

REMARKS BY STATE PEP. ANDREW CARN
GUN SAFETY LEGISLATION
HOUSE JUDICIARY COMMITTEE
DECEMBER 2, 1999

GOOD MORNING,

I WOULD LIKE TO BEGIN BY THANKING CHAIRMAN GANNON FOR PROVIDING THIS OPPORTUNITY FOR TESTIMONY ON THE ISSUES SURROUNDING THE ENFORCEMENT OF EXISTING FIREARMS LAWS AND REGULATIONS WITHIN THIS COMMONWEALTH.

AS I REVIEWED THE EXISTING LAWS IT BECAME VERY CLEAR TO ME THAT THERE EXISTED DEFICIENCIES IN STATE AND FEDERAL LAW AS IT RELATES TO THE ISSUE OF GUN SAFETY.

TITLE 18 OF THE PENNSYLVANIA CODE REQUIRES THAT THE STATE POLICE DISTRIBUTE FREE OF CHARGE TO EVERY LICENSED GUN DEALER COPIES OF A FIREARMS SAFETY BROCHURE. THE BROCHURE IS DEVELOPED BY STATE POLICE AND CONTAINS A SUMMARY OF OUR STATE'S GUN LAWS.

CURRENTLY, THE COMMONWEALTH REQUIRES THAT VARIOUS LAW ENFORCEMENT PERSONNEL RECEIVE TRAINING IN THE USE OF FIREARMS BUT WE, DO NOT REQUIRE SAFETY TRAINING FOR THE GENERAL POPULACE. THIS SEEMS A LITTLE ODD TO ME BECAUSE PENNSYLVANIA REQUIRES TRAINING OR MEASURE AN INDIVIDUALS SKILLS WITH RESPECT TO A VARIETY OF PRODUCTS AND OCCUPATIONS. WHETHER IT'S DRIVING A CAR OR PRACTICING MEDICINE OR LAW, PENNSYLVANIA CITIZENS MUST PASS A TEST OR DEMONSTRATE IN SOME WAY A CERTAIN LEVEL OF PROFICIENCY.

PENNSYLVANIA LAW ALSO DOES NOT ADDRESS THE

ISSUE OF "SAFETY OF FIREARMS PRODUCTS" THAT ARE SOLD AND OPERATED IN THE COMMONWEALTH. THERE ARE NO MINIMUM SAFETY STANDARDS FOR FIREARMS SOLD IN OUR STATE AND NO REQUIREMENTS THAT SAFETY DEVICES BE PURCHASED OR INCORPORATED INTO THE DESIGN OF FIREARMS.

IT IS TRUE THAT THE HOUSE APPROVED LEGISLATION TO PROVIDE MANDATORY PURCHASES OF SAFETY LOCKS. HOWEVER, NEITHER THE PENNSYLVANIA CODE NOR THE APPROVED TRIGGER LOCK BILL REQUIRES THE USE OF SAFETY DEVICES ON FIREARMS.

IN ADDITION, STATE LAW DOES NOT PROVIDE INCENTIVES FOR GUN OWNERS TO BE RESPONSIBLE. AGAIN, I FIND THIS TO BE STRANGE BECAUSE WE MANDATE THE USE OF SAFETY DEVICES ON OTHER PRODUCTS SUCH AS SEAT BELTS IN CARS. IF YOU DO NOT WEAR A SEAT BELT WHILE OPERATING YOUR VEHICLE, YOU CAN BE FINED IN OUR STATE.

I FEEL THAT WE CAN BE SAFER AND SMARTER WHEN IT COMES TO FIREARMS. *Also*

AS A STATE, WE SHOULD ADOPT POLICIES THAT SUPPORT RESPONSIBLE GUN OWNERS. FOR THIS REASON, I INTRODUCED HOUSE BILL 1775 WHICH MANDATES THE PURCHASE OF SAFETY LOCKS AND PROVIDES IMMUNITY FROM CIVIL LIABILITY FOR GUN OWNERS WHO USE SAFETY LOCKS.

