

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

HOUSE JUDICIARY COMMITTEE

205 RYAN OFFICE BUILDING

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WEDNESDAY, APRIL 18, 2018

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SPECIAL PUBLIC SAFETY HEARING

GUN LAWS AND VIOLENCE

BEFORE:

HONORABLE RONALD MARSICO, MAJORITY CHAIRMAN
HONORABLE JOSEPH PETRARCA, MINORITY CHAIRMAN
HONORABLE STEPHEN BLOOM
HONORABLE HAL ENGLISH
HONORABLE BARRY JOZWIAK
HONORABLE TEDD NESBIT
HONORABLE RICK SACCONI
HONORABLE PAUL SCHEMEL
HONORABLE TODD STEPHENS
HONORABLE MARTINA WHITE
HONORABLE BRYAN BARBIN
HONORABLE TIM BRIGGS
HONORABLE JASON DAWKINS
HONORABLE JOANNA McCLINTON
HONORABLE DAN FRANKEL
HONORABLE JAKE WHEATLEY
HONORABLE SETH GROVE
HONORABLE ERIC NELSON
HONORABLE MORGAN CEPHAS
HONORABLE JEFF PYLE
HONORABLE PERRY WARREN

***Pennsylvania House of Representatives
Commonwealth of Pennsylvania***

1 COMMITTEE STAFF PRESENT:

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3 THOMAS DYMEK, COUNSEL, EXECUTIVE DIRECTOR
4 MICHAEL KANE, COUNSEL
5 JEN DURALJA, COMMITTEE SECRETARY
6 MICHELLE MOORE, ADMINISTRATIVE ASSISTANT

7 DEMOCRATIC CAUCUS:

8 TIM CLAWGES, COUNSEL
9 KRISTEN BERNARD, LEGISLATIVE ASSISTANT
10 SARAH SPEED, EXECUTIVE DIRECTOR
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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

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1 P R O C E E D I N G S

2 * * *

3 MAJORITY CHAIRMAN MARSICO: Welcome to
4 the House Judiciary Committee Special Public Safety
5 Hearing on Gun Laws and Violence. I will reconvene
6 the hearing.

7 So today we have -- this is our sixth
8 day. Today we have eight members testifying.
9 Members, silence your cell phones. You see we're
10 being recorded.

11 We've had a total of 29 members testify
12 before the Committee, and we have eight more
13 scheduled for today, like I said. So with that, I'm
14 going to ask members to introduce themselves.

15 Martina.

16 REPRESENTATIVE WHITE: Good morning.

17 I'm Representative Martina White from
18 Philadelphia.

19 MR. DYMEK: Tom Dymek, Committee
20 Executive Director.

21 MAJORITY CHAIRMAN MARSICO: Ron Marsico,
22 Chair, from Dauphin County.

23 MS. SPEED: Sarah Speed, Executive
24 Director.

25 REPRESENTATIVE SCHEMEL: Paul Schemel

1 from Franklin County.

2 REPRESENTATIVE BLOOM: Representative
3 Steve Bloom from Cumberland County.

4 REPRESENTATIVE SACCONI: Rick Saccone
5 from Allegheny and Washington Counties.

6 MAJORITY CHAIRMAN MARSICO: So we're
7 going to have our first testifier for today,
8 Representative Dan Frankel.

9 Good morning, Dan. We're trying to do
10 around 15-minute segments for each member.

11 REPRESENTATIVE FRANKEL: I don't know
12 that I'm going to need that much time, unless we get
13 lots of questions.

14 MAJORITY CHAIRMAN MARSICO: You may
15 begin.

16 REPRESENTATIVE FRANKEL: Thank you,
17 Mr. Chairman. Thank you to the members of the
18 Committee.

19 I'm thrilled that you are holding
20 hearings to talk about how our Commonwealth will
21 address gun violence. Before I start with my formal
22 remarks, I also wanted to say that I was greatly
23 heartened by the passage in the Senate of SB 501,
24 Senator Killion's bill, that deals with really
25 tightening up the issue of folks who have access to

1 weapons and have PFAs, are convicted and have PFAs.
2 I think that will go a long way to addressing what
3 we see as this increase in domestic violence around
4 the country and it's great to have bipartisan
5 support for that. I hope that your Committee takes
6 that bill up in the very near future and brings it
7 to the House floor, because I think it's something
8 that we can work together on, on a bipartisan basis.

9 As I said, I know there's a companion
10 bill in the House, but I would like to move forward
11 with that. The dialogue around gun violence seems
12 to center on two potential roots of intervention,
13 access to the weapons, which makes aggressors so
14 much more dangerous and destructive, and
15 transforming the aggressors themselves.

16 Many have spoken about the first mode of
17 addressing gun violence. And certainly, I support
18 efforts that would reduce access to these weapons
19 that magnify harm catastrophically. I support
20 legislation to increase background checks, require
21 reporting of lost and stolen weapons, and define
22 responsible gun ownership as owners who know where
23 their weapons are and to keep them out of the hands
24 of children, teens or anyone reckless enough to use
25 them to cause harm.

1 But for this testimony, I want to focus
2 on the second part of the equation, the young and
3 middle-aged men -- and they are overwhelmingly
4 men -- who recklessly use guns on themselves and on
5 others. Something important to remember, according
6 to the Pennsylvania Department of Health, the rates
7 of gun violence in rural and urban areas are
8 approximately the same.

9 While in urban areas, deaths are due to
10 homicide, in rural areas, they are due to suicide
11 and accidents. In 2013, the age adjusted death rate
12 for urban males was 19.7; for rural males, it was
13 19. The counties with significantly higher age
14 adjusted death rates included urban areas, like
15 Allegheny and Philadelphia Counties, but also
16 Cambria and Elk Counties.

17 A report in the American Academy of
18 Pediatrics found that this fact held constant around
19 the country for children, as well. Children die
20 from gun violence in cities and in most rural parts
21 of America at the same rates, the cities from
22 homicide and in rural areas, from suicide and
23 accidental gun violence.

24 So when we try and talk about the mental
25 health of individuals, we must remember that we're

1 not talking about a few oddball, adolescent, young
2 white men who can be spotted by adherent behavior in
3 strange Facebook posts and sent to mental health
4 care institutions. Rather, death by firearm is a
5 pervasive problem affecting all of our communities'
6 residents, from 15 to 50 and beyond.

7 When we are talking about addressing
8 mental health to limit gun violence, we must speak
9 broadly about the entire system that assures people
10 can get the mental health care they need when they
11 need it. The first and most important fact, people
12 with mental illness are much more likely to be
13 victims of gun violence than to commit gun violence.

14 Psychologists point out that a major
15 concern related to mental health and guns is that
16 people with mental health issues often have
17 impulsive tendencies. Impulsivity and guns are a
18 deadly combination. That's a concerning truth,
19 given the fact that almost 10 percent of Americans
20 self-report patterns of impulsive, angry behavior
21 and also possess firearms at home.

22 In modeling related to suicide, analysis
23 found that suicide rates in the U.S. would decrease
24 by a third if Americans had access to guns at the
25 same rate as many other developed countries. That's

1 because committing suicide is an impulsive act.
2 People often don't try twice, if they survive the
3 first time. Some methods of self harm are much
4 quicker and much more effective than others.
5 Suicide by firearm is effective 90 percent of the
6 time.

7 If we want to limit the impact of gun
8 violence by focusing on the mental health of
9 individuals, there's only one way to do so, by
10 providing broad access to mental health care to
11 provide treatment for all of our residents in need.
12 The good news is that if we want to pursue gun
13 safety through thinking about mental health
14 concerns, we already have a key tool to do so,
15 Medicaid.

16 The major study of the Impact of Medicaid
17 Services in Oregon found that those people who were
18 selected by lottery to receive Medicaid were less
19 likely to have depression. Since the Affordable
20 Care Act passed, many more Pennsylvanians have
21 access to health care coverage. Currently, more
22 than 700,000 Pennsylvanians have signed up to
23 receive health care benefits through our public
24 system. More than 100,000 of them have sought
25 treatment for substance abuse disorder.

1 Countless others have sought help for
2 mental health issues, like depression or anger.
3 Without Medicaid, we can try and guess who might use
4 a gun to harm themselves or others, but it's only
5 with Medicaid that we can support a broad system of
6 care for those who might be identified as in need or
7 identify themselves as in need. That's one reason
8 I'm terribly disappointed that today we're talking
9 about reducing gun violence, while yesterday our
10 Chamber saw fit to make it harder for these very
11 people to access care by creating barriers to
12 Medicaid for those young men who are most at risk
13 for violence due to guns.

14 We must think about the mental health of
15 our residents in order to prevent the tragedy of gun
16 violence. But without knowing who is the next
17 victim, the only way we can do that is to support
18 our mental health system overall by supporting
19 health care access through programs like Medicaid.

20 Thank you, Mr. Chairman.

21 MAJORITY CHAIRMAN MARSICO: Before we go
22 to questions or comments, I want to recognize
23 members of the Committee that have just joined us,
24 Representative Briggs, Representative
25 Barbin, Representative English and Representative

1 Jozwiak.

2 So you mentioned SB 501 that
3 Senator Killion prime sponsored. We do have
4 HB 2060, Representative Quinn's bill, which is very
5 similar to Senator Killion's bill. I'm not sure if
6 you were aware of that or not.

7 REPRESENTATIVE FRANKEL: I'm aware that
8 Representative Quinn has -- I think it's -- is it
9 identical or is it --

10 MAJORITY CHAIRMAN MARSICO: It is
11 similar.

12 REPRESENTATIVE FRANKEL: Yes. Well,
13 either way, it's good to see, I guess, you know, a
14 bipartisan bill.

15 MAJORITY CHAIRMAN MARSICO: Right.

16 REPRESENTATIVE FRANKEL: I know there's
17 bipartisan co-sponsorship of that bill and the
18 Killion bill.

19 MAJORITY CHAIRMAN MARSICO: And it was
20 unanimous in the Senate.

21 So any questions or comments?

22 Representative Barbin.

23 REPRESENTATIVE BARBIN: Thank you,
24 Mr. Chairman.

25 Thank you, Representative Frankel.

1 I agree with you on the need to focus
2 attention on mental health issues. I just think
3 that we make a mistake, in either the opioid
4 epidemic or this recent response to gun violence or
5 school safety, in looking at the instrumentality.
6 Because what you have is, we can't ban needles to
7 keep people from dying of overdoses and I don't
8 believe we can ban guns or magazine clips or
9 anything else like that.

10 I guess my -- there was an old statement
11 that was made by a guy named Samuel Johnson, who
12 said, how little of what the heart endures, that
13 part which laws or kings can cause or cure. I don't
14 see how we cause or cure, you know, the epidemic of
15 school violence, unless we move at that problem from
16 prevention, but I don't believe that prevention is
17 impacted significantly by any of the instrumentality
18 bills that are up in the House.

