

Testimony of Hon. Janice Cooper
Before the Criminal Justice and Public Safety Committee
On LD 759, An Act to Amend the Child Endangerment Laws to Include Certain
Unauthorized Access to a Loaded Firearm
April 21, 2021

Good morning Senator Deschambault, Representative Warren and other distinguished members of the Criminal Justice and Public Safety Committee. I am Janice Cooper, a resident of Yarmouth, Maine, and former Representative for that Town, along with Chebeague Island and Long Island. As some of you know, I served on this committee in the last legislature, and if I were physically present, it would be my joy to present you with delectable treats to mark my return. As it is, you will have to accept my apologies and merely my words.

I am here to support LD 759. We discussed a similar bill in the last legislature, but time and legitimate and political concerns killed that attempt to save children from carelessly stored firearms. I am pleased that the sponsor, Rep. Doudera, paid close attention to the details that derailed our earlier efforts. As is often the case, the devil is in the details, and often, opponents focus on details for opposing gun safety measures. Here, we have a carefully crafted bill that targets real world circumstances.

Under LD 759, a person is liable only if there is a reasonable expectation that a child is likely to gain access to a loaded firearm without proper permission. In addition, a number of affirmative defenses eliminate culpability when appropriate: when the firearm is in a locked box, the child uses the firearm in self-defense or defense of others, and the child possesses the firearm as the result of a crime.

I believe that most shootings in Maine by children do not occur under such circumstances; the affirmative defenses are included to allay the fears that unjustified charges will be brought. In the newspaper accounts of accidental shootings by children that have stained Maine's history and ruined lives, the owner of the weapon was careless or clueless. I say "clueless" because I remember reading a column by a gun owner stating that safe storage bills would be unnecessary if only parents would educate their children about the dangers of guns. His children, he assured readers, would never, ever touch his weapons. Well, that writer may know more about guns than me, but not about children. They are instinctively curious, and despite warnings, they will prowl through forbidden drawers and shelves. They just do, as most observant parents will acknowledge. What's more, there are a host of respected studies that demonstrate that at least a third of children know where guns are stored in their home and admit to having handled them. You cannot and should not leave it to children to police themselves.

This bill also will protect older children from a leading cause of their deaths: suicide by firearm. If safely stored, an impulsive teenager will be stymied from killing himself with a gun, the most frequent suicide method for boys and men. Survivors of suicide attempts tell us that the impulse to kill oneself is impulsive, and if barriers exist, the moment will pass, or at least time will be bought to deal with the underlying problem.

Having lost a child, I can tell you that there is no greater tragedy to befall a parent.

None. So let us take this modest step to save a family from a horrific fate.
Thank you. I am happy to try to answer any questions you may have.

Janice Cooper
Yarmouth

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