

Submitter:

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On Behalf Of:

Committee:

House Committee On Judiciary

Measure, Appointment or Topic:

HB4145

Everyone, on both sides of this issue, wants for people to be safer. This law fails in meeting that goal, no matter what side you're on, and fails in a way that creates a special threat to our constitutional rights, and I mean all of them.

Any time a constitutional right has a hurdle put in front of its free exercise by a law, that law creates a legal framework that can be used to place that same hurdle in front of any other constitutional right. I'd like to direct this toward the so-called liberal members of our legislature: A law that requires someone to get permission to exercise their rights under the second amendment passes. An authoritarian president sees this and has his allies in congress put a similar law forward, one that requires news organizations to get government accreditation (permission) to exercise their rights under the first amendment. Let's say it passes. And let's say that a captive supreme court then comes down in favor of it. It's an extreme example, but one that in our current political climate isn't actually out of the question. And it illustrates my point effectively.

Any law that creates a requirement to get permission in order to exercise a constitutional right is an unconstitutional law.

In the case of this law, it also creates an artificial financial barrier to exercising a constitutional right. In a society where race and income are unfortunately correlated, this effectively creates more of a barrier to people who aren't white. How does any of this make anyone safer? I'll pick on a specific point of the original measure that is carried forward in the new one, because it applies to me. One can be excused from educational requirements as a veteran if one's DD214 shows a corresponding weapons qualification on it. The problem is that DD214s don't show our weapons qualifications. Whether that's out of dishonesty or ignorance, I can't say, but I think the existence of a DD214 at all ought to meet the requirement... that the requirement would exist at all is a complete affront to the concept of a bill of rights, however.

If this law passes, it will be challenged, and the challenges to it will be successful. The state will waste money that could be spent on something useful trying to defend an unconstitutional, unconscionable, and useless law. The problems created by human misbehavior can't be solved by putting a financial barrier in front of it. Neither can they be solved by legislating inanimate objects. The trouble with gun violence isn't guns, it's violence. Let's start working toward laws that create the social conditions that draw violence down rather than bedeviling ourselves with laws that open doors for authoritarianism to creep through.