19 Can you tell me your opinion on that?

20 REPRESENTATIVE FRANKEL: Well, I think,
21 you know, we've talked about that at great length.
22 I disagree with you.

23 REPRESENTATIVE BARBIN: Okay. But why?

24 REPRESENTATIVE FRANKEL: Well, I do
25 believe that when you take a look around the world,

1 at nations that have more restrictive gun access
2 policies, whether it's background checks or the
3 banning of certain types of weapons, that you see
4 less incidents of not just mass violence, but you
5 know, violence on the streets that we see every day
6 in our cities, not just school shootings.

7 So I think there is significant evidence
8 that reasonable, responsible gun laws that keep guns
9 out of the hands of people who shouldn't have them,
10 folks like children or former felons -- one of the
11 things I've always been focused on is the issue of
12 straw purchases. A bill like a mandatory reporting
13 of lost or stolen weapons would go a long way to, I
14 think, address the issue of, you know, limiting
15 straw purchases, which is the way that people who
16 aren't supposed to get guns get guns available to
17 them.

18 So I mean, if you make penalties
19 available for people who repeatedly allow their
20 weapons, whether they sell them or give them to
21 people who don't have them, to have significant
22 penalties for doing that, you know, I think would go
23 a long way to addressing the issue of trying to keep
24 guns out of the hands of people who we know
25 shouldn't have them, children, and people that we

1 know aren't supposed to have them by law, or former
2 felons.

3 REPRESENTATIVE BARBIN: Mr. Chairman, my
4 only comment would be, we will always have mass
5 murderers. We will always have suicides. We will
6 always have overdoses. And to the extent that a
7 bill goes to a regulation, which has an effect on
8 those things, I'm all for those things, but there is
9 a rule that says you can't take away someone else's
10 rights because you think there might be a collateral
11 benefit to the issue you're interested in.

12 We have all sorts of laws right now. We
13 have all sorts of penalties. And I think we should
14 enforce all of those laws and all of those
15 penalties, but I don't believe there will be a
16 significant benefit by putting a new set of
17 penalties up or a new set of felonies up. I just
18 don't believe that.

19 REPRESENTATIVE FRANKEL: I would tell you
20 that, I think, in talking to law enforcement folks,
21 this issue -- and I disagree with you on that
22 because I do think there are certain types of
23 weapons that shouldn't be allowed in the realm of
24 commerce -- but ultimately, when I talked to my law
25 enforcement folks in Allegheny County, they believed

1 that having the tool of a law that prohibits or
2 requires the reporting of a lost and stolen weapon
3 would go a long way to keeping illegal weapons out
4 of the hands of felons and children.

5 REPRESENTATIVE BARBIN: Thank you,
6 Mr. Chairman.

7 Thank you, Mr. Frankel.

8 MAJORITY CHAIRMAN MARSICO: I would like
9 to recognize Chairman Petrarca and also
10 Representative Stephens, who have joined us.

11 Next is Representative Saccone for
12 questions or comment.

13 REPRESENTATIVE SACCONI: Thank you,
14 Mr. Chairman.

15 Thank you for your testimony,
16 Representative Frankel.

17 Straw purchase is already a felony. We
18 already have laws against it. Lost or stolen does
19 nothing to help find a weapon, once I report it.
20 The time to crime rate, according to the ATF in
21 Pennsylvania, of a gun that's lost or traced being
22 involved in a crime is 10.2 years. So it's no
23 effect at all, other than to criminalize law abiding
24 citizens.

25 Suicides, to include suicides in the gun

1 violence statistic is very misleading. We've always
2 had suicides. Guns may be more particular now.

3 When I was growing up, we had a lot of
4 suicides. People would go in their garage, close
5 the door, turn their car on, die from carbon
6 monoxide poisoning. Now they may choose guns, but
7 that's not a reason to take guns away from law
8 abiding citizens because some people decide to kill
9 themselves one way or another.

10 So I disagree with all of those things
11 and I think, again, if it comes back to effective
12 solutions to keeping guns out of the hands of
13 criminals and the mentally ill, then we have to
14 enforce the laws we already have. We have plenty of
15 laws. We have a whole book of laws that I should
16 have brought. I usually bring it to these meetings,
17 but today I was a little late and didn't pick up my
18 stuff, but we have a whole book of gun laws that
19 aren't enforced and plea bargained away and so
20 forth. We're not using them.

21 We don't need more ways, more obstacles
22 for law abiding citizens, millions of which carry
23 their weapons and use their weapons to defend
24 themselves and their families and property
25 responsibly.

1 Thank you.

2 REPRESENTATIVE FRANKEL: Mr. Chairman, I
3 just wanted to respond. I think, with all due
4 respect, Representative Saccone, I think you missed
5 the point of my remarks, which were focused on
6 bolstering the mental health system and access to
7 health care as a response to dealing with the issue
8 of mental illness and the abuse of firearms.

9 That was the broad point that I was
10 discussing in my testimony here today, because I
11 know there's lots of discussion about addressing
12 folks who obviously do these mass shootings. They
13 are traced back to a significant mental illness in
14 their families.

15 One of the ways we can deal with that is
16 to make sure that people have access to health care
17 broadly, but health care that includes behavioral
18 health and addresses mental illness to make it
19 easier, as opposed to some of the things that we've
20 been doing which are making it more restrictive or
21 are creating more obstacles for people to obtain
22 health care and mental health care.

23 That was pretty much the focus of my
24 remarks.

25 MAJORITY CHAIRMAN MARSICO:

1 Representative Stephens for questions or comments.

2 REPRESENTATIVE STEPHENS: Thank you,
3 Mr. Chairman.

4 Thank you, Representative.

5 The issue of lost and stolen that you
6 raised, is there any -- and I can appreciate looking
7 to law enforcement for guidance, obviously. You
8 know I do that frequently.

9 But have you seen any data or statistics
10 to support that premise that --

11 REPRESENTATIVE FRANKEL: I have. I don't
12 have it in front of me. I will try -- back in my
13 files -- because I've been working on this issue for
14 a long time -- we do have some statistical data with
15 respect to that.

16 REPRESENTATIVE STEPHENS: If you could
17 send that over to me, I'd certainly be interested in
18 taking a look at it.

19 REPRESENTATIVE FRANKEL: Absolutely.

20 REPRESENTATIVE STEPHENS: You know what,
21 look, as you know, I support and have consistently
22 introduced bills to increase penalties for people
23 who illegally use guns. You know, my mandatory
24 minimum bill does exactly that. I know that you and
25 many of your colleagues voted no on that. That's

1 over in the Senate. I'm hopeful that we can get
2 that across the line.

3 I do agree with you that tougher
4 penalties would greatly assist in this effort.

5 Thank you.

6 REPRESENTATIVE FRANKEL: Thank you.

7 MAJORITY CHAIRMAN MARSICO:

8 Representative Jozwiak for question or comment.

9 REPRESENTATIVE JOZWIAK: I have both,
10 Mr. Chairman. Thank you.

11 First of all, I have to agree with you.
12 I think this issue is a mental health control issue
13 more than a gun control issue. My experience, as
14 you know, has been in law enforcement. And a lot of
15 people that are solid citizens for many, many years,
16 something happens in their life, their minds snap,
17 they go out and do something crazy with a gun.

18 It's almost impossible to stop that, but
19 I think the mental health 302s, things like that --
20 which we do flag people now for getting guns and
21 weapons -- needs to be looked at harder and has to
22 be enforced more.

23 Also, on your 501 bill you talked about,
24 I believe -- are you referring to you can give your
25 firearms to law enforcement or a third-party --

1 REPRESENTATIVE FRANKEL: Right.

2 REPRESENTATIVE JOZWIAK: You want to
3 eliminate the third-party; is that correct?

4 REPRESENTATIVE FRANKEL: Right. And then
5 also, within 48 hours, I think, you have to turn the
6 weapon in and it can't be to a friend or to family.
7 It has to be to law enforcement.

8 REPRESENTATIVE JOZWIAK: Well, on PFAs --
9 PFAs are immediate. When the sheriffs get a PFA,
10 they check their databases for their license to
11 carry. They do suspend them.

12 Most of the orders, when people say there
13 are guns in the house, come out and surrender the
14 weapons. And they do go out and collect them.
15 Forty-eight hours on a PFA is longer, so thank you.
16 That's all I had to say.

17 MAJORITY CHAIRMAN MARSICO: Okay. Well,
18 thank you. Appreciate you coming forward.

19 REPRESENTATIVE FRANKEL: Thank you,
20 Mr. Chairman.

21 Thank you members of the Committee for
22 taking the time to hear many of us who have these
23 concerns. I know you share some of them, so thank
24 you very much.

25 MAJORITY CHAIRMAN MARSICO: So our next

1 member to testify is Representative Jake Wheatley
2 from Allegheny County.

3 Good morning, Jake.

4 How are you doing?

5 REPRESENTATIVE WHEATLEY: Good morning,
6 Mr. Chairman.

7 How are you doing?

8 MAJORITY CHAIRMAN MARSICO: Good. Good.
9 You can begin when you want to.

10 REPRESENTATIVE WHEATLEY: So first of
11 all, I wanted to say good morning again, Chairman,
12 and Chairman Petrarca and the members of the
13 Judiciary Committee.

14 I was going to read a prepared statement
15 -- and I'm probably going to make a mistake by not
16 doing it -- but I think this conversation has been
17 going on for a while now. So a lot of what I was
18 going to read is probably redundant, but I do want
19 to take a little moment to just talk to you about
20 some statistics that we put into context. And then,
21 I'm prepared to submit my testimony for your
22 records, but I would really like to engage in some
23 of the questions that I heard prior to me, both
24 yesterday and this morning. America has a real
25 problem. We all can choose to acknowledge it or

1 not, but it's a crisis. Just like the opioid
2 addiction, we have a gun violence issue that is
3 rampant. And it's not just at schools.

4 I know that, you know, every day in
5 Pennsylvania and around the country, we're losing
6 citizens because of gun violence. And not only the
7 person who is the victim of the actual gun violence,
8 but statistics say, for every one victim of gun
9 violence, you have two to three injured citizens
10 behind the gun violence. It's more acute -- it's
11 more acute in areas of color.

12 I know Representative McClinton talked
13 about, in Pennsylvania, that when you talk about gun
14 homicides, 70 percent of them, in Pennsylvania,
15 impact black and brown people. And if you're
16 talking nationally, that number is consistent,
17 although Pennsylvania has an acute problem. We're
18 the fourth highest State as it relates to murder of
19 black and brown people by gun violence. We're the
20 second highest state as it relates to murder by gun
21 violence of Hispanics.

22 So you know, for all of the national
23 attention we have given this, the school
24 situation -- and this is not just a one-year
25 incident by the way -- this trend has been trending

1 this way for a while in Pennsylvania. When we're
2 talking about gun violence in Pennsylvania, you're
3 primarily talking about violence of black and brown
4 people. That's what you're talking about.

5 And then when you're talking about
6 addressing the issue, in my opinion, we all should
7 agree that there are particular different types of
8 violence, gun violence, to address. And RAND had a
9 report that looked at this, too. They looked at all
10 of the various proposals that are out there to try
11 to curb gun violence.