I MODELED THIS PROVISION AFTER LANGUAGE THAT WAS ADOPTED OVERWHELMINGLY BY THE US SENATE (78-20) AND US HOUSE (311-115). THE IMMUNITY PROVISION WAS SUPPORTED BY PROMINENT GUN RIGHTS ADVOCATES SUCH AS ORRIN HATCH, TRENT LOTT, JOHN MCCAIN AND STROM THURMOND.

IN PENNSYLVANIA, WE PROVIDE FULL OR LIMITED IMMUNITY FROM LIABILITY TO VARIOUS INDIVIDUALS AND ORGANIZATIONS AS AN INCENTIVE

TO DO THE RIGHT THING. SOMETIMES IMMUNITY IS PROVIDED TO ENCOURAGE INDIVIDUALS TO DO IMPORTANT JOBS.

HERE ARE JUST A FEW EXAMPLES OF ~~THE PEOPLE AND GROUPS THAT ARE PROVIDED FULL OR LIMITED IMMUNITY IN STATE LAW:~~

- 1) MEDICAL GOOD SAMARITANS
- 2) SCHOOL EMPLOYEES
- 3) VOLUNTEER FIREFIGHTERS
- 4) FARMERS
- 5) LITTLE LEAGUE COACHES AND OFFICIALS
- 6) STATE GOVERNMENT

IN MY VIEW, IT WOULD BE APPROPRIATE TO PROTECT RESPONSIBLE GUN OWNERS FROM LAWSUIT, IF AN UNAUTHORIZED USER SUCH AS A CHILD OR A CRIMINAL OBTAINS POSSESSION OF THEIR WEAPON.

I WOULD STRESS THAT THIS IS NOT MANDATING USE OF THE SAFETY LOCKS. NOTHING IN MY PROPOSAL WOULD REQUIRE THE USE OF TRIGGER LOCKS. IF A GUN OWNER USES THE LOCKS, THE GUN OWNER GETS IMMUNITY. ~~IF~~ ^{the} GUN OWNER DOES NOT USE THE LOCKS THE GUN OWNER DOES NOT GET IMMUNITY. UNDER MY PROPOSAL, IMMUNITY IS SIMPLY AN INCENTIVE.

ON MANY OCCASIONS, GOVERNMENT PROVIDED INCENTIVES TO ITS CITIZENS TO ACHIEVE CERTAIN GOALS. FROM TAX BREAKS TO IMMUNITY FROM PROSECUTION, GOVERNMENT OFTEN UTILIZES INCENTIVES TO ENCOURAGE DIFFERENT TYPES OF BEHAVIORS.

and members of the committee
MR. CHAIRMAN, I WOULD LIKE TO THANK YOU FOR SUPPORTING MY BILL WHEN I OFFERED IT ON THE FLOOR OF THE HOUSE A FEW WEEKS AGO.

I UNDERSTAND THAT THERE WERE CONCERNS ABOUT FULL. VERSUS LIMITED IMMUNITY. I WOULD

LIKE TO PUBLICLY OFFER TO WORK WITH YOU ON A COMPROMISE THAT WOULD BE ACCEPTABLE TO ALL CONCERNED. I THINK THAT YOU AND I, ALONG WITH ALL PENNSYLVANIAN'S, WOULD AGREE THAT ENCOURAGING SAFE BEHAVIOR WITH RESPECT TO FIREARMS IS A LAUDABLE AND BI-PARTISAN GOAL FOR STATE GOVERNMENT.

I WILL CONCLUDE BY RETURNING TO THE ISSUE OF SAFETY STANDARDS. CURRENTLY GUNS ARE, THE ONLY CONSUMER PRODUCTS NOT REGULATED BY ANY STATE OR FEDERAL SAFETY REGULATIONS. I FIND THIS TO BE INCREDIBLE WHEN YOU CONSIDER THAT ONE OF THE PRIMARY FUNCTIONS OF A FIREARM. IS TO CAUSE SERIOUS INJURY OR DEATH.

