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Testimony of Rep. Vicki Doudera on LD 759 “An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm”

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Greetings Senator Deschambault, Representative Warren, and members of the Committee on Criminal Justice and Public Safety. I am Representative Vicki Doudera, and I represent House District 94, which includes the towns of Camden, Islesboro and Rockport. I’m here today to present LD 759 “An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm.”

This bill amends the Maine Criminal Code to specify that storing or leaving a loaded firearm where a child is likely to gain access to that firearm, and the child in fact gains access to the loaded firearm and uses it, is considered endangering the welfare of a child. I have a small but significant sponsor’s amendment, which is attached to my online testimony. This change came about after many discussions with advocates for suicide prevention and is found at line 15 in the bill. We are eliminating the words “recklessly or negligently” to ensure that an adult could be charged in circumstances where a loaded firearm that was accessed by a child/teenager was used to attempt suicide.

Current law states that a person is guilty of endangering the welfare of a child if that person permits a child to enter or remain in a house of prostitution. A person is guilty of endangering a child if that person sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age any intoxicating liquor, or a tobacco product. A person is guilty of endangering a child if that person furnishes air rifles or gunpowder, smokeless powder or ammunition for firearms.

I think we would all agree that these are dangerous behaviors that put a child in peril. LD 759 adds to this list with another potentially lethal situation: leaving a loaded firearm

where a child could access it. This amendment is needed now more than ever, because the sad truth is that children in our state DO access loaded firearms, with tragic implications.

Tragedies such as the death in August of 2018 of Parker Stevens, an 8-year-old Oakland boy, who fatally shot himself while handling his father's shotgun in the family home while his mother and siblings were downstairs. Or the death in 2017 of a five-year-old girl from Belfast who took her father's loaded handgun out of a backpack and shot herself. Or the 16-year-old **boy** who accidentally killed himself with a family member's handgun while video-chatting with a friend at his home in New Sharon in August of 2020. Or the tragedy in January of this year, in Waterville, that seriously injured two year old Evan Hood when one of his siblings shot him with a gun found in a closet.

How do these children access these guns? A minor is not allowed to buy a gun. Children get them in their own homes because the adults in charge are not safely storing them. Sometimes children bring loaded firearms to school to show their classmates. Just two weeks ago an elementary student brought a loaded gun to school in Richmond. Back in 2013, a four year old brought a loaded handgun to his Hallowell preschool. These are just a few of the near misses with loaded guns --- guns that children are able to find in their own homes.

And then there is Maine's scourge of teen suicides. In Maine 90% of gun deaths are suicide — in US is 60%. In the past decade Maine gun suicide increased 50% compared to 13% nationwide. We have gun suicide in every county in our state, and a rising rate of youth suicide, as you will hear from others who will testify. Suicide attempts by children are often impulsive acts, but if they can access a gun they are nearly always fatal. Just last week a 15 year old child in Fryeburg accessed a firearm and fatally shot herself. If we make it harder for teens to access loaded guns, we may save these young lives, and prevent the incredible heartbreak that families and communities across our state experience every time a child gets a loaded gun.

These horrific accidents affect us all, from Caribou to Camden, from Belgrade to Bar Harbor and everywhere in between, and as many other states have recognized, they can be prevented by the safe storage of firearms.

Twenty-seven states, including New Hampshire, Massachusetts, and Rhode Island, have taken action to prevent these types of tragedies. These states have recognized that easily accessible guns in the home are associated with accidental shootings and teen suicide, and have put child access prevention laws in place to hold gun owners accountable for the safe storage of their firearms. These laws have been shown to be effective at reducing suicides and unintentional firearm deaths and injuries of children.

Here in Maine we have no such provisions – no laws requiring that in homes where there are children that guns be stored safely. Two years ago when I came before this committee with a safe storage bill, I was told that we do not want to create new crimes in Maine, and that it would be better to amend the child endangerment statute. I listened. Today you will hear from folks in

medicine, law enforcement and our judicial system -- mothers, fathers, and grandparents --- all who welcome this change because they believe it will make Maine children safer.

You have the nuts and bolts of the bill before you. You know that the bill provides a number of affirmative defenses to the crime, including that the firearm is stored in a locked box or locked gun safe, the child uses the firearm in self-defense or defense of others, the person has no reasonable expectation that a child will be on the premises and the firearm is obtained by the child as the result of a crime.

Here is the important takeaway: this legislation represents an opportunity for this committee. An opportunity to help stem the rising tide of suicide in young Maine people. An opportunity to change the culture around safely storing and securing firearms where children are concerned. An opportunity to KEEP CHILDREN SAFER in their own homes. And finally, an opportunity to clearly and unambiguously spell out in statute that leaving a loaded firearm where a child can get it is wrong, and that adults who do so should be held accountable.

I am happy to answer any questions.