12 There are some -- if you're talking about
13 suicides -- which, by the way, in this country,
14 two-thirds of our gun violence is really suicides.
15 So when you're talking about curbing suicides, there
16 are some particular policies that have shown to be
17 effective. Universal background checks, longer
18 waiting periods, you know, accessibility for certain
19 ages. These things tend to curb, you know, the use
20 of guns and the rate of suicide -- suicides by gun
21 violence -- sends it down.

22 But you know, if you're talking about the
23 use of handguns, handguns in Pennsylvania tend to be
24 the weapon of choice when you're talking about the
25 day-to-day, either the domestic violence or violence

1 on the street. When you're talking about those
2 types of things, that's not necessarily the best way
3 to address it.

4 Now, again, I'm probably jumping all over
5 the place, but I would rather have a conversation
6 with you than try to read through a prepared
7 statement. Several years ago, one of my good
8 friends who is now in Congress, tried a pilot
9 program to focus on the city of Philadelphia, which
10 seems to have one of the more challenging gun
11 violent populations, especially as it relates to
12 youth between the ages of 15 to 24.

13 He called it the Blueprint For a Safer
14 Philadelphia. And what he tried to do is have a
15 comprehensive approach to address this, not just as
16 a criminal justice issue, but one as a public health
17 issue. And he tried to bring all the various
18 stakeholders to the table and look at this as a
19 10-year strategy to really address and eliminate.
20 He set out a goal to reduce and eliminate youth
21 violence.

22 One of the things he started off with,
23 that I think will be telling for us, is he had a
24 collective buy-in from all of the folks in
25 Pennsylvania that this was going to be a

1 conservative vision, right?

2 We're going to marshal all of our
3 resources and say, over the next 10 years, we want
4 to see a sizable reduction and possible elimination
5 of youth gun violence. So everybody was moving
6 towards the same vision.

7 And all of the resources, all of the
8 various stakeholders, were all at the same table
9 moving towards the same vision. Then he said --
10 then as part of this process, he said, we need
11 evidence. We need to be able to research our
12 effectiveness. We need to make sure we have the
13 right, proper monitoring systems to know that if we
14 are investing resources and time and energy, we want
15 to make sure that we're moving the ball toward the
16 direction that we need.

17 So he had a partnership with the
18 Department of Health that had this system to look at
19 -- and I'm going to mess the name up, but I think
20 it's PIRIS -- I wrote it down somewhere around here
21 -- but it was to look at the -- oh, Pennsylvania
22 Injury Reporting Intervention System, which was to
23 integrate injury surveillance with personalized
24 supervised intervention design to aid recovery and
25 reduce violence.

1 That means in the trauma unit, the
2 emergency rooms, when a person of violence, a
3 teenager went into one of those treatment centers,
4 they not only tried to get them well from the
5 treatment of their wound, but they tried to
6 intervene with them. And the whole thing was to try
7 to figure out, how did they end up in this position,
8 and to try to keep that from reoccurring.

9 Then they would hold these statistics and
10 try to share those statistics with the
11 community-based programs that were trying to attack
12 the problem. They also had an intense marketing
13 campaign to try to educate and market ways to deal
14 with your anger, your aggression, your depression in
15 a more effective manner than to go to the gun or go
16 to violence as an option.

17 So they had a marketing strategy. They
18 had a research aim that was feeding constant
19 information back in. And then they had, of course,
20 you have to have law enforcement because, you know,
21 none of us are, you know, I guess, naive enough to
22 believe that every citizen in the country wants to
23 do right all the time. So they had a law
24 enforcement strategy, but the law enforcement
25 strategy was also to review, I think I heard someone

1 say, about the laws that were on the book and see
2 where they could be more effective in addressing
3 some of these things.

4 If there were repeat offenders or repeat
5 occurrences, how could they intercede?

6 How could they -- maybe some of it was
7 citizens and they were working with their D.A.,
8 maybe some of it was alternative routes or whatever,
9 but there also was a realization that you can't
10 address violence without addressing all of the other
11 social ills that produce violence.

12 So you have to have a long term strategy,
13 and it has to be long term. It can't be just one
14 thing because I don't think we're going to get to
15 the solution blaming anybody. I don't want to blame
16 people who have guns. I'm a former military person.
17 I'm a Marine, and I do believe in people's right to
18 own and carry in self defense.

19 And I'm probably going to say something
20 that in my district back home, which is overly
21 Democratic and probably more left than I am, I also
22 don't believe that you should take away people's
23 guns. I don't care what type of gun you have,
24 because to me, although I do -- studies and research
25 show that if I wanted to do damage and I have

1 accessibility to a weapon that can kill people
2 quicker and faster and more in an instant, that I'm
3 going to be able to do more damage. But I learned
4 in the Marine Corps, if I have a suicide bomber and
5 he's prepared, or she's prepared, to blow a building
6 up, there's nothing I can do to stop them. They're
7 going to blow that building up because they're
8 willing to sacrifice themselves.

9 But what I do think is, we should be
10 sensitive to the fact that, from a governmental
11 perspective, we have a problem. And by the way, I
12 heard someone talk about lost and stolen.
13 Pennsylvania also has a very distinct issue as it
14 relates to lost and stolen.

15 In the United States, I believe the last
16 report said over 1.8 million guns had been stolen
17 from people's homes, cars or shops. Pennsylvania is
18 one of the leading states -- I think the last number
19 I saw was 23,000 when they traced these guns back --
20 23,000 that had been used in the commission of a
21 crime were traced from Pennsylvania. And the data
22 is sketchy because we don't have real good reporting
23 mechanisms, so they estimate more than that.

24 This is coming from the FBI crime
25 statistics. So Pennsylvania has a real distinction

1 as being the leading Commonwealth, we're the leading
2 state that supplies these lost and stolen weapons,
3 for some reason. I don't know where it's coming
4 from, but for some reason.

5 So if we have that as a distinction, I
6 think we have a responsibility to try to address
7 that because we're not only being a problem for
8 ourselves, we're being a problem for the nation.
9 And so how we address it, I heard on the one end
10 that we want to attack the end user, right, the
11 person who actually ends up with it.

12 Okay. I can see that we should do
13 something with that person. We should warn that
14 person. We should try to educate that person. If
15 you end up with a weapon and you're not supposed to
16 have it, okay, we're going to punish you. But we
17 also should punish the person who seems to be the
18 repeat offender of selling these or trading these
19 lost and stolen weapons because we're getting one
20 end of it, but we're not getting the supply end of
21 it.

22 As long as there's demand, there's going
23 to be a supply. And as long as somebody can get a
24 gun on the streets and they're doing whatever
25 business they're doing, they're going to find a

1 supplier to get it.

2 And by the way, I'm going to say
3 something and all of you are going to be shocked. I
4 also believe in second chances for people. So if
5 you are a person who has done wrong in your life,
6 but then comes out and show yourself to be
7 responsible and you want to reapply for your full
8 citizenship and your full rights, even including
9 owning a weapon, I'm one of those strange people who
10 say we should give you a chance.

11 Now, with all of that being said, I still
12 think we have an overwhelming responsibility as
13 government to address a peculiar issue that seems
14 like no one really cares about, in a systematic way.
15 And that is, gun violence has a distinct, onerous
16 covering on communities of color, which means we're
17 losing valuable resources, valuable opportunities to
18 the economy. And we don't want to address it with
19 specific policy prescriptions to help those victims
20 and those communities they come from to recuperate.
21 So it's a reoccurring thing.

22 And I know I'm going to get a lot of
23 questions, but I heard someone say something about
24 this being a mental health issue. I also say it's
25 an economic issue because the other thing that I

1 learned in my research is Medicaid and Medicare pay
2 for two-thirds of the hospital visits and
3 hospitalization related to gun violence. That's
4 \$622 million total a year, but \$242 million coming
5 right from taxpayer dollars to care for people who
6 are covered by our governmental insurance program.
7 So gun violence is also an economic issue for us.

8 Our hospital systems are jammed up. It's
9 the most costly part of care, and they're coming
10 right to our emergency rooms. So we do have a
11 responsibility to address it, and how we address it,
12 I think -- I'm open for all conversation, but we
13 have to be willing to do a comprehensive plan. And
14 I think we have some basis of one process to get
15 there from our own operation here a couple of years
16 ago with the Blueprint For a Safer Philadelphia.

17 So with that being said, I will end my
18 prepared remarks and take any questions.

19 MAJORITY CHAIRMAN MARSICO: Thanks, Jake.

20 Representative Saccone for questions or
21 comments.

22 REPRESENTATIVE SACCONE: Thank you.

23 Thanks for your testimony.

24 We know that, for the most part, people
25 don't go out, buy a gun legally and commit either a

1 crime or suicide. Statistics just don't bear it
2 out. Those guns have been around for a long time or
3 they've been stolen or they've been purchased
4 illegally. So those kinds of methods don't work,
5 and that's not an effective solution.

6 What I do see as a possible effective
7 solution is what we see in a lot of shootings is
8 this thread that goes through all of them, that
9 they're on some type of medication. So we don't
10 look at, if you're on a certain type of medication,
11 that's the time when we should be saying, hey, you
12 know, we need to look at, if you're the owner of a
13 gun and you're prescribed this type of medication,
14 this could cause you to do some bad things. We may
15 need to suspend, you know, or control your weapons
16 or your access to weapons while you're on this
17 medication, but we don't look down that road. We
18 haven't pursued that very much.

19 I think that would be an effective
20 solution without denying the rights to other law
21 abiding citizens, because that seems to be the first
22 thing that we jump to. We think we're going to ban
23 guns somehow or put in obstacles for all the law
24 abiding citizens, that it's somehow going to solve
25 the crime problem. I think we need to focus on

1 where the problem is and find solutions in that
2 area.

3 REPRESENTATIVE WHEATLEY: So I'm going to
4 agree in one area and then disagree in another.

5 One, I'm not trying to ban -- I'm not
6 trying to take anyone's right to own. Matter of
7 fact, I'm expanding the right to own, for real. My
8 perspective, I'm opening it up and I'm expanding it,
9 but I'm expanding it with some caveats.

10 For example, we're a nation that has over
11 three million people who have already -- I mean,
12 they carry almost daily, but many of them are
13 untrained. We don't put real requirements on
14 training/operation/responsibility.

15 For example, in Pennsylvania, we have
16 more deaths by gun violence than we have car
17 accident deaths. But as a car owner, I have to get
18 my driver's license updated every so often, and
19 there is a test. If I show myself unworthy by
20 points or whatever, I have to retake the test. But
21 for a gun, as a gun owner, I don't have any annual
22 or biannual or any requirements as it relates to my
23 ability to use or operate.

24 When I was in the Marine Corps, I
25 couldn't go out and just start firing my rifle.

1 They trained me, and they made sure I understood how
2 to break it down, how to clean it, how to operate
3 it, but we don't do that as a nation. I think
4 that's a fallacy.

5 So I'm not trying to take anyone's
6 weapons, but I do believe we should have some
7 requirements that show your worthiness to continue
8 to operate and own, and I don't care who you are. I
9 think as a responsible person, you know, you
10 shouldn't be opposed to every once in a while coming
11 in and showing yourself worthy to continue to
12 maintain -- and your mental stabilities -- to
13 maintain and operate your weapon.

