

Honorable Ladies and Gentlemen of the Joint Judiciary Committee,

I write today to urge your NO vote on Working Draft 20-LSO-0097, or any bill that requires Wyoming to report to the FBI NICS databases.

Section 1, Right of Action sounds good, but cannot be taken seriously. If US Senator Edward Kennedy were still alive, he could regale you with the stories of his attempts to get off the federal “no-fly” list. Court orders notwithstanding, those orders merely go into a bureaucracy loathe to remove anyone from a list. That being said, making this remedy available to the three dozen or so Wyomingites already on the firearm disqualification lists might be helpful.

Section 2, the actual Fix NICS portion of this bill, subjects nine classes of Wyomingites to slots in several federal databases over which which the recourse in Section 1 will never likely fully prevail.

From the National Shooting Sports Foundation, Inc., website, FixNics.org, Wyoming does not provide “all records that establish someone as prohibited from owning a firearm under current law, especially including mental health adjudications and involuntary commitments orders. Including these missing records will help ensure more accurate and complete background checks.”

The NSSF Fix NICS website refers to the “firearms and ammunition industry.” Ammunition? How long before we are subjected to background checks before we can purchase ammunition?

Note the problematic phrase, “under current law.” This subjects Wyomingites to the whims of the US Congress, particularly the whims of a bicoastal anti-gun coalition. Imagine a future President Biden/Sanders/Warren/O’Rourke - and then imagine how “current law” can also be too easily changed and crafted for the express purpose of prohibiting firearms and ammunition sales to as many citizens as possible.

It is easy for me to imagine that with this bill and the possibilities of future changes to current law, Red Flag legislation will not be needed in Wyoming.

This is like a bill to institute a corporate or personal income tax in Wyoming. The heavy lift is getting the concept through the legislature and signed by the governor. Then, it’s all too easy for future legislatures to tweak that 7% up to 7.25% and higher. Look how easily the Wyoming legislature increased the fuel tax in 2014.

Committing Wyoming to reporting to the NICS databases commits us to reporting whatever the federal government wants us to report in the future.

Could NICS reporting requirements ever include the reporting of those seeking mental health counseling after the death of a child, or loss of a job? Will NICS someday be able to troll our pharmacies to identify Wyomingites who might be on prescribed anti-depressant or anti-anxiety medications? Who are you to say NO?

Are Title 25 109 and 110 hearings considered adjudications? Title 25, and those hearings, usually involve people that are in personal, immediate, temporary crisis. Many are ultimately NOT found to be “mentally ill.” Yet, if they are “adjudications” for the purpose of NICS reporting, those individuals go on the lists.

Veterans who might have PTSD are already considered to be mentally ill (Senator Diane Feinstein, D-CA, March 7, 2013). How quickly will a Biden/Sanders/Warren/O'Rourke administration demand that "veteran" be reportable for preclusion of gun ownership?

Once committed to reporting, will Wyoming be subject to penalties for any failure to report? Will we be threatened by a federal government withholding highway or Medicaid funds? Or other federal threats dreamed up by unelected bureaucrats and elected gun haters? Does the legislature contemplate an "escape clause" whereby Wyoming will exit the program if reporting requirements become too invasive or egregious?

Can Wyoming ever withdraw from the NICS reporting mandates once we are committed?

Can you imagine the possibility of being reported by mistake? Of course, you can.

As long as prosecutors are dealing felonies down to misdemeanors, often for the express purpose of avoiding gun confiscations, Wyoming's submission to federal data bases borders on the hypocritical.

Stand strong – stand for the sovereign State of Wyoming. It's been 129 years since Wyoming was a US Territory – let's try to keep it that way for another 129 years.

State participation in the NICS system is voluntary, as the federal government cannot mandate state participation due to the Tenth Amendment of the U.S. Constitution (Printz v. United States - 521 U.S. 898 (1996)). The late, great Senator John Schiffer was right in 2014.

Thank you.

Marti Halverson