



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1440
TTY: (207) 287-4469

Patrick W. Corey

353 River Road
Windham, ME 04062
Patrick.Corey@legislature.maine.gov

Testimony in Support of
LD 9 – An Act To Prohibit the Creation of a Firearms Owner Registry
Joint Standing Committee on Criminal Justice and Public Safety

Good morning Senator Rosen, Representative Warren, and the honorable members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Representative Patrick Corey and I represent the good people of District 25 in Windham.

I'm here to ask for your support of LD 9, An Act To Prohibit the Creation of a Firearms Owner Registry. This bill prohibits a government agency of this State or a political subdivision of this State from keeping a list or registry of privately owned firearms or a list or registry of the owners of those firearms with a couple of exceptions.

Firearms ownership information is sensitive thus the preemptive need for privacy rights. Who foresaw the Bangor Daily News' FOAA request a few years back for a list of names and addresses of Maine's concealed weapons permit holders? Thankfully Maine's legislators stepped up then and said "no." Needless to say, there are many purposeful and unintentional ways delicate and protected information can become public, especially by those who wish to harm others. We see headlines everyday about leaks, hacks, and unintentional dumps of private information and very little is immune.

In the United States a hallmark of how we exercise our rights is that it can be done anonymously. This is especially true for people who may hold unpopular opinions and beliefs, and let's face it, gun ownership is unpopular with some people. This is as true for the Second Amendment as the First and for good reason. The release of information about gun ownership has the potential for the discrimination, retaliation, harassment, and victimization of gun owners. Given this concern alone, why would we allow the potential aggregation of data that could harm Maine's residents?

Only Hawaii and the District of Columbia require the registration of all firearms and New York requires the registration of handguns. Five states, plus the two mentioned have registration requirements for specific types of firearms. So, seven states have some type of varying registration scheme.

Federal law prohibits use of National Instant Criminal Background Check System (NICS) information to create a firearm or firearm owner registration system. Eight states prohibit gun registries including Delaware, Florida, Georgia, Idaho, Pennsylvania, Rhode Island, South Dakota, and Vermont. LD 9 was initially based on Rhode Island's statute, but we have the ability to create better law.

I've prepared an amendment to LD 9 that I am submitting with this testimony for the committee to consider. This amendment has three objectives which include:

- acknowledging Fifth Amendment protections held by individuals prohibited from firearm ownership,
- broadening the circumstances under which a list may be kept of firearms used in crimes,
- and preserving the ability of a court or law enforcement agency to keep a list of weapons owned by those named in a protection from abuse order.

In the amended bill I've deleted the exemption that would allow the State to keep a list of firearms owned by those who have been convicted of crimes of violence dangerous to human life. I'll admit, this seems fly in the face of commonsense but hear me out.

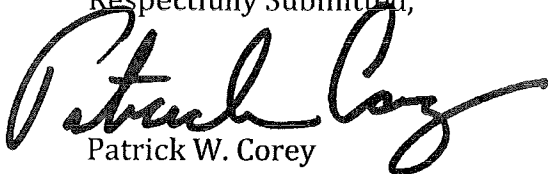
Haynes v. United States protects felons and other banned owners of firearms from registration, because they cannot be compelled to implicate themselves in a crime due to Fifth Amendment protections with regard to self incrimination. Of course, in states with gun registries, people who lawfully possess firearms could be punished for not registering them; therefore, felons cannot be punished under firearm registration schemes, yet people who legally own firearms can be.

I've amended the provision that would allow lists or registries of firearms used in crimes dangerous to human life to include firearms used in a crime and retained in the investigation and prosecution of that crime. The criminal justice system needs to preserve the ability to keep track of firearms used in committing crimes.

Finally, I've added an exception that would allow the court or a law enforcement agency to keep a list of firearms owned by a defendant named in a protection from abuse order. Under current law, if the firearms are relinquished to an individual other than a law enforcement officer, a description of those weapons must be provided to the court or law enforcement agency designated in the protection from abuse order.

I look forward to working on this bill with you through the committee process and would be happy to answer any questions at this time.

Respectfully Submitted,



Patrick W. Corey
State Representative