14 REPRESENTATIVE SACCONI: See, the problem
15 we run into is -- and this is part of finding an
16 effective solution -- driving a car isn't a
17 constitutional right, keeping and bearing arms is.
18 So we have to keep the bar high when we're
19 challenging a constitutional right.

20 We don't put a constitutional right on
21 someone -- with a lot of these people that are
22 voting, you could say, they should have a test to
23 make sure they know what's going on and so forth,
24 but we've tried that and that doesn't work. You
25 can't abridge that constitutional right. So we want

1 to make sure, again, that we're not putting
2 obstacles ahead of a Constitutional right. It's not
3 fair to compare it to driving a car because that's
4 not a constitutional right.

5 REPRESENTATIVE WHEATLEY: I guess my main
6 point is, I'm not trying to take your weapon. I'm
7 not trying to take anyone's weapon. I'm saying, as
8 a governmental system, if we know that there is a
9 crisis situation around weaponry, and for whatever
10 the reason, I'm not even putting a cause to it, if
11 we all can agree there is a crisis around the
12 utilization of these weapons, then we have an
13 obligation, in my opinion, to try and find solutions
14 that both meet our constitutional obligation and
15 their rights, but also to provide safety, especially
16 as it relates to -- and I'm going to keep saying
17 this -- in Pennsylvania, when we're talking about
18 gun violence, you are not talking about just any
19 types of gun violence. You are particularly talking
20 about gun violence as it relates to communities of
21 color because the majority of our gun violence is
22 happening right there in these communities, all
23 across.

24 And it is not just in Philadelphia. It's
25 all across the Commonwealth. So we have an

1 obligation to try to figure that out. And even if
2 that means finding a prescription that only
3 addresses that 70 percent, at least that's 70
4 percent. That's an overwhelming percentage of the
5 problem.

6 So again, I'm not trying to say -- I'm
7 going to say this over and over again. I'm opening
8 up -- I believe we should open it up. And the only
9 real requirement of this, outside of you being born
10 a citizen and meeting the age and mental capacity,
11 is that you also have some responsibilities. Once
12 you have one, you have some responsibilities to kind
13 of control it and know where it is and know how to
14 use it.

15 MAJORITY CHAIRMAN MARSICO:

16 Representative Barbin.

17 REPRESENTATIVE BARBIN: Thank you,
18 Mr. Chairman. And thank you, Representative
19 Wheatley.

20 I do agree with one thing that you're
21 saying.

22 REPRESENTATIVE WHEATLEY: Just one?

23 REPRESENTATIVE BARBIN: But it's really
24 important. I think you hit the nail on the head on
25 the problem. I don't think there's such a thing as

1 gun violence. I think there's violence. And I do
2 think, where you're absolutely right, and we haven't
3 like focused our attention on it, in the
4 neighborhoods where there really is violence, what
5 are we doing to change that?

6 I would say two things to it. Number
7 one, our problems aren't just because of people that
8 want to commit a crime and they're willing to steal
9 a gun. There's also mental illness, and there's
10 also drug addiction. We have a huge amount of
11 Fentanyl that's floating in from China through
12 Mexico. It's getting into the United States, and
13 the heroin is getting stronger.

14 You know, to be fair about it, there are
15 also the people that are addicted to video games,
16 like Grand Theft Auto, you know, and worse. Those
17 things are changing the way our culture looks at
18 things. The one place that I think you're 100
19 percent right and we ought to do something about it
20 is we need to put our law enforcement resources
21 where the violence is the greatest. But I don't
22 think that has anything to do with restricting
23 anybody's rights that are constitutionally protected
24 under either Pennsylvania or the United States
25 Constitution. We know, right now, that opioid

1 addiction is going to lead you into positions where
2 you're likely to be charged at some point with
3 felonies, and you're going to be in jail for a long
4 time. We know what leads to that, which is retail
5 theft and burglaries.

6 And if you get convicted of those sort of
7 -- those convictions are likely to lead you into
8 felony drug possessions and felony drug
9 dealing/possession. We should be doing something
10 about that. The MDJs have come and said, if we had
11 the ability at the magisterial level to look at how
12 many times you've been charged with retail theft, we
13 could impose bail conditions and other treatment
14 options on you that would get you to the place where
15 you would get help because drug addiction is
16 sometimes about mental health and sometimes about,
17 you're just addicted to heroin and every couple of
18 hours, you've got to stick a needle in your arm.

19 If we did that, we would be much closer
20 to solving a problem. So I commend you on looking
21 at it where it's the worst, which is in places like
22 Wilkinsburg, but it's also in places like Johnstown.
23 We should be doing something about that before we
24 should be taking away someone's constitutional right
25 to protect themselves, either on the street with a

1 concealed weapon or in their homes with whatever
2 rifle or shotgun that they've learned how to use
3 because they've been taught how to use it by their
4 ancestors.

5 REPRESENTATIVE WHEATLEY: Can I just say
6 this, Mr. Chairman?

7 And I don't want to belabor this, but I
8 want to say this. First of all, I don't want to
9 stigmatize communities of color because there is
10 nothing inherently wrong with them or different than
11 any other place. So I don't want to misconstrue my
12 comments, but I do want to put an emphasis on trauma
13 and how trauma impacts people's thinking, people's
14 ability to function well.

15 Addressing it just from criminal justice,
16 you don't get to the problem. Addressing it just
17 from the simplicity of saying, there is some type of
18 mental illness, you don't get to the problem. When
19 you have -- and by the way, I'm going to share this.
20 So I have that -- what's that called, post-traumatic
21 stress syndrome?

22 And so you know, they say I have anger
23 management issues, right? I don't believe it, but
24 they say it. And they say I have issues with
25 authority. Now, I only saw a little bit of combat,

1 but if you compound that little bit of combat with
2 my upbringing in Detroit, Michigan, where I saw
3 combat every day -- as a matter of fact, coming up
4 in Detroit, if I couldn't defend myself, it was like
5 a rite, being able to defend yourself -- then you
6 couldn't survive.

7 Detroit is not much different than any
8 city in Pennsylvania. And when you are a male of
9 color, especially an African-American man, there is
10 this constant pressure and stress. So when I talk
11 about this from a comprehensive perspective, I'm not
12 trying to put them in these little boxes because I
13 don't think we can really address it from these
14 little boxes.

15 That's why I'm saying we really do have
16 to have all of the stakeholders at the table,
17 including those that are impacted the most. Because
18 when your first response, from a broken educational
19 system, the stress of not being able to find a job,
20 that you think you're overqualified, from a
21 systematic institutionalized racism or whatever you
22 want to call it, you have all of this built-up
23 frustration and you're looking to explode.

24 And then, when you are made available the
25 weaponry of your choice, really, to explode, that's

1 why you have these little small explosions every
2 day. And I don't care how many times you lock
3 somebody up, I don't care how long you lock them up.
4 As a matter of fact, you could send them to the
5 facilities for five years. You know what they're
6 going to come out as. They're going to come out a
7 better operator in this system.

8 So what I'm saying is, we really do have
9 to invest in a comprehensive strategy, one that
10 makes sure that you have the psychological support
11 and we don't stigmatize it, meaning you can check
12 in, just like you check in with your physical
13 doctor. You should have a school system that
14 provides for real opportunities, jobs that provide
15 for real opportunities to sustain yourself, you
16 know, a system that really does care about all of
17 us, no matter where you come from and no matter what
18 color you are and no matter what sexual gender you
19 claim, but it has to be comprehensive.

20 And we have to have a vision that says to
21 people, we're going to focus on this. We're going
22 to invest in this. We're going to measure it.
23 We're going to reduce it. We take all of this other
24 stuff off the table, take off the table that we want
25 to take people's guns. Give them their guns, but

1 give them something with substance, too, to survive
2 with their guns.

3 MAJORITY CHAIRMAN MARSICO:
4 Representative Jozwiak.

5 REPRESENTATIVE JOZWIAK: Thank you.
6 Thanks for your testimony. I've got to tell you,
7 just between you and I and the rest of the people in
8 the room, you're an excellent Representative. You
9 are.

10 REPRESENTATIVE WHEATLEY: Tell my
11 district back there.

12 REPRESENTATIVE JOZWIAK: I know, but I
13 watch you. You're like me. We don't say much until
14 we think it's very important, and we talk about
15 stuff we know about. We don't embellish things. I
16 think you talked about a lot today that you really
17 know about.

18 I just wanted to ask you a couple of
19 questions on the youth violence.

20 Is it more urban areas than rural areas
21 for youth violence, in your opinion?

22 REPRESENTATIVE WHEATLEY: Is it -- say
23 that again.

24 REPRESENTATIVE JOZWIAK: Is it more
25 urban, more big city violence than small towns?

1 REPRESENTATIVE WHEATLEY: I didn't run
2 across any research that differentiated it. I'm
3 just going to say, by the sheer numbers, you
4 probably exposed more from an urban environment, but
5 I think if you have youth anywhere and they have the
6 pressures of being youth, you're going to have
7 suicides. You're going to have the violence of, you
8 know, the normal violence, but I think the gun
9 violence issue is particularly one that is an
10 urbanized thing.

11 REPRESENTATIVE JOZWIAK: And the weapon
12 of choice that you're familiar with?

13 REPRESENTATIVE WHEATLEY: Handguns.

14 REPRESENTATIVE JOZWIAK: Handguns more
15 than rifles or some automatic guns?

16 REPRESENTATIVE WHEATLEY: Although they
17 play with the automatics, too, but yeah, mostly
18 handguns.

19 REPRESENTATIVE JOZWIAK: Okay. I was
20 wondering, you said the age group was 15 to 24; is
21 that correct?

22 REPRESENTATIVE WHEATLEY: For the
23 Blueprint For a Safer Philadelphia.

24 REPRESENTATIVE JOZWIAK: Yes. That age
25 group, a lot of that gun violence, are they gang

1 members, do you think, more so than the average guy
2 or --

3 REPRESENTATIVE WHEATLEY: So I was going
4 to talk about Pittsburgh, but, yeah, they call them
5 groups now because -- at least in Pittsburgh; I
6 can't speak for Philadelphia -- we have seen a
7 reduction in gun homicides, primarily because our
8 police has worked with group intervention
9 specialists that are on the ground, that are working
10 with the members of these various coalitions that
11 kind of morph into different alliances.

12 They have seen that that has worked. In
13 Philadelphia, I can't speak to Philadelphia, but in
14 Pittsburgh, they have a specific group intervention
15 initiative. And by the way, they don't get any
16 governmental support. We don't have any line items
17 from the State budget or city budget that
18 specifically kind of attacks and provides for more
19 group intervention, people to be on the ground and
20 prevent things from happening before they happen.

21 So I would also put that on the table,
22 but yeah, they are loosely aligned and affiliated
23 with different groups and organizations.