THE LACK OF SAFETY REGULATIONS ARE ONE OF THE MAJOR REASONS FOR THE PROLIFERATION OF JUNK GUNS.

JUNK GUNS ARE CHEAP AND POORLY MADE WEAPONS THAT ARE OFTEN USED IN THE COMMISSION OF ~~A~~ CRIME.

THERE IS NO EXPRESSED LANGUAGE IN THE FEDERAL STATUTE OR OUR STATE CODE; WHICH WOULD PRECLUDE THE IMPLEMENTATION OF SAFETY REGULATIONS FOR FIREARMS. IN ADDITION, FEDERAL AND STATE LAW DOES ..PERMIT SAFETY REGULATIONS FOR A HOST OF EVERY DAY PRODUCTS SUCH AS CIGARETTES, TOYS AND FOOD.

SEVERAL STATES HAVE TAKEN THE INITIATIVE IN THIS AREA AND ESTABLISHED CONSUMER PROTECTION REGULATIONS.

CALIFORNIA AND MASSACHUSETTS HAVE PROVIDED THE ATTORNEY GENERAL IN THEIR RESPECTIVE STATES WITH THIS AUTHORITY.

SAFETY REGULATIONS HAVE BEEN IMPLEMENTED IN VARIOUS WAYS. IN CALIFORNIA, THE GOVERNMENT CERTIFIES EVERY GUN MODEL, WHILE MASSACHUSETTS

ALLOWS THE GUN INDUSTRY TO SELF
TEST. HOWEVER, THE ATTORNEY GENERAL CAN
DISPUTE THE FINDING AND REQUIRE THE ^{An}
INDEPENDENT TEST AT A CERTIFIED LAB.

SOME STATES HAVE MADE SAFETY STANDARDS THE
RESPONSIBILITY OF THE STATE POLICE, WHILE
OTHERS HAVE APPOINTED AN INDEPENDENT BOARD OF
EXPERTS.

IN MY VIEW, THE ATTORNEY GENERAL IS THE
MOST APPROPRIATE PLACE TO ASSIGN RESPONSIBILITY
FOR CONSUMER PROTECTION REGULATIONS. CURRENTLY,
PENNSYLVANIA'S ATTORNEY GENERAL IS AUTHORIZED
BY STATE LAW TO DEVELOP POLICIES THAT PROTECT
THE STATE'S CONSUMERS.

IN ADDITION TO BEING THE STATE'S TOP LAW
ENFORCEMENT OFFICER, PENNSYLVANIA'S ATTORNEY
GENERAL IS AUTHORIZED TO INVESTIGATE
COMMERCIAL AND TRADE PRACTICES IN THE
THE Distribution, FINANCING AND FURNISHING OF
GOODS AND SERVICES FOR THE USE OF CONSUMERS.

THE ATTORNEY GENERAL IS ALSO CHARGED WITH
ADVISING THE LEGISLATURE ON MATTERS AFFECTING
CONSUMER INTERESTS; INCLUDING THE DEVELOPMENT
OF POLICIES AND THE PROPOSAL OF
PROGRAMS TO PROTECT CONSUMERS.

AS A RESULT, I INTRODUCED HOUSE Bill 1777
WHICH WOULD GIVE THE ATTORNEY GENERAL THE
AUTHORITY TO DEVELOP CONSUMER PROTECTION
REGULATIONS FOR FIREARMS.

I LOOK FORWARD TO DISCUSSING PROTECTIONS
FOR RESPONSIBLE GUN OWNERS AND CONSUMER
PROTECTION REGULATIONS WITH THE MEMBERS OF THE ^{PH}
COMMITTEE AND OTHER INTERESTED
COLLEAGUES IN THE FUTURE.

I HOPE THAT T HAVE PROVIDED YOU WITH WAYS

THAT WE CAN IMPROVE OUR STATE GUNS LAWS AND I
LOOK FORWARD TO WORKING WITH YOU ON ~~THIS~~
IMPORTANT ISSUE *in the future*

THANK YOU, MR. CHAIRMAN.