the means of self-defense because of 3 people over 20 years.

An attached graph I have included shows that multiple nations with very strict firearms laws have substantially higher suicide rates than the U.S. Russia and Japan have the highest rates and it is virtually impossible for average citizens to have firearms in those countries. People simply find other ways to commit suicide without a firearm.

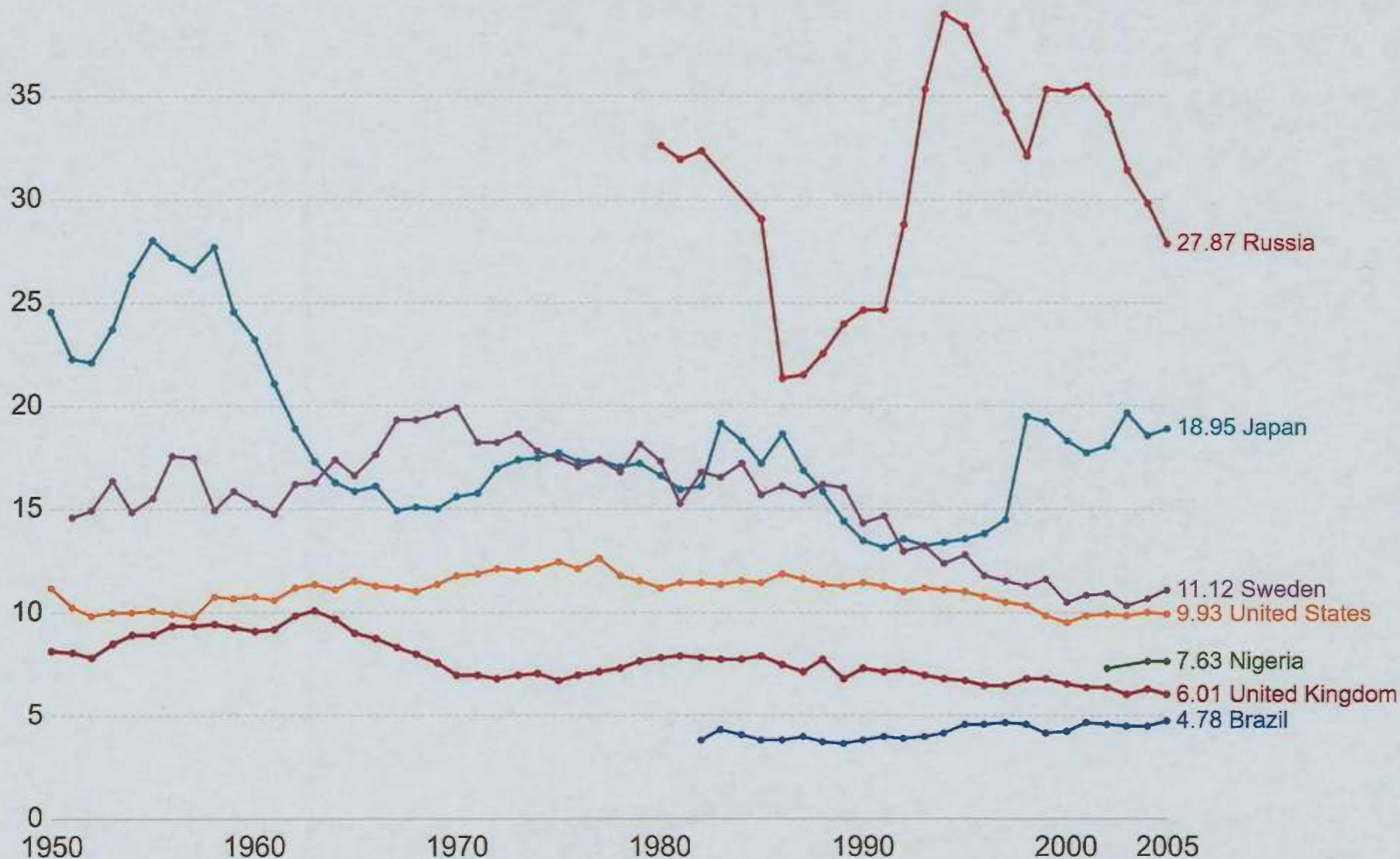
My own aunt killed herself 2 years ago. Kimberly Griffin of Rutland. She attempted to kill herself with pills and alcohol. She tried to check herself into the ER at Rutland to hold her for her own protection. They refused, I suspect in part because she was poor and they would lose money, and she shot herself. Not with a newly purchased firearm either. My aunt and I am sure others would have been saved if the hospital were required to hold those voluntarily checking themselves in because of suicidal feelings. With some form of mandated reporting to the state to ensure compliance and a follow up of help.