24 REPRESENTATIVE JOZWIAK: Well, kudos to
25 the law enforcement in Pittsburgh. I think

1 Philadelphia has the intervention thing, as well. I
2 don't know what level it is, but those are all of my
3 comments.

4 Thank you, Mr. Chairman.

5 MAJORITY CHAIRMAN MARSICO: Thank you,
6 Jake, for coming before the Committee and sharing.

7 REPRESENTATIVE WHEATLEY: Thank you.

8 MAJORITY CHAIRMAN MARSICO: Appreciate
9 it.

10 REPRESENTATIVE WHEATLEY: Do you want
11 these or you want the full --

12 MAJORITY CHAIRMAN MARSICO: Just give us
13 the -- yeah, submit it when you have a chance.

14 So our next member to testify is
15 Representative Eric Nelson.

16 Representative Nelson.

17 Good morning, Representative.

18 REPRESENTATIVE NELSON: Good morning,
19 Mr. Chairman.

20 MAJORITY CHAIRMAN MARSICO: You may
21 begin.

22 REPRESENTATIVE NELSON: I would like to
23 start off by apologizing for my failure to be here
24 earlier on the agenda. There was a communication
25 error through my office, and I was unaware of that

1 placement. I appreciate the opportunity to shuffle
2 the deck a little bit, sir.

3 Today I'd like to address the Committee
4 and discuss a very small sliver of opportunity for
5 improvement in Pennsylvania, and that is
6 specifically dealing with the transportation of
7 firearms. What happens now in Pennsylvania is that,
8 if you have a concealed carry permit, for the most
9 part, Pennsylvanians who have a conceal carry permit
10 can travel and go -- they can walk. They can drive,
11 and there are not restrictions or issues with
12 firearm being concealed, but there is a smaller
13 subset, a subset of Pennsylvanians, that choose not
14 to have a concealed carry permit, but do choose to
15 travel with a firearm.

16 Now, because we are an open carry state,
17 if somebody has a firearm on the outside of their
18 body, fully exposed, they can walk around and are
19 able to do so. But the moment an individual has a
20 firearm and enters a car and that car door is
21 closed, then that firearm is considered concealed.

22 And so what happens -- specifically, my
23 bill is addressing the transportation of firearms
24 under Title 18. It's Section 6106, Firearms Not To
25 Be Carried Without a License. There are currently

1 about 22 exemptions, where an individual who does
2 not have a permit to carry a concealed weapon is
3 able to travel to, let's say, sport shoot or, let's
4 say, go to an armory or to get a gun repair or a
5 wide variety, 22 exemptions, that if any time,
6 through the law, they stop in their transportation
7 between point A and point B, they're in violation of
8 Pennsylvania law.

9 And so what happens here is that we have
10 a segment of legal lawful gun owners that are not
11 intending to break the law, but maybe they stopped
12 for milk. Maybe they had an accident where they
13 were not directly traveling between point A and
14 point B, and this gets them in trouble with the law.

15 There's also another aspect and benefit
16 of trying to amend or improve this law, and that's
17 from a police safety standpoint. As a former
18 Marine -- and I was a military policeman in the
19 Marine Corps -- part of the challenge that an
20 officer has is, as they approach a vehicle, there's
21 a very small window, a split second window, and if
22 there is a bad actor inside, for that person and
23 that officer to be able to react if they see a
24 firearm.

25 So the goal of the legislation that I

1 have in co-sponsorship memo -- it's bipartisan;
2 there are 22 co-sponsors currently -- is that we
3 would bring Pennsylvania forward and in line with
4 the Federal standards, which very simply say that if
5 you are not a concealed carry holder, that your
6 firearm, your handgun, would be transported in a
7 case with the ammunition in a separate case that
8 would be in the trunk of the vehicle.

9 If the vehicle didn't have a trunk, then
10 it would be in its own concealed case or in a glove
11 compartment. So it's a very tight window,
12 Mr. Chairman, and intended to help lawful gun owners
13 understand their rights, help law enforcement
14 identify a person who may have unlawful intent, but
15 has not yet committed an unlawful act.

16 So if I am not supposed to have a handgun
17 and I have a handgun within my reach, I'm wrong.
18 Very clearly, I'm wrong. If I have a handgun and
19 not a permit to carry, and it is loaded, I'm wrong.
20 Very clearly, I'm wrong.

21 And so it helps both law enforcement,
22 legal gun owners, lawful gun owners, and individuals
23 who may have a concern if they see a firearm, but
24 they're not sure what the intent is. Actually,
25 right now, which is a shame, it is easier for an

1 individual to travel through the state of
2 Pennsylvania with a firearm than it is for an
3 individual in Pennsylvania to travel with a firearm.

4 And so for this legislation, we've sat
5 down with our law enforcement, with FOAC, with the
6 State Police, with our municipal police, to be able
7 to try to find a common landing spot, so that we can
8 improve the transportation of firearms and help
9 focus our efforts on unlawful acts. That's really,
10 in a nutshell, the goal and the intent.

11 It's been in the standards, some changes
12 that we've made from previous versions. Prior
13 versions had a uniform reciprocity for the
14 transportation or for the concealed carry, and
15 that's been removed in this version. So it's very
16 specific to the transportation of firearms by
17 individuals who do not have a conceal carry permit.

18 MAJORITY CHAIRMAN MARSICO: So what was
19 the reaction when you sat down with law enforcement,
20 with your intent?

21 REPRESENTATIVE NELSON: So initial
22 reaction with some of the municipal police forces
23 was a little bit of confusion, some knee jerk
24 resistance because prior versions maybe had some
25 language in there that was much more robust. And

1 then once we met with them and explained our goal to
2 clarify, law enforcement was positive on it. The
3 State Police were very positive on it.

4 You know, we felt that it would help to
5 clarify that process. And again, we haven't issued
6 this with a bill number yet because we don't want to
7 be quick, you know, to overreact. And CeaseFire
8 also was positive on the universal understanding.
9 So we would eliminate 22 different factors and just
10 very clearly say, if you're traveling with a
11 firearm, it's unloaded and it's separate from the
12 ammunition. That is as it is at the Federal level,
13 sir.

14 MAJORITY CHAIRMAN MARSICO: Questions or
15 comments, members?

16 No questions or comments.

17 Well, thank you very much, Eric, for
18 coming before the Committee.

19 Appreciate it.

20 REPRESENTATIVE NELSON: Sure. Thank you
21 for the opportunity.

22 MAJORITY CHAIRMAN MARSICO: I recognize
23 Representative Nesbit, who is here from the
24 Committee.

25 So our next testifier is Representative

1 Tim Briggs, member of the Committee.

2 Whatever you want to do.

3 Okay. So Representative Morgan Cephas,
4 please come forward. Welcome.

5 You may begin.

6 REPRESENTATIVE CEPHAS: Thank you,
7 Chairman. Thank you, Representative Briggs, for
8 letting me jump the gun there.

9 Good morning. I'm sure you've all bought
10 teddy bears for your children at one point or
11 another, a stuffed bear, the fluff, the fur, the
12 sweet face, the sentimental value that accompanies
13 finding the perfect one for your child. You bought
14 them to make your child smile because teddy bears
15 bring happiness in our lives.

16 For children of Philadelphia, teddy bears
17 mean something different. On any given day,
18 compilations of stuffed animals, candles, hand-drawn
19 cards, withering bouquets, many other cherished
20 moments commemorate someone's passing on many of our
21 corners.

22 Three stories I wanted to share with you
23 today, three lives lost, to paint the picture, the
24 diverse picture, of gun violence in the city of
25 Philadelphia, as well as the neighborhoods in my

1 Legislative District. The first story involves a
2 young man by the name of Bernard Scott, who was a
3 promising ninth grade student who attended Overbrook
4 High School. He was interested in working with his
5 mentors and his teachers to pursue a career in
6 engineering upon his graduation. His life was
7 tragically cut short while standing around watching
8 an altercation between students that ended in gun
9 violence and him being fatally shot by accident.

10 The second story involved another young
11 man, who stepped in between a domestic violence
12 dispute between his family cousin and her boyfriend
13 at the time. Several days after the altercation,
14 the boyfriend returned and fatally shot the young
15 man due to retaliation. The third and final story
16 happened just days ago in my district when a young
17 man took his own life due to depression and the
18 pressures of life.

19 These three incidents tell the story not
20 often told when discussing gun violence in urban
21 communities. Oftentimes, the stories highlighted
22 are those resulting from drug transactions, rival
23 gangs, robberies and things alike. But as you can
24 see, these stories should require us to look at
25 every case differently and discuss the broader

1 question of how guns get into the hands of those
2 that make our communities unsafe and those who may
3 be at risk of harming themselves or those that they
4 love.

5 When I think of these three situations
6 and the incidents that happen on a daily basis in my
7 city, I ask myself, what laws could have been put in
8 place to prevent these incidents from happening in
9 the future?

10 Recognizing there's no one thing we can
11 do to end this type of violence, I do believe there
12 are things we can put in place that can move us in
13 the right direction. The story of Bernard Scott at
14 Overbrook High School, along with many more not
15 featured on the news, and the shooting in Parkland,
16 Florida, intensified the need for action to protect
17 our children.

18 We must address the proliferation of gun
19 violence in our schools. We have several bills that
20 we can act on to do so. So I am in support of
21 HB 2146 from Representative Thomas, which would
22 create an advisory committee to study the safety and
23 security of public schools throughout the
24 Commonwealth, as well as HB 2170 from
25 Representative Schweyer to ban sales or possession

1 of assault weapons for individuals under the age of
2 21. Or on domestic violence, we can enact SB 501,
3 which would add additional protections for victims
4 of domestic violence, which a series of my peers
5 discussed previously.

6 Lastly, which is bold, I believe, we
7 could begin examining the idea of allowing local
8 counties to develop their own gun laws with approval
9 from the General Assembly, considering that one size
10 does not fit all. I am a firm believer that the
11 availability and usage of guns in urban, rural and
12 suburban settings is different, which will require a
13 different approach at each setting.

14 But as I stated before, supporting these
15 measures won't completely eliminate and address
16 every gun violence incident that occurs, which is
17 something I reflect on daily. In my district, I
18 have Overbrook Presbyterian Church in the 192nd,
19 which I represent. There is a memorial that they do
20 every year.

21 This is a monument for Philadelphians
22 murdered by guns in the past year. This year, 371
23 shirts were placed outside to remember those who
24 died, victims from senseless gun violence, which
25 kills Americans every year. It carries massive

1 consequences and lives lost, injuries and medical
2 treatment, but what about the economic cost, in
3 jobs, businesses and community development?

4 This ongoing epidemic ripples through our
5 economy in the form of lost wages, medical bills,
6 higher taxes for law enforcement and lower property
7 values, among other factors. The total annual cost
8 of gun violence in the United States is \$220
9 billion, including direct and indirect costs.

10 Some estimates put the tab total even
11 higher, according to estimates developed by the
12 Pacific Institute For Research and Evaluation, and
13 relied on by the Center For Disease Control and
14 Prevention. On average, each gun-related death
15 generates approximately \$49,164 in medical expenses,
16 even more if it's a non-fatal shooting and requires
17 hospitalization.

18 Approximately 439,000 in police
19 investigation and criminal justice expenses, plus
20 the cost of incarceration, from \$2,500.00 to
21 \$10,000.00 in employer costs, up to \$1.7 million in
22 lost wages, between \$300,000 and \$730,000 in lost
23 business opportunities. This is at least one
24 million dollars per shooting.

