

To: Members of the Judiciary Committee.

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

My name is Craig Caffrey of Bowdoinham ME and I have submitted this testimony in strong OPPOSITION to LD 2238: An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases.

If the Sagadahoc County Sheriff, Joel Merry, did his job and initiated the "Yellow Flag Law," we wouldn't be having this discussion. Yet, Sheriff Merry, a Democrat, failed in his duties to adequately safeguard the citizens and bring Mr. card in for observation and mental health review.

Proponents of gun control are pushing an antiquated proposal to institute a 3-day waiting period between the purchase and final transfer of a firearm. What is a waiting period? Waiting periods are arbitrary impositions with no effect on crime or suicide, introduce no additional investigative avenues, and only burden law-abiding gun owners without changing how or when criminals obtain firearms.

MYTH: Waiting periods allow for more in-depth background checks.

FACT: NO, waiting periods do NOT change the background check process; no additional investigative measures are taken no matter how long a waiting period is imposed. The FBI still runs the EXACT SAME background check that they run now, without a waiting period. Most background checks are resolved instantly, but investigations can currently last up to 90 days.

MYTH: Waiting periods reduce suicides, homicides, and mass shootings.

FACT: There is NO supporting evidence that waiting periods reduce suicides, homicides, or mass shootings. No studies that identify causal effects have been identified by any of the independent literature reviews conducted since 2004. The average time-to-crime for firearms traced by the BATFE in 2018 was nearly 9 years<sup>1</sup>, so the idea that guns are often used in crimes of passion or impulsive actions right after purchase is NOT supported by anything other than anecdotal evidence. Only law-abiding individuals will be impacted by waiting periods. Criminals get firearms from illegal sources such as straw purchases, on the black market, or theft. They don't buy their guns at gun shops.

MYTH: We need more gun laws.

FACT: There are already too few prosecutions of prohibited persons who attempt to buy a firearm from a dealer. Out of 112,090 total federal denials in 2017, there were only 12 prosecutions. Bureau of Alcohol, Tobacco, Firearms, and Explosives. "Firearms Trace Data – 2018: Time-to- 1 Crime; Firearms Recovered and Traced in the United States and Territories." 2018. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "Source 2 and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016." 2019. p7.

MYTH: Waiting periods are designed to reduce suicide.

FACT: NO. The waiting period mandated by the Brady Act of 1993 was only in effect until the National Instant Check System came online in 1998. Not to mention, TWO THIRDS of gun-owners own more than one firearm.<sup>3</sup> A waiting period could not possibly influence those purchasing an additional firearm. First-time buyers seeking a firearm for self-defense would be affected by a waiting period that limits their

ability to safeguard themselves and their loved ones. There is absolutely NO scientific evidence that waiting periods influence suicide, homicide, or mass shootings.

CONCLUSION: A waiting period would not have stopped the tragedy in Lewiston, and it's an arbitrary measure that is not based on reality. It does nothing to improve the background check system, assess the mental health of the purchaser, or prevent firearms from getting into the hands of criminals. Instead, it imposes a burden on law-abiding individuals who want to obtain a firearm for personal protection. Months before the tragedy in Lewiston, Robert Card was showing signs of paranoia. On May 3, 2023, a Citizen Assist complaint originating from a local public-school address was logged with the Sagadahoc County Sheriff's Office. In July 2023, Card is admitted to a mental health facility in New York and spent 14 days in that hospital. It is well-documented that Card acted violently and even assaulted a fellow soldier. In September 2023, weeks before the shooting, police received a request from the Maine National Guard to do a welfare check on Robert Card. The reality of this tragedy is that there were signs for a year leading up to the shooting that Card was violent. He made threats and acted violently. Prior to the shooting, Card allegedly committed several serious crimes, but he was not charged. Why not? Repeatedly, Card showed serious signs of danger and his behavior was largely ignored. A reasonable person can conclude: a 72 hour waiting period would have not have prevented this tragedy from occurring, especially since Robert Card owned firearms legally for years. Instead, a 72-hour waiting period would prevent every other law-abiding individual the ability to purchase one. The Pew Research Center. "America's Complex Relationship with Guns." June 2017. Uses data from national surveys of adults in March and April 2017.

[https://www.nraila.org/get-the-facts/waiting-periods/#\\_edn12](https://www.nraila.org/get-the-facts/waiting-periods/#_edn12)

The ability to protect yourself and your loved ones has never been more important, especially with the skyrocketing crimes and lack of adequate prosecutions. It is well documented that police response times are rising across the country, and especially in Maine, for a variety of reasons. If a violent intruder breaks into a home, a 72 hour waiting period would be the difference between life and death.

Furthermore, the Concussion Legacy Foundation (CLF): "Robert Card had evidence of traumatic brain injury. In the white matter, the nerve fibers that allow for communication between different areas of the brain, there was significant degeneration, axonal and myelin loss, inflammation, and small blood vessel injury. There was no evidence of chronic traumatic encephalopathy (CTE)," said Dr. McKee, director of the BU CTE Center. "These findings align with our previous studies on the effects of blast injury in humans and experimental models. While I cannot say with certainty that these pathological findings underlie Mr. Card's behavioral changes in the last 10 months of life, based on our previous work, brain injury likely played a role in his symptoms."

<https://concussionfoundation.org/news/press-release/family-of-Robert-Card-II-releases-findings-of-his-brain-tissue-analysis-in-effort-to-prevent-future-tragedies>

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LD 2238

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