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Testimony In Opposition

LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain  
Firearm Purchases

Before the Joint Standing Committee on Judiciary

March 7, 2023

Senator Carney, Representative Moonen, and honorable members of the Joint Standing Committee on Judiciary, my name is Kim Moulton. I live in Fairfield, Maine and I am writing in opposition to LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases.

While I suspect the sponsors of this bill may have good intentions, the claimed potential benefits do not outweigh the known risks of depriving law-abiding citizens their right to purchase a firearm when they have already been cleared in an FBI background check.

As you may know, police are under no obligation to protect citizens. Consider the following court cases:

The U.S. Supreme Court, in 2005 in *Castle Rock v. Gonzales*, Justices held that the police had no such duty when they failed to protect her from her husband after he violated a restraining order, abducted, and later killed their three children.

In 1981, the case *Warren v. District of Columbia*, the D.C. Court of Appeals held that "no specific legal duty exists" to protect an individual (unless there is a special relationship between an officer and an individual, such as a person in custody).

Carol Brown, a 39-year-old woman living in New Jersey secured a restraining order, but she knew a firearm was her best option for protection from her former boyfriend, who she believed intended to kill her and who she knew had a history of violence. New Jersey had many such "good intention" laws. Lawmakers delayed her civil rights – only temporarily. While she waited the random number of days, she installed cameras and kept her doors locked. She fought for her life, but he killed her while she waited - an arbitrary number of days - to exercise her right to protect her own life.

There is insufficient evidence and no justification to delay the transfer of a firearm to a lawful purchaser. I urge you to report "Ought Not To Pass", to preserve a citizens civil right to protect their life.

Respectfully,

*Kim Moulton*