25 We could have accomplished great things

1 with \$370 million in Philadelphia. Think about it.

2 What would you do with that money in your
3 respective districts?

4 This is just another perspective to take
5 into consideration while crafting policy to reduce
6 and eventually eradicate gun violence in
7 Pennsylvania. In conclusion, I, again, want to
8 thank the Committee and leadership for having this
9 conversation.

10 Given the makeup of the Commonwealth, we
11 are in a unique position to draft policy and
12 legislation that will have an impact on our diverse
13 set of communities. But something that I will
14 always remember, during the discussion, as I reflect
15 on the communities that I serve, there will always
16 be a teddy bear. It's on us at this time to
17 perpetuate the right meaning for our children.

18 It's on us to take down the shirts
19 outside Overbrook Presbyterian Church and initiate
20 the Blueprint For a Safer Pennsylvania, because at
21 the end of the day, it's costing us too much.

22 Thank you.

23 MAJORITY CHAIRMAN MARSICO: Thank you,
24 Representative.

25 Questions or comments?

1 Representative Nesbit.

2 REPRESENTATIVE NESBIT: Yes. Thank you
3 for your testimony. You had mentioned that there
4 should potentially be different laws in different
5 counties.

6 If that would be the case, would you
7 explain how the constituents, you know, like if a
8 constituent from my area, if they're traveling to
9 your district, how would they know the different
10 laws?

11 How would you expect that to work from a
12 practical point of view?

13 REPRESENTATIVE CEPHAS: I think we would
14 educate. I mean, similar to how we do, there's a
15 different tax that we impose in Philadelphia. We
16 used to just only impose the cigarette tax before it
17 went across the Commonwealth. You would just be
18 educated as you came in.

19 When you -- you would be educated by the
20 municipality when you were bringing in a firearm or
21 not. And I think when it comes to our laws, as
22 oftentimes said, one's ignorance of the law doesn't
23 negate that's the law. So I think, again, as you
24 travel across the Commonwealth, you would have to
25 just educate yourself as a gun owner, what are the

1 things you can and cannot do as you enter into
2 different counties.

3 REPRESENTATIVE NESBIT: Thank you,
4 Mr. Chairman.

5 Thank you.

6 MAJORITY CHAIRMAN MARSICO: Any other
7 questions or comments?

8 Representative Jozwiak.

9 REPRESENTATIVE JOZWIAK: Thank you,
10 Mr. Chairman. Just a quick comment.

11 I would be absolutely against counties
12 having individual laws. People in Pennsylvania need
13 a standard law throughout the whole Commonwealth --
14 it's called the Uniform Firearms Act -- so that
15 honest people don't get into trouble by simply
16 coming across the county line.

17 So I would be on record to say that I
18 would be against that.

19 REPRESENTATIVE CEPHAS: I understand. I
20 think I just would want to ensure that, again, as we
21 look at -- I know this conversation has come up
22 throughout the dialogue of last week and this week,
23 that obviously, gun issues in urban areas and rural
24 areas and suburban areas tend to be different. So I
25 just would hope that as a committee and as a

1 legislative body that we would just look to enact
2 laws that, you know, have a true impact across the
3 three different settings. Because again, you guys
4 talk about it all the time that it's different in
5 each community.

6 MAJORITY CHAIRMAN MARSICO:

7 Representative Dawkins.

8 REPRESENTATIVE DAWKINS: Thank you,
9 Mr. Chairman.

10 Again, let me thank the Representative
11 for her testimony. I am in agreement that we should
12 look at different ways of how we can address this
13 issue. I realize that it may not be universal
14 through all counties, this issue, but I believe --
15 the previous speaker from Allegheny County talked
16 about that 70 percent.

17 If we can do a reduction on the gun
18 violence within that 70 percent that makes up that
19 urban population, I do think we should look at all
20 avenues. Some of those avenues may involve a
21 different approach to the issue. I don't believe
22 there's a one-size-fits-all model that would work in
23 the State of Pennsylvania because of how diverse the
24 state is. And it does not change the fact that we
25 are still burying these young kids on a daily basis.

1 So I applaud the speaker for coming up
2 with some comprehensive ideas and thinking outside
3 the box. I think it's important that we keep an
4 open mind to the dialogue and make sure that we're
5 coming up with something that we can use as
6 solutions because we all clearly know the problems.

7 Thank you.

8 MAJORITY CHAIRMAN MARSICO: Any other
9 questions or comments?

10 Representative White.

11 REPRESENTATIVE WHITE: Thank you so much,
12 Representative, for being here today to speak.

13 I'm a firm believer in diversity and that
14 it is the key to the future success of our
15 Commonwealth. In a majority/minority city, I think
16 that having heard the disproportionate level of
17 violence that's occurring in our communities of
18 color and in Hispanic communities, it's a major
19 concern for our neighborhoods, but can you share
20 with us what type of support programs you would like
21 to see in your educational institutions for, you
22 know, our communities in Philadelphia?

23 I know the mayor has attempted to
24 implement community schools.

25 Is there something in particular that you

1 see a need for in our communities to help address
2 this violence related to guns?

3 REPRESENTATIVE CEPHAS: I appreciate that
4 question. I know that was asked of the previous
5 speaker from Allegheny, what are we doing in
6 Philadelphia?

7 So we actually pump dollars into our Gun
8 Task Force, which has been done by the Attorney
9 General, as well as through budgetary ways with the
10 Commonwealth. We have a program called Focus
11 Deterrent, where we put a series of stakeholders
12 around a table, including the District Attorney's
13 Office, the Attorney General's Office, a series of
14 social services, we offer summer job opportunities
15 for young people, and we've done that in piloted
16 areas, like the 22nd police district, which is one
17 of the police districts in the city that has the
18 highest arrest rate, the highest gun violence rate.
19 And we've seen a relatively small reduction in crime
20 and arrests in the area, as a result of a focused
21 approach on getting guns off the street and things
22 alike.

23 Additionally, as a result of the Bernard
24 Scott incident, where we have the shooting across
25 the street from a school, we developed a program

1 called Safe Avenues, where again, we got all of the
2 law enforcement in the area. We put up video
3 surveillance cameras. Of course, we put in metal
4 detectors. We created an evacuation plan, to where
5 gun violence wouldn't have a direct impact on the
6 school building as a result of that incident.

7 And since then, we haven't seen any gun
8 violence in the area. But of course, you know, the
9 city has to get creative because, again, we do not
10 control our ability to create our gun laws, based on
11 what we are seeing. So we've made strategic
12 investments, like in community schools, to keep our
13 kids safe, keep them active and ensure that we're
14 addressing the ongoing issues that they're having in
15 their neighborhoods.

16 Because, as you know, in the city of
17 Philadelphia and counties alike, young people are
18 coming to school with two bookbags: One, with the
19 bookbag of the issues that they're dealing with in
20 the community, as well as the bookbag with their
21 books. So they're having to almost multitask as
22 students in that type of climate.

23 So again, it's the strategic investments
24 that we're making that are having the most impact.

25 MAJORITY CHAIRMAN MARSICO: Thanks for

1 your testimony.

2 REPRESENTATIVE CEPHAS: Great. Thank
3 you.

4 MAJORITY CHAIRMAN MARSICO: Appreciate
5 it.

6 Next to testify is Representative
7 Tim Briggs, a member of the Committee.

8 REPRESENTATIVE BRIGGS: Thank you,
9 Chairman Marsico, Chairman Petrarca and members of
10 the Committee.

11 I appreciate the opportunity to offer my
12 thoughts regarding commonsense gun reforms and
13 safety in our schools. Every time I see the news
14 about another mass shooting, I really hope that this
15 will be the time that something gets done. When you
16 sent the e-mail a few weeks ago about these multiple
17 days of hearings, I was really optimistic that this
18 was the time.

19 When it was brought to my attention that
20 it was going to be members offering their thoughts,
21 I was a little less excited, but I thought it was a
22 great week and a half of discussion. A lot of
23 people have a variety of thoughts and it definitely
24 brings it to the table, what makes this issue so
25 challenging.

1 As we all do, I host a number of town
2 hall meetings. And oftentimes, guns are something
3 that come up. I represent portions of the
4 Philadelphia suburbs. I try to explain to my
5 constituents the diversity of our Commonwealth.

6 I try to explain to them the commitment
7 that many of you have towards protecting the
8 Second Amendment, and many of my constituents don't
9 get it. But like you, I also represent constituents
10 passionate about their guns. Many e-mail me
11 regularly, letting me know their thoughts. One even
12 contacted me last week with a quote, I'm willing to
13 die protecting my Second Amendment rights. Are you
14 willing to die attempting to take them?

15 So honestly, I don't take my position on
16 this subject lightly. I simply don't think everyone
17 should be allowed to have guns. Certain criminals,
18 kids and folks with mental issues shouldn't have
19 access. And I don't think talking about responsible
20 gun safety reform should be viewed as eliminating
21 the Second Amendment.

22 While I'm here to offer my support of
23 Representative Grove's HB 2275, which would close a
24 significant loophole that allows some convicted
25 felons to illegally carry firearms, under current

1 law someone who has been convicted of a serious
2 crime is statutorily barred from possessing a
3 firearm, but someone who is convicted of attempting,
4 conspiring or soliciting another to commit those
5 very same crimes are not subject to any penalty
6 under State law.

7 We need to close that loophole. I'm glad
8 that Representative Grove asked me to join him in
9 his effort to do so.

10 I understand the diversity that we all
11 face on this issue. And I understand that many view
12 anything that we propose regarding commonsense
13 reforms as a slippery slope and just another attempt
14 to take away their rights, but I'm not prepared to
15 roll over once again and offer thoughts and prayers
16 to the victim, and to tell my kids and their friends
17 that nothing can change because of one's culture or
18 outside special interests being just too
19 influential.

20 My kids have had enough. They are scared
21 to go to school. They are scared to go to large
22 gatherings. I think the kids from Parkland have
23 inspired a generation. Nineteen years ago this
24 Friday, our world changed.

25 Columbine was the first mass shooting in

1 our schools, and a lot has changed since then. My
2 kids, and anyone in school today, have grown up in a
3 post-Columbine world.

4 Things that I would have thought I'd
5 oppose then, I support now because times are
6 different. My local schools have made changes the
7 last number of years, including limiting the number
8 of access points kids enter school from. They do
9 shooter drills that scare them and their classmates.

10 Many of my schools have security officers
11 instead of hall monitors, retired police officers.
12 And I'm sure some are armed. They have installed
13 emergency buzzers to notify 911, among countless
14 hours of planning and preparations for these such
15 events.

16 We have faced serious challenges before.
17 As discussed by a few of our testifiers, 911 changed
18 the way we lived. Many of our liberties and
19 freedoms were touched -- many before have
20 discussed -- but we responded as a nation.

21 We face an out of control death toll
22 caused by cars, but by using a public health
23 strategy to regulate them and limit access, and with
24 the help of Mothers Against Drunk Driving, we were
25 able to drastically reduce the death rate.

