

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

HOUSE JUDICIARY COMMITTEE

140 MAIN CAPITOL BUILDING

HARRISBURG, PENNSYLVANIA

TUESDAY, APRIL 17, 2018

9:04 A.M.

SPECIAL PUBLIC SAFETY HEARING

GUN LAWS AND VIOLENCE

BEFORE:

HONORABLE RONALD MARSICO, MAJORITY CHAIRMAN  
HONORABLE JOSEPH PETRARCA, MINORITY CHAIRMAN  
HONORABLE STEPHEN BLOOM  
HONORABLE SHERLY M. DELOZIER  
HONORABLE HAL ENGLISH  
HONORABLE GARTH EVERETT  
HONORABLE BARRY JOZWIAK  
HONORABLE KATE KLUNK  
HONORABLE JERRY KNOWLES  
HONORABLE TEDD NESBIT  
HONORABLE RICK SACCONI  
HONORABLE PAUL SCHEMEL  
HONORABLE JESSE TOPPER  
HONORABLE MARTINA WHITE  
HONORABLE BRYAN BARBIN  
HONORABLE TIM BRIGGS  
HONORABLE DOM COSTA  
HONORABLE JOANNA McCLINTON

*Pennsylvania House of Representatives  
Commonwealth of Pennsylvania*

1 (CONTINUED)

2 HONORABLE DANIEL MILLER  
3 HONORABLE MARIA DONATUCCI  
4 HONORABLE ELI EVANKOVICH  
5 HONORABLE EDDIE PASHINSKI  
6 HONORABLE PERRY WARREN  
7 HONORABLE ED GAINEY

8 COMMITTEE STAFF PRESENT:

9 REPUBLICAN CAUCUS:

10 THOMAS DYMEK, COUNSEL, EXECUTIVE DIRECTOR  
11 MICHAEL KANE, COUNSEL  
12 JEN DURALJA, COMMITTEE SECRETARY  
13 MICHELLE MOORE, ADMINISTRATIVE ASSISTANT  
14 MIKE FINK, REPUBLICAN RESEARCH

15 DEMOCRATIC CAUCUS:

16 TIM CLAWGES, COUNSEL  
17 KRISTEN BERNARD, LEGISLATIVE ASSISTANT  
18 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

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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 meeting.

7 We have scheduled today eight testifiers.  
8 This is our fifth day of testimony in the hearing.  
9 We have seven scheduled for tomorrow at the same  
10 time, but over in Room 205 of the Ryan Office  
11 Building. So we're asking members that are  
12 testifying to try to stay with 15-minute segments of  
13 testifying and with questions from the members.

14 Just a reminder, please silence your cell  
15 phones. Also, you can see this hearing is being  
16 recorded. So with that, I'm going to ask members to  
17 introduce themselves, starting over with Jerry.

18 REPRESENTATIVE KNOWLES: Good morning,  
19 everyone. I'm Jerry Knowles. I represent portions  
20 of Schuylkill, Berks and Carbon Counties, the 124th  
21 District.

22 REPRESENTATIVE WHITE: Good morning. I'm  
23 State Representative Martina White from  
24 Philadelphia.

25 REPRESENTATIVE SCHEMEL: Paul Schemel

1 from Franklin County.

2 REPRESENTATIVE JOZWIAK: Barry Jozwiak,  
3 Berks County.

4 REPRESENTATIVE BLOOM: Steve Bloom from  
5 Cumberland County.

6 I also have a guest I want to introduce,  
7 Eli Warner. He's sitting over here, a student at  
8 Big Spring High School.

9 REPRESENTATIVE MILLER: Dan Miller,  
10 Allegheny County, 42nd District.

11 REPRESENTATIVE COSTA: Dom Costa,  
12 Allegheny County, 21st District.

13 MS. SPEED: Sarah Speed, Democratic  
14 Executive Director.

15 MINORITY CHAIRMAN PETRARCA: Joe  
16 Petrarca, Democratic Chair.

17 MAJORITY CHAIRMAN MARSICO: Ron Marsico,  
18 Chair, Dauphin County.

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

21 MAJORITY CHAIRMAN MARSICO: Once again,  
22 welcome everyone. We appreciate the members of the  
23 Committee being here. Our first testifier this  
24 morning is Representative McClinton of  
25 Philadelphia County -- good morning -- also a member

1 of the Committee.

