

**From:** Max Doner  
**To:** [SJUD Exhibits](#)  
**Subject:** DISAPPROVE OF SB 797, SB 868  
**Date:** Monday, April 17, 2017 12:15:32 PM

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To the Senate Committee On Judiciary,

**SB 797** "Prohibits transfer of firearm by gun dealer or private party if Department of State Police is unable to determine whether recipient is qualified to receive firearm."

This bill would allow deliberate inaction on the part of the police to deny anyone and everyone their right to purchase a firearm. Police bias against personal firearm ownership would effectively ban all firearm purchases, by the police simply doing nothing.

This bill effectively denies a person a constitutional right without due process. In no case should a "lack of information" on the part of the state police grounds to treat someone as a criminal. This effectively makes a person guilty until proven innocent. This bill also places the burden of proof for innocence on the citizen. This is wrong. In our constitutional republic, the burden of proof for wrongdoing should always be on the police. If the police cannot demonstrate any wrongdoing, they must assume that the citizen is innocent. This bill would go against the very foundation of western law--the principle of "Innocent until proven guilty."

**SB 868** "Creates process for obtaining extreme risk protection order prohibiting person from possessing firearms when court finds that person presents imminent risk, or risk in foreseeable future, of suicide or causing injury to other persons."

This allows a family member who has a beef with another family member over a separate issue (for example, a political issue) to act vengefully toward them by lying about their "having made threats" and thereby having their firearms removed from them for a year.

It also precludes any family member from allowing another family member to know they are struggling with depression, because of fear it will result in their firearms being taken away, and thereby cutting off opportunities for seeking help.

The net effect of this bill is to create further hostility among family members, rather than bringing them to live peacefully and helpfully with one another.

This bill also denies a citizen their constitutional right of due process. To effectively restrict a person's rights without duly convicting them of a crime is a recipe for tyranny. To effectively convict someone of being "likely" to commit a crime when as yet, they have not, and to not give them the opportunity to answer for themselves in a court of law, is an egregious restriction on liberty. This is another violation of the principle of "Innocent until proven guilty." This even goes further and becomes "conviction before the crime." Such a thing is despicable.

Both of these bills strike at the root of our free society and seek to destroy the liberty that we have as free citizens. These bills effectively create a standard based on suspicion and negative assumptions about the character of innocent people.

Please cause both of these bills to be dismissed from consideration by the legislature.

Thank you,

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