1 Requiring seat belts wasn't easy, and educating
2 folks and taking more seriously the effects of DUIs
3 have helped protect all of our citizens.

4 Someone mentioned earlier the education
5 efforts we made against smoking, and it worked.
6 Using these same strategies, education and public
7 health, that worked for them, and apply them to gun
8 deaths is what I think needs to happen.

9 Everything has to be on the table when we
10 have this discussion. Investing in our schools to
11 allow them to provide additional resources to our
12 students, if it's psychologists or counselors. If
13 it's funding programs that assist in dealing with
14 increasing mental health issues or even bullying, we
15 need to educate them.

16 We need to treat this as a public health
17 issue, funding law enforcement to do their job.
18 Schools that need help with making them safer should
19 be given the funding to do that, as well. And even
20 funding additional resource officers in our schools.

21 I do stop at arming our teachers. I
22 don't think that's the way to go, and I don't agree
23 with turning our schools into prisons. But other
24 than that, everything has to be on the table. And
25 that includes commonsense safety reforms, banning

1 assault weapons and bump stocks, universal
2 background checks and the protective orders and the
3 efforts that Representatives McCarter and Stephens
4 have put forth. They all need to be discussed.

5 I believe guns at home pose a clear risk
6 to the safety of our children. When those guns are
7 not stored safely or securely, the risk only
8 increases, resulting in tragic shootings, including
9 unintentional discharges and suicides that are all
10 too common in America today. Child access
11 prevention laws hold gun owners accountable for the
12 safe storage of firearms, imposing liability for
13 failing to take simple yet important measures to
14 prevent guns from falling into young hands.

15 This is why I have introduced again, for
16 the fifth consecutive session, HB 1635. In 2015
17 alone, America lost 2,824 young people to gun
18 violence. And this doesn't include thousands of
19 other non-fatal injuries. More than 1100 of those
20 gun-related deaths were either suicide or
21 unintentional shootings.

22 Research shows that easily accessible
23 firearms in the home are associated with an increase
24 of both suicide and unintentional deaths for young
25 people. Child access prevention laws are an

1 important tool for reducing those preventable
2 shootings and suicides by our country's youth.

3 HB 1635 may not be the answer, and I'm
4 sure it can be improved upon, but I really think
5 that if we put our heads together and do what we do
6 best, we can come up with a way to protect our kids
7 at school and home and everywhere.

8 Thank you, Chairman. And thank you to
9 the Committee for giving me the opportunity.

10 MAJORITY CHAIRMAN MARSICO: Any questions
11 or comments?

12 So Representative, you mentioned HB 1635.

13 REPRESENTATIVE BRIGGS: Yes.

14 MAJORITY CHAIRMAN MARSICO: That's your
15 bill?

16 REPRESENTATIVE BRIGGS: It is.

17 MAJORITY CHAIRMAN MARSICO: And that's
18 been in Committee?

19 REPRESENTATIVE MARSICO: Since 2009.

20 MAJORITY CHAIRMAN MARSICO: So how many
21 sponsors have you had?

22 REPRESENTATIVE BRIGGS: Some sessions,
23 I've had up to 24. This session, I think I have
24 seven.

25 MAJORITY CHAIRMAN MARSICO: And what does

1 it do again?

2 Say that again.

3 REPRESENTATIVE BRIGGS: It puts a
4 liability on the gun owner at home to make sure that
5 it's stored and secure.

6 MAJORITY CHAIRMAN MARSICO: Okay.

7 REPRESENTATIVE BRIGGS: If children are
8 around. I mean, if you don't have minors around,
9 then you don't have to do anything.

10 MAJORITY CHAIRMAN MARSICO: Okay.

11 Questions or comments?

12 Thanks, Tim. Appreciate it.

13 REPRESENTATIVE BRIGGS: Thank you,
14 Chairman.

15 MAJORITY CHAIRMAN MARSICO: I would just
16 recognize Joanna McClinton, who has joined us, a
17 member of the Committee. We are going to take a
18 two-minute break.

19 (Recess.)

20 MAJORITY CHAIRMAN MARSICO:

21 Representative Angel Cruz has a conflict. He was on
22 the schedule to testify. He's going to provide
23 written testimony for the record.

24 Representative Seth Grove, who is
25 scheduled, is at a press conference and will be here

1 shortly. So with that, we appreciate you
2 accommodating our reshuffle, Representative Jeff
3 Pyle.

4 REPRESENTATIVE PYLE: Thank you,
5 Mr. Chairman.

6 MAJORITY CHAIRMAN MARSICO: You may
7 begin.

8 REPRESENTATIVE PYLE: It's always a
9 pleasure to sit in front of the Judiciary Committee.
10 As many know, up until about a month ago, I was a
11 member of this Committee. And then, I don't know if
12 I was promoted or demoted to being a Chairman. Time
13 will tell.

14 I don't normally write speeches,
15 Chairman. I prefer to just offer what I'm thinking,
16 but I felt that after watching you all put in as
17 much time as you have on this subject -- and I
18 believe it's been eight days -- I felt I owed you a
19 little something, so here we go.

20 Chairman Marsico, Chairman Petrarca, and
21 honorable Judiciary Committee Members, you've
22 undertaken a great task and spent a lot of time
23 discussing numerous proposed bills addressing the
24 private ownership of firearms in the Commonwealth of
25 Pennsylvania.

1 I have little doubt this discussion has
2 been catalyzed by the events at Stoneman High School
3 in Parkland, Florida. As a former teacher, I am
4 deeply saddened for the senseless loss of life.
5 However, I am an owner of firearms.

6 And as a former teacher who now serves in
7 the legislature, I have a few thoughts.

8 Mr. Chairman, I taught civics and American history.
9 I hold degrees in political science and education,
10 with work towards a masters in both. I've studied
11 the discussions held by the Founders on the roll and
12 the reason for all 10 of the amendments comprising
13 the Bill of Rights and understand them deeply.

14 I was blessed to be taught by a former
15 Supreme Court law clerk, Patrick Hagen. Bless his
16 heart and rest his soul. I've studied the writings
17 of Madison, Washington, Franklin, and the other
18 framers and, of course, the obligatory Federalist
19 papers.

20 It's fair to say I understand the meaning
21 of the Second Amendment, why it was written, why it
22 was put second, and who was in favor and who was
23 not. The central thought was that people should be
24 armed to protect themselves, not only from the
25 challenges of everyday life, but also to protect

1 their inalienable rights from being taken or
2 assaulted by their own government.

3 That was actually George Washington's
4 insistence. The Pennsylvania Constitution closely
5 echoes the philosophies behind the Federal Second
6 Amendment. Each asserts the private citizen's right
7 to keep and bear arms, and our Federal and State
8 courts have repeatedly reaffirmed this for over 230
9 years.

10 Our Commonwealth Constitution goes
11 further, stating, and I quote, the right of the
12 individual to keep and bear arms shall not be
13 questioned. In my opinion -- and I'm not an
14 attorney and I know I sit in a room of attorneys --
15 shall not be questioned leaves very little doubt as
16 to what the people who wrote our Constitution
17 intended.

18 Now, by construction, we are a
19 Constitutional Republic. We elect leaders to go
20 speak on our behalf, and that's why you're here.
21 Every single person sitting behind that high desk
22 has at their fingertips 63,000 people that they have
23 to speak for. I understand different parts of the
24 State will sound off differently than where I'm
25 from, western Pennsylvania.

1 But one thing we all share is that our
2 Constitution is supreme. It is the highest law of
3 the land. No laws may be passed subsequently that
4 seek to go 180 degrees away from what our
5 Constitution gives us. Now, in a constitutional
6 form of government, the Constitution serves as both
7 a defining document and a confining document. It
8 says, in essence, who does what.

9 You and I would not sit in on court cases
10 because we are not the judicial branch. We are not
11 the one who signs bills into law. That is the
12 executive branch. We are the legislative branch,
13 the House of the people.

14 Our Constitution stipulates very clearly,
15 the right of the people to bear arms shall not be
16 questioned. Now, this can change. It's possible.
17 Like all successful Constitutions written around the
18 world, there's an amendment process. The only way
19 we can change the wording of the Constitution is by
20 a successfully ratified amendment.

21 Thus far, we've had no such amendment and
22 the Constitution reads, my right to keep and bear
23 arms shall not be questioned. People are free to
24 offer that amendment. Pennsylvania's process is
25 rather easy to understand. It must be passed by a

1 majority of the votes for two successive sessions,
2 before it goes onto a ballot referendum question
3 that goes to the voters of Pennsylvania. I've not
4 yet seen an amendment in rough form, in final form,
5 and I certainly have not voted on one.

6 So what is this Constitution?

7 It's a contract of sorts between the
8 people and the government. The government agrees to
9 operate as written and in exchange, the citizenry
10 agrees to abide by its laws. The government cannot
11 assume powers not spelled out in the Constitution,
12 as all of those powers are reserved to the people.

13 Within many Constitutions is this Bill of
14 Rights that guarantees that people will hold rights
15 unassailable by the government. This model claims
16 its origin to the year 1215, the Magna Carta, signed
17 between King John and his nobles who had had enough
18 of his transgressions.

19 Now, in front of me -- and I thank
20 Executive Director Dymek for providing this -- is
21 three pages of bills, each of them addressing guns.
22 These are front and back, single-sided. I brought
23 only one piece of paper, Article 1, Section 21, 19
24 words. The right of the citizens to bear arms in
25 defense of themselves and the State shall not be

1 questioned.

2 You're going to hear that phrase
3 repeatedly. Now, Mr. Chairman, Chairman Petrarca, I
4 own a semiautomatic rifle. In fact, I own a few of
5 them.

6 Here, in about a month, I'm going to go
7 shoot a charity trap shoot for our local Relay for
8 Life and I'm going to use a semiautomatic shotgun.
9 I've been using it for eight or 10 years now. It
10 was my dad's.

11 To this day, that shotgun has never been
12 fired in anger. I also happen to own an AR-15.
13 I've owned one for about 10 years. I like to use it
14 to make very little holes at very great distances,
15 but to this day, it's never shot anybody. Now, if
16 you are to proceed with the bills limiting
17 semiautomatics, I would say my right as a law
18 abiding citizen, who has never been arrested, have
19 most definitely been infringed, and my rights to own
20 that firearm will have been questioned.

21 I promise you we will press legal action.
22 I don't say that to scare anybody. I'm telling you
23 as a promise. As a law abiding citizen who has
24 never been arrested for a crime, I have shown no
25 inclination whatsoever that that gun will be used in

1 anger or to hurt people.

2 Mr. Chairman, I've got so many things on
3 these papers. I honestly tried to sit down and
4 focus it, but I had so many thoughts on this. I'm
5 just kind of winging it right now. Now, not to be
6 completely negative, but there are a number of
7 records on these sheets that this Committee will be
8 taking under consideration. I think prohibiting the
9 mentally ill from possessing firearms makes great,
10 great sense.

11 And if you look at the events of
12 Parkland, Florida, that young man had the police
13 called to his house over 30 times, and it was
14 ignored. In fact, Stoneman was not his home high
15 school. He had been there for only two or three
16 months prior to this horrible, horrible act.

