



House Judiciary

House Judiciary Committee

4/9/18, 11:00 a.m., 140 Main Capitol

By Nicole Trayer, Pennsylvania Legislative Services

Committee(s):	House Judiciary Committee
Video:	 (click here)
Audio:	 (click here) (Note: Depending on your audio player and the length of the hearing this could take a few minutes to load.)
Meeting type:	Public hearing
Subject:	Public safety, gun laws and violence
Bills discussed:	HB 1872 , HB 832 , SB 501 , HB 2060 , HB 2097 , HB 2216 , HB 2150 , HB 2149
Keyword(s):	mass shooting, assault rifle, school shooting, bump stock
Testimony:	Rep. Todd Stephens (R-Montgomery) Rep. Madeleine Dean (D-Montgomery) Rep. Marguerite Quinn (R-Bucks) Rep. Warren Kampf (R-Chester) Rep. Bill Kortz (D-Allegheny) Rep. Pamela DeLissio (D-Philadelphia)
Members Present:	Chairman Ron Marsico (R-Dauphin) and Representatives Rick Saccone (R-Allegheny), Madeleine Dean (D-Montgomery), Bryan Barbin (D-Dauphin), Becky Corbin (R-Chester), Tarah Toohil (R-Luzerne), Timothy Briggs (D-Montgomery), Gerald Mullery (D-Luzerne), Stephen Bloom (R-Cumberland), Barry Jozwiak (R-Berks), Paul Schemel (R-Franklin), Jerry Knowles (R-Schuylkill), Daniel Miller (D-Allegheny), Joanna McClinton (D-Philadelphia), Jason Dawkins (D-Philadelphia), Todd Stephens (R-Montgomery), Martina White (R-Philadelphia), Ryan Bizzarro (D-Erie), Kate Klunk (R-York), Tedd Nesbit (R-Mercer), Dom Costa (D-Allegheny), Tina Davis (D-Bucks), and Sheryl Delozier (R-Cumberland).

The committee held a public hearing on public safety, gun laws and violence in Pennsylvania.

Chairman Marsico said he was moved to schedule these hearings following the recent tragic shootings across the country including Marjory Stoneman Douglas High School in Florida and the shooting on concertgoers in Las Vegas. "It has become clear that all of us as policymakers have to explore ways to prevent these situations from happening in the future," he said. He explained that the series of hearings is an open invitation to all members of the House to testify before the committee to outline proposals, ideas and concerns.

[Rep. Stephens](#) spoke on legislation he plans to introduce, HB 2227, and said this bill is an "evidence-based approach" that would create extreme risk protective orders allowing

a family member or law enforcement official to ask a judge to temporarily remove an individual's guns if they are found to be a danger to themselves or others. He explained that a preliminary order could be granted immediately if there was sufficient evidence of danger, but would be followed by a full hearing within days where the individual is given full due process. Following the hearing, he said if the individual was found to be a danger to themselves or others the judge would issue an order for them to relinquish their guns for up to one year. He shared statistics from the Department of Health (DOH) that found 1,509 Pennsylvanians died as a result of gunshot wounds in 2016 and roughly 60 percent were the result of suicide by firearm. He also pointed out that studies show most of those who commit mass shootings or suicide are obtaining their guns legally. The proposal is already in place by five states and is being considered in 31 others, he said. He pointed out that the version of the law implemented in Connecticut prevented more than 75 suicides over a 14-year period.

Rep. Miller asked Rep. Stephens if he has been able to compare how this proposal would relate to the current practice regarding mental health commitments. Rep. Stephens said the current 302 procedure requires that the individual be "severely mentally disabled and in need of immediate treatment." He added that there are many individuals who may not need to be involuntary committed in order to protect themselves or others, but should be separated from their guns for a short period of time. He also noted that there is no due process provided during the 302 process and those individuals lose their firearm rights for the rest of their life. Rep. Miller said the proposal provides the right to counsel and an appointed attorney in the event an individual cannot afford one. He asked Rep. Stephens where that appointed attorney would come from. Rep. Stephens said they would come from the Public Defender's Office. Rep. Miller asked whether the income threshold for receiving a public defender applies in this proposal. Rep. Stephens said it does. Lastly, Rep. Miller asked whether any data shows how many of these proceedings occurred and the number of appeals in the states with this law currently in place. Rep. Stephens said he did not see any data on appeals, but the study done by Duke University on the law in Connecticut would be the best place to look.

Rep. Barbin asked if the Senate has a bill similar to this one. Rep. Stephens said there is not.

Rep. Jozwiak wanted to know whether psychologists or psychiatrists could petition for this as well. Rep. Stephens said that is not included in the bill, but that he is open to a conversation to include mental health professionals as well as school guidance counselors.