Casey Jennings, Rutland, VT

Suicide rates by country

Suicides per 100,000 people per year. The rate is adjusted for the changing age structure of the population.

Our World
in Data

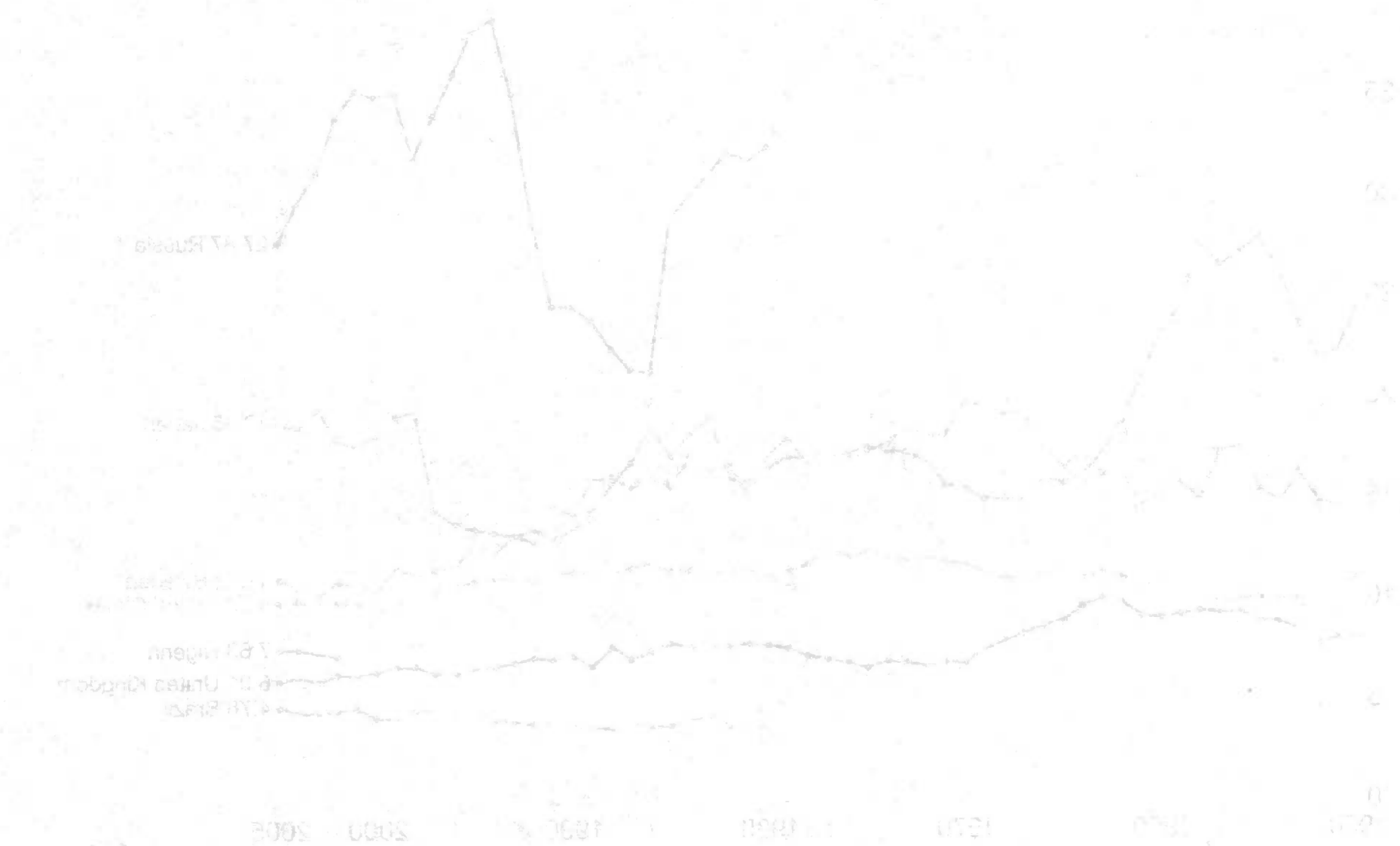


Source: World Health Organization (2005)

OurWorldInData.org/suicide/ • CC BY

Suicide rates by country

Graphs show the rate of suicide per year, adjusted for the size of the population.



