

To: Members of the Judiciary Committee.

Subj: LD 2224 An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System

My name is Craig Caffrey of Bowdoinham ME and I have submitted this testimony in strong OPPOSITION to LD 2224 An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System.

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.

Yet, once again after a tragedy, those who could've and should've intervened failed to do so.

Universal background check proposals often impose background checks on all transfers of firearms, with varying exceptions. However, without a gun registry, it's virtually impossible to enforce the universal background check system.

MYTH: There are "gun show" and "online sales" loopholes that allow criminals to obtain firearms. FACT: Bureau of justice statistics show that 77% of criminals in state prison for firearm crimes get firearms through theft, on the black market, from a drug dealer or "on the street, or from family members and friends. Less than 1% get firearms at "gun shows."

1 - ATF has stated that nearly half of all illegally trafficked firearms originate with "straw" purchasers who buy guns for criminals. This is ALREADY ILLEGAL.

2 - regardless of location (gun show, gun shop, online) must run a background check before selling or transferring a firearm to a person who is not a dealer. This INCLUDES online sales and occurs regardless of where a sale takes place.

MYTH: Background checks will reduce mass shootings. Michael Planty and Jennifer Truman, Firearm Violence, 1993-2011, Bureau of Justice 1 Statistics (BJS), May 2013, p. 13. See also Marianne W. Zawitz, Guns Used in Crime, BJS, July 1995; Caroline Wolf Harlow, Firearm Use by Offenders, BJS, November 2001. In 1985, the Department of Justice reported that only about one in five convicted felons obtained guns through legal channels such as retail stores. ("Few criminals get guns through legal channels," The Spokesman-Review, October 14, 1985.) The Gun Control Act (1968), 18 USC 923(a), requires anyone "engaged in the business" of manufacturing, importing, or dealing in firearms to be licensed. The Firearms Owners Protection Act (1986), 18 USC (921)(a)(21)(C), stipulates that "engaged in the business," "as applied to a dealer in firearms," refers to . . . "a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms." The background check requirement is established by 18 USC 922(t). Checks are required on 3 non-dealers other than those in certain states, who have certain kinds of firearm permits (see Bureau of Alcohol, Tobacco, Firearms and Explosives, Permanent Brady Permit Chart) and those who have already passed

an FBI background check to acquire a firearm regulated by the National Firearms Act. Under 18 USC 923(j), a dealer may conduct business at gun shows and similar events, but the background check requirement in paragraph (t) still applies.

FACT: Most mass shooters pass background checks to acquire firearms. Robert Card passed numerous background checks to obtain his firearms. In fact, Robert Card was blocked from buying a suppressor months before the shooting because he SELF-REPORTED that he was in a mental health facility on the form that the dealer is required to review. Important facts about suppressors: Purchasing a suppressor is not like purchasing a firearm. Suppressors need to be registered by the BATFE. To be approved you need the following:

- 1- Fill out the required BATFE forms.
- 2- Must be fingerprinted by LEO and forwarded to BATFE.
- 3- Photographed by the dealership where you are purchasing the suppressor. The photographs are then also forwarded to the BATFE.
- 4- Pay a \$200.00 tax stamp per suppressor
- 5- All paperwork is forwarded to the BATFE where there are currently months of backlog.

Robert Card not only passed a NICS background check, but he also successfully obtained a tax stamp (\$200 registration fee). The only reason he was denied the suppressor was because he self-reported his stay in the mental health facility. SO - WHAT DOES FEDERAL LAW ALREADY DO? - Requires firearms dealers, manufacturers, and importers to initiate background checks on any non-dealer who wants to purchase a firearm. - Federal law prohibits possession by 9 categories of prohibited persons: [felons, fugitives, persons with qualifying mental health histories, illegal drug users and addicts, illegal aliens, people dishonorably discharged, people who have renounced US citizenship, persons convicted of DV misdemeanors, and people under certain types of DV restraining orders].

Can you advertise a firearm on the internet? Yes, but the following still applies: - Federal law prohibits the transfer of a firearm to anyone known or believed to be prohibited. James Alan Fox, criminology professor at Northeastern University, Top 10 myths about mass shootings,” Boston.com, December 19, 2012. Persons convicted of felonies punishable by more than a year or misdemeanors punishable by more than two years in prison, fugitives, persons with disqualifying mental health histories, illegal drug users and addicts, illegal aliens, persons dishonorably discharged from the armed forces, persons who have renounced their U.S. citizenship, persons convicted of domestic violence misdemeanors, and persons under certain kinds of domestic violence-related restraining orders (18 USC 922(g)). - Federal law prohibits a non-dealer from acquiring a handgun outside his state of residence and prohibits a non-dealer from acquiring a rifle or shotgun from a non-dealer outside his state of residence. - Federal law prohibits anyone from transferring a handgun to a non-dealer who resides in another state (with rare exceptions) and prohibits a non-dealer from transferring a firearm to a non-licensee who resides in another state. - Federal law prohibits the acquisition of a firearm on behalf of a person who is prohibited from possessing firearms. - Federal law prohibits anyone from providing a handgun to a juvenile (person under age 18), and prohibits juveniles from possessing handguns, with limited exceptions. If background checks are instant, why are universal background checks such a big deal? Because it’s not about a background check. It’s about establishing a gun registry which is prohibited by state and federal law.

Universal background checks are unenforceable without a gun registry because you count on people to “do the right thing.” Of course, law-abiding individuals will. However, criminals will not - we already know that. In 2013, the Obama Department of Justice acknowledged that requiring universal background checks “depends on... requiring gun registration.” 7 Greg Ridgeway, Deputy Director, National Institute of J

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>

I strongly encourage this committee to vote “OUGHT NOT TO PASS” on LD 2224 An Act to Strengthen Public Safety by Improving Maine’s Firearm Laws and Mental Health System.

Thank you for your time,

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