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LD 168, An Act Regarding Criminal Background Checks of the Sale, Transfer or Exchange of Firearms

Good afternoon Senator Beebe-Center, Representative Salisbury and distinguished members of the Criminal Justice and Public Safety committee.

My Name is Kevin Joyce and I am the Sheriff of Cumberland County. I am testifying on this as the Sheriff of Cumberland County and by no means want to confuse my support for this bill with it being endorsed by the other members of the Maine Sheriffs' Association.

I support LD 168, An Act Regarding Criminal Background Checks of the Sale, Transfer or Exchange of Firearms.

First of all, I want to acknowledge the common refrain for bills like this with similar intent, that this will not stop criminals from getting firearms and committing crimes, injuring people or worse yet, killing people. I have yet to hear one solution that is absolute.

I am also sensitive to the fact that the second amendment is a widely held Constitutional Right that many of our friends and neighbors are passionate about and they do not want to see that right taken away.

There is a problem in this country where we have devalued human life. We have seen people murdered for being cut off in traffic, grocery shopping, going to the movies, attending an outdoor concert, walking through an airport, attending college and most recently going to an elementary school. It has been one week since the needless deaths of 3 adults and 3 children in Nashville Tennessee. We are 93 days into the year 2023 and there have been approximately 89-gun related incidences in school and 128 mass shootings in America so far this year. Recently, in Washington DC, there have been calls by members of Congress from both sides of the aisle to improve background checks so that guns don't get into the wrong hands.

When I go to an established firearms dealer's store, I must go through a background check. This protects the dealer and community. What this bill attempts to do is fix the proverbial "loop hole", that gun sales at gun shows and private sales are somehow slipping through. Even though a criminal may be able to access a gun "on the street" as a tool to commit their crimes, currently those wanting a firearm for other criminal purposes can also effectively acquire a firearm at a gun show or by private sale. This bill would address that avenue of acquisition.

As a young police officer, I purchased a shotgun from the Kittery Trading Post. I had to successfully pass a firearms background check. For several years, I carried that shotgun for work purposes, until my agency actually purchased



shotguns for us. When the agency began providing shotguns, I sold mine by private sale. To date, I cannot tell you who I sold that gun to or for how much, but I often wondered whose hands the gun "fell into"? Since the gun may have changed hands again by another private sale, the last person that the firearm is registered to is me. That is concerning if I think about the potential of that gun being used in a crime and upon searching, the last known owner is me. Knowing what I know now, I would do things much differently and welcome the opportunity to make sure that the individual purchasing the firearm, to the best of my knowledge, was a suitable person to own a firearm. I would also keep better records personally, in case the firearm was ever utilized in a crime.

You see this bill and others like it may not be a panacea, but it will likely keep at least some people from acquiring a firearm who should not have one. It may keep a gun out of the hands of a career criminal or a mentally ill person. I always hear the comment, "guns don't kill, people do". So let's make sure that we make every attempt possible to determine who gets these guns. Please allow this bill to be a step in the "right direction".

I will always defend the constitutional rights of good people and good citizens to own firearms, but I cannot in good conscious defend why we aren't more careful on who we allow to have guns. Making sure that the constitutional rights of ALL of our friends, relatives and those who wish us harm are protected is not for the faint of heart, but if we are going to make changes, albeit small changes, we must start with changes that make sense.

I will be happy to answer any questions.



Kevin J. Joyce, Sheriff
Cumberland County