Chairman Marsico asked how many co-sponsors the legislation has. Rep. Stephens said he was not sure. Chairman Marsico suggested he re-circulate the co-sponsorship memo among the committee.

Rep. Dean said she looks at this issue from her viewpoint as a mother and grandmother. She noted that 33,000 people die each year from gun violence and that

she has been moved by the activism following the shooting in Parkland, Florida. She said her bill, [HB 1872](#), would ban bump stock devices that allow semi-automatic weapons to fire at a rate similar to that of a machine gun. She also introduced [HB 832](#), which would require the reporting of thefts and losses of firearms allowing law enforcement to track how they end up in illegal hands and to prosecute those who participate in illegal markets. Rep. Dean said the most urgently called for legislation is to close the background check loophole by requiring background checks for all transfers of guns. She noted that 95 percent of Pennsylvanians support this type of legislation according to a 2013 Quinnipiac poll. Additionally, she mentioned [SB 501](#), that unanimously passed out of the Senate and said the House must pass that legislation as well to address the issue of domestic violence and guns.

Rep. Stephens said his concerns regarding SB 501 are due to the provision that reduces penalties for abusers who refuse to surrender their guns after being ordered by a judge to do so. He asked Rep. Dean if she believes the current requirement that this refusal be a misdemeanor in the first degree should be kept in place. She said SB 501 offers victims of domestic abuse some hope for protection and requires the individual relinquish their weapons to a third-party within a timely manner. In terms of the reduced penalties, she said that's something she wants to look at and offered to work with Rep. Stephens to address that issue.

Rep. Jozwiak asked Rep. Dean if she has ever seen or handled a bump stock and whether she understands how they work. Rep. Dean said she has seen them and understands the triggering device. Rep. Jozwiak asked if there has been any movement on the federal level to control bump stocks through either legislation or the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Rep. Dean said the federal government has been silent on the issue. She explained that she worked with Chairman Marsico on the language of HB 1872 and that the shooting in Las Vegas shows what the devices are capable of. Rep. Jozwiak said he believes the federal government or ATF should regulate bump stocks rather than having different versions of the law in each state.

Chairman Marsico stated that President Trump did order the ATF to ban bump stocks.

Rep. Miller asked whether HB 1872 only bans bump stocks "by name" or if it is a ban on any device that increases the rate of fire beyond the defined capabilities of a semi-automatic weapon. Rep. Dean said the bill would restrict the use of any multi-verse triggering device that replicates machine gun-like fire.

Rep. Costa commented that there are federal laws that restrict the ability to "change a gun" or alter a semi-automatic weapon internally. He said he believes President Trump is trying to ban anything that alters the gun externally when he says "bump stocks." He also called for the federal government to take the lead on the issue to prevent 50 different laws on the issue. Rep. Dean thanked Rep. Costa for his leadership and support on her legislation as well as his ability to provide the viewpoint of law enforcement.

Rep. Quinn shared details on her legislation, [HB 2060](#), which is a companion bill to SB 501. She said someone is fatally shot by an intimate partner every 16 hours in the US and that domestic violence victims are five times more likely to be killed when a gun is present. In 2017, she noted, 117 men, women and children died as a result of domestic violence with 66 percent of these victims killed by a firearm. Rep. Quinn stated that HB 2060 is a "domestic violence bill with a firearm component." She explained that SB 501 and HB 2060 take measures to improve the effectiveness of protection from abuse (PFA) orders by making the relinquishment of weapons mandatory when an abuser is subject to a final PFA and reducing the time to relinquish weapons from 60 days to 48 hours with a misdemeanor conviction of domestic violence. Additionally, she said the bill will remove from current law the relinquishment of firearms to a third-party such as a family member of friend and require that they be given to law enforcement, a registered gun dealer or licensed attorney. Rep. Quinn also noted that the bill passed unanimously in the Senate.

Rep. Dawkins said he has introduced similar legislation, [HB 2097](#). He stated that urban areas are ofte overlooked when talking about gun violence and that the focus has been mostly on assault weapons. He pointed out that Philadelphia had 312 homicides all through gun violence, specifically hand guns. He said he has witnessed mass shootings in his community on almost a weekly basis and urged the committee to keep in mind counties that are "suffering in silence" on this issue. Rep. Quinn said she did not mean to be insensitive to the daily gun violence occurrences that happen throughout Pennsylvania, especially in urban areas.

Rep. Miller asked if any thought has been given as to whether counsel should be appointed during PFA proceedings. Rep. Quinn said both parties are entitled to the right to counsel and those individuals who cannot afford one should be appointed counsel by the Public Defender's Office.

