

WRITTEN TESTIMONY IN OPPOSITION TO HF 4300 AND HF 601

02/29/2024 - House Public Safety & Children and Families hearing on HF 4300 and HF 601

SUBMITTED BY STEVEN KENDALL JOSEPH MCCARNEY

HF 4300: STORAGE REQUIREMENTS

- (1) This Bill unreasonably infringes on the right to self-defense within the home.
 - a. Many citizens have firearms in their home for the purpose of lawful self-defense against an unlawful intruder.
 - i. Such an unlawful intruder would be likely to unlawfully enter a citizen's home at night.
 - ii. Requiring a locking device to be upon a citizen's firearm, which is also required to be unloaded, or requiring that a citizen's firearm be locked in a safe, when such firearm is kept in the citizen's home for the purpose of lawful self-defense inside the home, is unreasonable, and puts the citizen's life at risk in the case of an unlawful entry of the citizen's home by an unlawful intruder.
 - iii. A citizen attempting to place a firearm under their direct physical control for the purpose of using that firearm for lawful self-defense inside the home, should not have to attempt to remove a gun lock from their firearm in the dark and then load the firearm, or remove their firearm from a safe in the dark, after they have been roused from their sleep by an unlawful intruder.
 - iv. An unlawful intruder is not going to wait for a citizen to take their gun lock off and load their firearm, or remove their firearm from a locked safe, before unlawfully harming the citizen inside the citizen's home.
 - b. This Bill was authored by someone who either doesn't understand what lawful self-defense with a firearm inside the home entails, or doesn't care, and has contempt for citizens exercising their Constitutional Right of maintaining a readily and reasonably accessible firearm in their home for the purpose of lawful self-defense inside the home.

- (2) This Bill unreasonably endangers citizens attempting to lawfully use a firearm for the purpose of lawful self-defense inside the home.
 - a. An unlawful intruder is unlikely to wait for a citizen to remove a trigger lock and then load their firearm, or remove their firearm from a locked safe.

- (3) This Bill, if enacted, would violate the Constitutional Rights of citizens of the State of Minnesota.
 - a. Please read: *District of Columbia v. Heller*, 554 U.S. 570, 128 S. Ct. 2783, 2787, 171 L. Ed. 2d 637 (2008) (“**Similarly, the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional.**”) (Emphasis Added).

- (4) This Bill disturbingly carries criminal penalties ranging from a misdemeanor to a felony.
 - a. The Government of Minnesota should be focused on holding violent criminals accountable for their crimes, not threatening citizens with criminal penalties for wanting to have a readily accessible firearm in their home for the purpose of lawful self-defense.

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HF 601: MANDATORY REPORTING OF LOST AND STOLEN FIREARMS

- (1) This Bill places an unnecessary and unreasonable restriction upon lawful citizens.
 - a. Lawful citizens should not be burdened with having to report any part or possible portion of their exercising of a fundamental Constitutional Right to the government.
 - b. The Government of Minnesota should be focused on holding violent criminals accountable for their crimes, not threatening non-violent citizens with penalties for failing to make a report to law enforcement.

- (2) This Bill will not reduce violent crime.
 - a. This Bill contains no indication or provision that law enforcement will go out and seek to find firearms that are reported lost or stolen.
 - i. Therefore, at best this Bill will be a burden upon lawful citizens, and will only apply in the criminal context, long after a violent crime has already been committed.
 - b. Ultimately, there is no evidence, cited nor provided, that mandatory reporting of lost or stolen firearms will reduce violent crime, suicide, or unintentional injuries and deaths.

- (3) Mandatory Reporting is one part of creating a “soft registry” of firearms.
 - a. There is no justifiable or constitutionally permissible purpose in requiring mandatory reporting of lost or stolen firearms.
 - i. This type of bill, combined with prohibition of “private transfers,” is an essential component in creating a “soft registry” for firearms.
 - ii. Firearm registries do not inhibit crime, and historically in countries across the world, firearm registries have been used for the purpose of confiscation of firearms from non-criminal citizens.
 - b. The Firearms Owners’ Protection Act of 1986 forbids the creation and maintenance of any firearms registry other than that associated with the National Firearms Act of 1934. See 18 U.S.C. § 926 (“No such rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States **or any State** or any political subdivision thereof, **nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established.** Nothing in this section expands or restricts the Secretary's authority to inquire into the disposition of any firearm in the course of a criminal investigation.”) (Emphasis Added).