17 Maybe we should look at people who have
18 been not really adjudicated, but addressed by the
19 police. And from what I understand, this young man
20 was fond of putting up posts on social media and
21 keeping a journal in which he fantasized about
22 killing people. Whether or not these things were
23 known by the local law enforcement officials, I know
24 not, but what I know is that we should be focused on
25 protecting our school students, not on confiscating

1 or diminishing someone's firearm rights.

2 Now, one of the things I did before I got
3 elected here, Mr. Chairman, I was a school teacher,
4 civics, history. Another role I served was on the
5 CRT, which is the Crisis Response Team.

6 I was one of five teachers within our
7 building that was called out whenever something went
8 sideways. Fist fights, bomb scares, I was the guy
9 with the dental mirror peeking into lockers to see
10 if the kid really had rigged an explosive. I was in
11 a classroom on 9/11.

12 Prohibiting the mentally ill from
13 possessing firearms, specifically individuals who
14 have been ordered to undergo involuntary mental
15 health treatment, is an idea that makes sense. And
16 that is coming from the Head of the Second Amendment
17 Caucus. I can support that.

18 There are a number of these. And to
19 spare your time, because eight days is a very long
20 time, you've looked them all over. I'm not going to
21 belabor the point, but I will tell you both,
22 respectfully, Chairmen, before you go abridging
23 constitutionally guaranteed rights, be very, very
24 sure of your steps.

25 I don't promise retribution, but I will

1 press legal action. I dare you to find a criminal
2 record for anything I've done except for an
3 inordinate amount of parking tickets here in the
4 city of Pittsburgh -- or here in the city of
5 Harrisburg -- and a couple of speeding tickets here
6 and there.

7 Should we have laws to prevent people who
8 should not have guns? Yes, in certain cases, but
9 they have to be very closely drawn. As I said, the
10 mentally ill.

11 Our law currently prohibits people with a
12 history of domestic violence from purchasing
13 firearms. And if I may, the horrible acts that
14 happened in Florida most likely would not have
15 happened here because Pennsylvania already has a gun
16 check system called PICS, the Pennsylvania Instant
17 Check System, that does contain mental health
18 histories.

19 In short, that kid wouldn't have been
20 able to obtain that weapon. Now, if we are going to
21 ban semiautomatics, you are taking out roughly 70 to
22 75 percent of the entire sales quota. A couple of
23 years ago, it was very popular to encourage women to
24 undergo firearms training, and a great many did.

25 In my home county of Armstrong, our

1 Sheriff every year has a training session for
2 first-time gun owners to go out and handle safe gun
3 ownership. I noticed one of the bills you could be
4 considering requires the purchaser of a firearm to
5 undergo mandatory training by the Pennsylvania
6 State Police.

7 For people that are sitting here, who
8 know our State Police are very thinly spread, we
9 simply don't have the manpower to do that. I saw no
10 notice of an NRA pistol instructor on there,
11 although that would make sense. I saw no mention of
12 a militarily-trained range master on there who could
13 also teach people how to do that.

14 In short, is it a good idea?

15 No, I don't think so. I think it's not
16 soup yet. It's got a long way to go before that
17 would be something that I could support.

18 Now, as mentioned, I chair the Second
19 Amendment Caucus, Chairman, 88 members, Republicans
20 and Democrats, all over Pennsylvania. And I know we
21 will vote as a block on these measures because I
22 will ask them to. A lot of this stuff is close, but
23 it's not there yet. I feel it needs work.

24 And on that note, I will close and stop
25 wasting your time.

1 MAJORITY CHAIRMAN MARSICO: You're not
2 wasting our time.

3 REPRESENTATIVE PYLE: Chairman, thank
4 you. I feel, you know, I forget which one of the
5 Founders actually said it, but taking one person's
6 rights takes all of our rights, and I'm not willing
7 to give mine up yet.

8 Thank you, Chairman.

9 MAJORITY CHAIRMAN MARSICO: Thanks.
10 Thanks, Jeff, for your thoughts and your perception.

11 You mentioned the PICS system.

12 REPRESENTATIVE PYLE: Yes.

13 MAJORITY CHAIRMAN MARSICO: Now, there
14 have been attempts at legislation to abolish the
15 PICS system.

16 REPRESENTATIVE PYLE: Correct.

17 MAJORITY CHAIRMAN MARSICO: What is your
18 position and the position of the Second Amendment
19 Caucus on that legislation that would abolish the
20 PICS System in Pennsylvania?

21 REPRESENTATIVE PYLE: Opinion of the
22 members of the Second Amendment Caucus is mixed.
23 There are a number that would like to see it done
24 away with completely. I wouldn't happen to be one
25 of those. I think mental health history is an

1 important part of this discussion.

2 The NICS system, the National Instant
3 System Check, how it differs from the PICS System,
4 NICS System is mostly geared toward Patriot Act
5 stuff, do you have known collusion with known
6 terrorists, et cetera?

7 PICS, the Pennsylvania Instant Check
8 System, incorporates mental health history, acts of
9 domestic violence, any other -- I believe everything
10 from an F-3 felony up, and some misdemeanors. Ours
11 is much more comprehensive than the NICS System.

12 MAJORITY CHAIRMAN MARSICO: Questions?

13 REPRESENTATIVE PYLE: I'd be happy to
14 entertain your questions.

15 MAJORITY CHAIRMAN MARSICO: We don't have
16 any. Good job.

17 Thank you.

18 REPRESENTATIVE PYLE: I appreciate the
19 time of the Committee. Thank you.

20 You guys have done great work for eight
21 days.

22 MAJORITY CHAIRMAN MARSICO: Actually,
23 it's six days, but --

24 REPRESENTATIVE PYLE: Six days. I think
25 that ought to entitle you to --

1 MAJORITY CHAIRMAN MARSICO: It feels like
2 it.

3 REPRESENTATIVE PYLE: I think the
4 Chairman probably ought to get you all some ice
5 cream or something.

6 Thank you.

7 MAJORITY CHAIRMAN MARSICO: Thanks, Jeff.
8 Our next testifier is Representative Seth
9 Grove.

10 REPRESENTATIVE GROVE: Good morning.

11 MAJORITY CHAIRMAN MARSICO: You're our
12 last testifier. You have 15 minutes.

13 REPRESENTATIVE GROVE: I'll cut my
14 hour-long presentation down. I apologize. We had
15 an Education Committee press conference on our
16 awesome bipartisan CTE bills that are running this
17 and next week.

18 And speaking of bipartisanship, not
19 normally happening around firearm issues, but
20 Representative Briggs and I -- it's not Armageddon;
21 we tend to be polar opposites on a lot of issues --
22 the D.A.'s Association approached us with a concept
23 that we both thought was a good one to bring to the
24 Committee's attention.

25 Under current law, somebody who has been

1 convicted of a serious crime, like murder, rape,
2 robbery, burglary, drug trafficking or aggravated
3 assault, is statutorily barred from possessing a
4 firearm. If that person subsequently carries a
5 firearm, he or she has broken the law and has
6 committed a felony.

7 But get this, under current law, someone
8 convicted of any attempt of conspiracy or
9 solicitation to commit any of these crimes is also
10 statutorily barred from possessing a firearm, but if
11 that person subsequently carries a firearm, he or
12 she cannot be charged with carrying a firearm. Why?

13 The Supreme Court, Commonwealth V. Clegg
14 2011, held that the Pennsylvania Uniform Firearms
15 Act did not cover these crimes because it did not
16 specifically reference the attempts, conspiracy or
17 solicitations. So HB 2275 simply does a drafting,
18 easy fix to that.

19 But the consequences of this issue are
20 very real. Do we want those who have been convicted
21 of, by way of example, attempted rape, solicitation
22 to commit murder or conspiracy to commit a home
23 invasion burglary, to be able to carry a firearm
24 illegally under no penalty under Pennsylvania law?

25 Remember, under the law, these

1 individuals are prohibited from carrying a firearm
2 in the first place. NICS will reject the sale of
3 the firearm to them. Therefore, the only way for
4 them to get a firearm is to get one illegally. Yet
5 our law does not provide a penalty. Most cases, the
6 D.A.s have to go to the Federal prosecutors and ask
7 for prosecution because the State law doesn't allow
8 it.

9 I cannot think of a better time to fix
10 this problem. Our fix is, again, simple and
11 straightforward and will only subject to criminal
12 penalty those who have a conviction for a serious
13 crime and who subsequently chooses to illegally
14 carry a firearm.

15 Thank you.

16 MAJORITY CHAIRMAN MARSICO: Questions,
17 comments?

18 Yes, Representative Briggs did mention
19 your bill, as well.

20 How many co-sponsors do you have?

21 REPRESENTATIVE GROVE: It just was
22 submitted. I don't know off the top of my head. I
23 can look. I think it's well over 10.

24 MAJORITY CHAIRMAN MARSICO: Okay. Good.
25 Questions, comments?

1 Okay. Thank you.

2 REPRESENTATIVE GROVE: Thank you.

3 MAJORITY CHAIRMAN MARSICO: Appreciate
4 you coming forward.

5 I want to conclude these special hearings
6 on public safety with a few remarks. First of all,
7 I want to thank all of the members of the Committee,
8 all of the members that came forward to testify. I
9 think we had around 36 or 37 members that came
10 before this Committee. And their comments were
11 thoughtful, civil and important.

12 I thank the members for their time, for
13 those who are not only on the Judiciary Committee,
14 but who also attended these hearings. Like I
15 mentioned before, today is the sixth day. I thank
16 everyone for giving this topic the time that it
17 deserves.

18 As I said at the opening of these
19 hearings, I am seeking solutions. The members of
20 this Committee are seeking solutions that this House
21 as a whole can support. That means not everything
22 we heard will come up for a vote, however, but we
23 have heard a lot of good, interesting and creative
24 ideas.

25 I intend to take the next few weeks to

1 speak with members of the Committee, my colleagues
2 and staff on this Committee, on the House floor
3 about those ideas and which ones I intend to call up
4 for a vote before the Committee.

5 At the same time, I want to announce that
6 this Committee will be scheduling another day of
7 hearings in May to solicit public input. It is my
8 intention to invite several of the most well-known
9 advocacy groups to come before the Committee.

10 Then once I determine the exact details,
11 a date, the time and location, I will announce
12 those. Also, I wanted to make clear that the
13 Committee's record will be made open to the public,
14 as well.

15 Anyone who wishes to submit written
16 testimony is welcome to do so. Please deliver those
17 by mail, fax or e-mail testimony to my Capitol
18 office. We'll also share any such testimony with
19 the Committee as a whole. So I look forward to
20 hearing more on the issues, and look forward to
21 working for solutions that will better protect
22 Pennsylvanians from violence, while also respecting
23 the constitutional rights of us all.

24 This concludes the hearing. Thank you.

25 (Whereupon, the hearing concluded.)

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C E R T I F I C A T E

I hereby certify that the proceedings are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

Tiffany L. Mast

Tiffany L. Mast, Reporter

Notary Public