

Simon Cavilla
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Opposition LD 1109

I strongly oppose this bill, which criminalizes the possession of large-capacity ammunition feeding devices (defined as those holding over 10 rounds), for the following reasons:

1. Constitutional Concerns:

- The Second Amendment protects the right to bear arms, a right the Supreme Court has upheld as extending to individual self-defense (*District of Columbia v. Heller*, 2008). In *New York State Rifle & Pistol Association v. Bruen* (2022), the Court ruled that restrictions on commonly used firearms or accessories must align with historical firearm regulation traditions. Large-capacity magazines—used in millions of handguns and rifles (e.g., Glock 17’s standard 17-round magazine)—are in common use for lawful purposes like self-defense and sport shooting. This bill lacks a clear historical analogue, risking unconstitutionality.
- Criminalizing possession infringes on law-abiding citizens’ rights without evidence that such devices, in their common configurations, uniquely enable crime beyond what standard-capacity magazines already do.

2. Ineffectiveness in Reducing Crime:

- Studies, including a 2019 RAND Corporation review, found inconclusive evidence that bans on large-capacity magazines significantly reduce gun violence. Criminals often circumvent such laws via illegal markets or by modifying devices, as seen during the 1994-2004 federal assault weapons ban. Meanwhile, mass shootings—often cited as justification—frequently involve shooters reloading with smaller magazines (e.g., Virginia Tech, 2007, used 10- and 15-round magazines), suggesting capacity limits don’t deter determined attackers.
- The bill’s focus on possession punishes law-abiding owners—millions of whom use these devices for legal purposes—without targeting the root causes of violence, like mental health or enforcement gaps.

3. Practical Burdens on Citizens:

- Many standard firearms (e.g., AR-15s, popular pistols) come with magazines exceeding 10 rounds as factory defaults. Owners—hunters, sport shooters, or those in rural areas needing self-defense against multiple threats (e.g., wildlife)—would face a Class D crime (up to 1 year in jail, \$2,000 fine in some states) for possessing what’s often their only compatible equipment. Compliance would require costly replacements or relocation of property, disproportionately hitting lower-income gun owners.
- The “knowingly” clause and vague “readily restored or converted” language invite enforcement inconsistencies. A device broken beyond use but “convertible” with expertise could still trigger prosecution, chilling lawful ownership.

4. Overreach and Enforcement Challenges:

- With an estimated 100 million+ large-capacity magazines in U.S. circulation (National Shooting Sports Foundation, 2023), enforcing this ban would strain law enforcement resources. Police would shift focus from violent crime to chasing paperwork violations, especially since exemptions (unspecified here) often complicate compliance checks.
- The bill doesn't address grandfathering or buyback options, leaving owners with no clear path to avoid criminality short of surrender or disposal—a de facto confiscation without compensation, raising Fifth Amendment takings concerns.

5. Alternative Solutions:

- Rather than broad criminalization, we should enhance background checks, fund mental health initiatives, and target illegal trafficking—measures with broader support and proven impact (e.g., FBI NICS denials rose 10% with improved reporting, 2022). Education on safe storage could also reduce accidental shootings without infringing rights.

This bill oversteps constitutional bounds, lacks evidence of efficacy, and imposes undue burdens on law-abiding citizens while failing to address violence's root causes. I urge lawmakers to reject it in favor of targeted, practical solutions that respect rights and prioritize safety. Punishing possession of a common firearm component isn't the answer—effective policy should focus on behavior, not hardware.

I urge the committee to vote "ought not pass" on LD 1109

Thank you for your time

Sincerely,

Simon Cavilla

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