Chairman Marsico clarified that SB 501 was voted out of the Senate unanimously. Rep. Quinn said that is correct. He asked Rep. Quinn if her version, HB 2060, will be amended with the Senate language. She said with the committee's assistance that is her intention.

Rep. Kampf said the vast majority of people want to see change to the gun laws and that he has learned this through door knocking and the emails and phone calls he has received from constituents. His bill, [HB 2216](#), includes a ban on high capacity weapons as well as conversion devices, he said. He noted that the definition of a bump stock falls within the realm of a conversion device. "I believe these regulations are constitutional and will be upheld," he said.

Rep. Dean said after the Parkland shooting she realized that her 6-year-old granddaughter has to prepare for active shooter drills in her kindergarten class and that something has to be done through the committee to lift some of the fear children have.

Rep. Costa said schools need to be secured in the short-term while the overall issue of gun violence is addressed in the long-term. He added that a lot will have to be done federally, but that the state can take immediate action to ensure schools are safe.

Chairman Marsico asked how many co-sponsors there are for HB 2216. Rep. Kampf said about 15.

Rep. Jozwiak asked Rep. Kampf what he meant by "conversion devices." Rep. Kampf said the term is defined in the legislation as "any part or combination of parts designed and intended to accelerate the rate of fire of a semi-automatic firearm to simulate the rate of fire of a machine gun." Rep. Jozwiak said he was concerned because many hunters use "conversion devices" that do not accelerate the rate of fire.

Rep. Kortz said he has put two pieces of legislation forward, [HB 2150](#) and [HB 2149](#). He explained that HB 2150 would put an additional \$30 million into the resource officer grant program for school districts over a three-year period. By the third-year it would reach \$50 million with each school district receiving approximately \$100,000, he said. Rep. Kortz said schools are "soft targets" and need updated infrastructure such as solid doors, metal detectors, and magnetic locks for classroom doors as well as a policeman in the building. He explained that HB 2149 would provide the \$30 million by raising the personal income tax (PIT) rate by 0.007 percent. Only working people would pay the increase that would amount to pennies per paycheck, he said.

Chairman Marsico asked Rep. Kortz whether he has presented his ideas to the House Education Committee. Rep. Kortz said he has not had that opportunity. Chairman Marsico also wanted to know if he had discussed the legislation with Rep. Joseph Markosek (D-Allegheny), chairman of the House Appropriations Committee. Rep. Kortz said he had and that Chairman Markosek was agreeable to it. He added that there are about 32 to 34 co-sponsors for HB 2150 and 12 for HB 2149.

Rep. Barbin said he would co-sponsor HB 2150, but not HB 2149 due to the PIT rate increase. He added that almost \$600 million is spent on cyber schools and that he would offer an amendment to transfer some of that money to providing these protections. He noted that he completely agrees with the need for a trained resource officer in the schools as well. Rep. Kortz said he would be supportive of other avenues to get the money.

Rep. Schemel said most school shootings are perpetrated by those who are familiar with the facility and wondered how effective it would be to fortify the schools when more than likely a shooting would be done by an individual who knows the layout of the school as well as the daily schedule. He said many educators are concerned of the effect it would have on the children to design the school almost like a prison. Rep. Kortz said those issues are difficult to address, but that doing nothing is "unacceptable."

Rep. Miller noted that many school districts are asking for help in terms of more guidance counselors and mental health providers. He asked if HB 2150 allows schools

the flexibility to apply for the grant for other purposes besides infrastructure. Rep. Kortz said the bill would provide each school district with money over a span of three years and once the school has addressed the infrastructure issues they are able to use the grant for counseling or mental health purposes. Rep. Miller clarified that in order for the school district to use the grant for counseling assistance they would first have to make the infrastructure changes. Rep. Kortz said that is correct and the infrastructure priorities should come first.

Rep. Stephens said schools should be looked at the same way airports and airplanes were addressed after 9/11. He said it is critical that the legislature rethinks the way security is handled in schools and that security experts should be utilized to design a school that does not reflect a prison, but rather is safe and secure. Rep. Kortz said he is open to all ideas and amendments.

Rep. DeLissio said a lot of people worry when discussing gun control that it is a "slippery slope" and when one measure is taken it will lead to more things being done. She said during the discussion on securing schools she wondered about securing other public areas such as nightclubs, college campuses and concert venues. "We cannot possibly or reasonably try to be securing all these venues," she said. In preparation for her testimony, she said she asked her constituents to share their thoughts and ideas on gun safety legislation on Facebook. She shared some of the responses including universal background checks, assault weapons bans, bump stock bans, improving mental health services, school safety and required safety training for those wishing to purchase a gun.