Source: World Health Organization, WHO, 2000

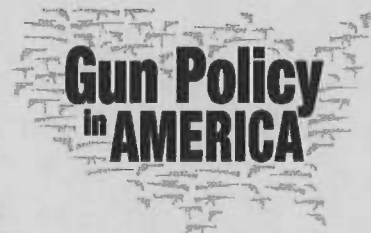


OBJECTIVE ANALYSIS.
EFFECTIVE SOLUTIONS.



RAND > Research > Gun Policy in America > Analysis > The Effects of Waiting Periods >

Effects of Waiting Periods on Suicide



Summary: We identified no qualifying studies that estimated the effects of waiting periods on suicides.

We identified one study published since 2003 that examined the effects of waiting periods on suicides and met our inclusion criteria (Cook and Ludwig, 2003). In reviews of the earlier literature, the National Research Council (NRC) (2004) and Hahn et al. (2005) reviewed six additional studies. Both sets of reviews found that evidence for the effects of waiting periods was inconclusive, although the NRC commented on waiting periods by noting that, "The risk of suicide is highest immediately after purchase of a handgun, suggesting that some firearms are specifically purchased for the purpose of committing suicide."^[1]

Cook and Ludwig (2003) provides results similar to the authors' earlier paper (Ludwig and Cook, 2000). Because the earlier paper included a larger data set spanning a wider time frame, we focus

on its analyses, although the results reported in the two papers are comparable. Both papers examine changes in suicide rates before and after the implementation of the Brady Act in 1994, which initially imposed waiting periods and background checks for purchases from licensed firearm dealers. When the Brady Act was implemented, 18 states and the District of Columbia already had background checks, 27 states were required to implement background checks and waiting

Experts Weigh In

Here are expert opinions on how waiting periods may affect firearm suicides in your state and the U.S. as a whole. »

periods, and five states were required to implement only background checks (because they already had waiting periods or had an instant background check procedure that satisfied the Brady requirements). Ludwig and Cook (2000) sought to identify the effects of waiting periods by comparing reductions in suicide rates found in the states that did and did not implement waiting periods. They found that, when compared with the 18 unaffected states (plus the District of Columbia), the states implementing and those not implementing waiting periods saw uncertain reductions in suicide and firearm suicide rates. A subgroup analysis found a significant 9-percent reduction in firearm suicide rates among older victims in states that introduced waiting periods, whereas the reductions in states that did not have to introduce waiting periods were smaller and uncertain. The paper did not demonstrate that the difference between these rate reductions was statistically significant. In addition, the analyses of states that were not required to implement

waiting periods had a ratio of estimated parameters to observations of less than one to three, and the study provided no additional evidence to demonstrate model fit. Therefore, in accordance with our review methodology, we discount the evidence provided by this analysis because of the possibility the model was overfit, and thus the estimated effects and their confidence intervals may be unreliable indicators of the true causal effects of the laws.

Conclusions

We identified no qualifying studies that estimated the effects of waiting periods on suicides.

WAITING PERIODS

SUICIDE

References

Cook, Philip J., and Jens Ludwig, "The Effect of the Brady Act on Gun Violence," in B. Harcourt, ed., *Guns, Crime, and Punishment in America*, New York: New York University Press, 2003, pp. 283–298.

Hahn, Robert A., Oleg Bilukha, Alex Crosby, Mindy T. Fullilove, Akiva Liberman, Eve Moscicki, Susan Snyder, Farris Tuma, and Peter A. Briss, "Firearms Laws and the Reduction of Violence: A Systematic Review," *American Journal of Preventive Medicine*, Vol. 28, No. 2, 2005, pp. 40–71.

Ludwig, J., and P. J. Cook, "Homicide and Suicide Rates Associated with Implementation of the Brady Handgun Violence Prevention Act," *JAMA*, Vol. 284, No. 5, 2000, pp. 585–591.

National Research Council, *Firearms and Violence: A Critical Review*, Washington, D.C.: National Academies Press, 2004.

NRC—See National Research Council.

[View the full project bibliography](#)

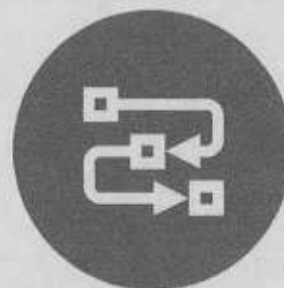
EXPLORE THE DATA



Interactive: Seeking
Common Ground in Gun



In-Depth Analysis of
Current Gun Policy



Methodology: Gun Policy
Research Review

waiting periods and a ratio of estimated actual loss to estimated premium of less than 100 percent, and
the policy reserve as a percentage of the estimated actual loss. The latter is no longer
with our review methodology was used in the estimates provided by the analysts in case of the
policy. The policy was estimated to have an estimated effect of 1.0 percent of the premium.
The policy was estimated to have an estimated effect of 1.0 percent of the premium.

Conclusion

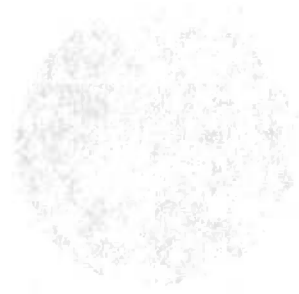
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Testimony March 12th, VTC on S.22

Thank you for letting me speak tonight.

I have been a pediatrician in Randolph for the last 42 1/2 years. I have also worked state wide and nationally to improve gun safety laws. I have had the sad experience of having multiple patients die by suicide during my 42+ years as a pediatrician, most by guns some by other means.

I strongly support S.22 legislation to have a mandatory, minimum 48 hour waiting period to buy a gun.

Vermont has fewer suicide attempts than most states that is good news! But sadly Vermont consistently ranks near the top for DEATHS FROM SUICIDE. This correlates DIRECTLY to the fact that Vermont has TOO EASY ACCESS TO GUNS. Research strongly supports that MOST suicides are impulsive acts during an often brief PERIOD OF DESPAIR often less than 24 hours prior to attempted suicide.

Vermont had 1.5 times the national suicide by firearm rate. Sadly 90% of all gun deaths in Vermont are suicides.

Suicide rates are climbing across the state both in the young population and in the elderly population. Guns are uniquely lethal 85% of those that attempt suicide with a gun die while often the remainder have severe trauma.

90% of people who attempt suicide by other means and live do NOT attempt again.

BY HAVING THE WAITING PERIOD OF 48 HOURS OR MORE WE SAVE LIVES.

There is NO evidence that a waiting period inhibits access to guns and if the argument is "I NEED IT RIGHT NOW" The likelihood of harm to self or others is increased.

Lastly, children must be safe when guns are in the house, I have had experience with 3 and 5 year old playing with loaded pistols taken from under their parents pillow.

Again I STRONGLY SUPPORT S.22.

**Respectfully submitted by: Louis A. DiNicola, MD, FAAP
Randolph, Vermont 05060**

My name is Dr. Daniel J. Monger and I live with my wife, Cathleen, in New Haven, VT

I have come to speak to you today on Senate Bill S22.

One of the things most notable about Vermonters is their self-reliance, proven beyond any shadow of the doubt after Hurricane Irene. Neighbors were helping neighbors rather than sitting back and waiting for the Government, when it was ready, to step in and tell the hurricane victims what to do. No, instead, Vermonters acted. That's what we call self-reliance.

Some people do not act, when required, for many reasons. Some do not act out of sheer laziness, and hence lack the necessary preparedness. Some do not act out of analysis paralysis. Others do not act out of fear. Many have grown up believing in the mantra: "The Government is here to help". Unfortunately, when it comes to protecting yourself and family, when seconds matter, the Police are minutes away. My wife and I love and respect the Police as much as anyone, but let me say this again, when seconds matter, the Police are minutes away.

There are two major sections to S22: the proposed 48-hour waiting period prior to taking possession of your firearm, I'll leave that to many of my colleagues here in this room who have both the intelligence and expertise to adequately address this with "common sense".

I wish to address that section of S22 relating to the storage of a firearm, which is outside of one's immediate possession or control, to be contained within a safe storage depository. If you keep a firearm loaded for the purpose of protecting your family and it is kept 24 hours each day in your night stand, if S22 were to be signed into law, the Government will now be able to imprison you for one year, plus fine you \$500, to add insult to injury.

There are those in this room who wish to level the playing field because they are unwilling to act, are unable to act, are unprepared to act. When it comes to preparedness and training, let me say this:

The National Rifle Association of America, the oldest civil rights organization in the country, was founded in 1871, with the explicit purpose to teach people how to safely and accurately use firearms as a tool. We and the 5 million members strong embrace this undying focus on training everyone on just how to use a firearm safely.

Again, there are those in this room who wish to level the playing field and who wish to place everyone in Vermont, the self-reliant and the irresponsible, all together in one vulnerable, disadvantaged plight. A firearm which is locked up is completely useless as the tool designed to protect one's life. Those of us who have trained, those of us who have overcome our fears, those of us who have learned what a firearm can do and safely treats it with the respect it deserves; we will be combined together with that minority of Vermonters who are untrained, who are lazy, who suffer from analysis paralysis, who are gripped with fear, who naively expect the Government to protect us when both self-reliance and seconds matter.