2 You may begin when you're ready.

3 REPRESENTATIVE McCLINTON: Thank you,  
4 Mr. Chairman. Good morning.

5 Good morning, Mr. Chairman, my fellow  
6 colleagues. Thank you for the opportunity to  
7 testify before the House Judiciary Committee today.  
8 My name is Joanna McClinton, and I proudly represent  
9 the 191st Legislative District, which includes parts  
10 of both Philadelphia and Delaware Counties.

11 However, as a lifelong resident of  
12 southwest Philly, I am tired of seeing my family  
13 members, neighbors and friends lose their lives to  
14 senseless gun violence.

15 When will enough be enough?

16 A civil rights leader said once, I'm sick  
17 and tired of being sick and tired.

18 While it took tragedies like the Parkland  
19 and Las Vegas shootings to gather us here today, I  
20 would like to remind everyone that communities of  
21 color in Philadelphia, Delaware, Berks, right here  
22 in Dauphin, Cambria and Allegheny Counties have been  
23 victims of gun violence for decades. In fact, the  
24 Center for American Progress reports that  
25 African-Americans and Latinos represent nearly

1 79 percent of all gun homicides here in the  
2 Commonwealth of Pennsylvania.

3 From 2005 to 2014, Pennsylvania ranked  
4 fourth in the nation for the rate of gun deaths  
5 among African-Americans. Although African-Americans  
6 make up only 12 percent of our 12 million people  
7 here in Pennsylvania, we account for 70 percent of  
8 gun homicides in this Commonwealth. Moreover,  
9 Pennsylvania ranks second in the nation for the  
10 highest gun death rate of Hispanics, second only to  
11 Arizona.

12 Although there is no 24-hour news  
13 coverage when a young person of color is gunned  
14 down, I hope that my testimony this morning will  
15 urge you to join me in supporting commonsense gun  
16 legislation providing adequate funding to our State  
17 Attorney General and our local prosecutors for gun  
18 violence prevention programs and calling what has  
19 unfortunately taken our country by storm for what  
20 this is, this is a public health crisis.

21 Just a few weeks ago, I joined  
22 Governor Tom Wolf and the Pennsylvania Legislative  
23 Black Caucus in proclaiming gun violence in  
24 Pennsylvania as a public health crisis, just as the  
25 opioid epidemic. And just like the opioid epidemic,

1 gun violence in Pennsylvania is on the rise. Data  
2 from the FBI shows that gun-related homicides have  
3 increased in 2016 to about 11,000. This is an  
4 increase from 9,600 gun-related homicides in 2015.

5 Just last year, 570 Pennsylvanians were  
6 victims of homicide by a firearm; 259 of these  
7 homicides took place in my hometown, Philadelphia.  
8 While nearly one in every gun-related homicides took  
9 place in Philadelphia County, gun violence is  
10 wreaking havoc throughout Pennsylvania. The number  
11 of homicides by firearm in 2017 for certain  
12 localities are as follows: Pittsburgh, 38;  
13 Harrisburg 12; Allentown, 14; Delaware County, 41.

14 Much of the conversation has revolved  
15 around those who have died as a result of gun  
16 violence. We often forget to pay attention to those  
17 who are survivors and the families of those  
18 affected. In Philadelphia, in 2016, the total  
19 number of shootings, both fatal and not fatal, was  
20 estimated to be 1,279 people. These are 1,279  
21 people with families, whose lives will be forever  
22 altered as a result of gun violence.

23 Let me be clear. This is not simply a  
24 public safety issue. Mandating that students have  
25 clear backpacks, putting more metal detectors in



1 school will not curb gun violence. It will only  
2 further turn our schools into prisons.

3 This is not a mental health issue. In  
4 *Gun Violence and Mental Illness*, a book published by  
5 the American Psychiatric Association, the APA found  
6 that mass shootings by people with serious mental  
7 illnesses represent less than 1 percent of all  
8 yearly gun-related homicides. Moreover, they found  
9 that people with serious mental illnesses contribute  
10 to only 3 percent of violent crimes.

11 This, Mr. Chairman, is a gun issue. We  
12 must work toward keeping firearms out of the wrong  
13 hands. This does not mean we need to take away  
14 everyone's guns. We only need to make sure that  
15 responsible, law-abiding citizens have access to  
16 firearms, and so should you.

17 And no, we're at the point where thoughts  
18 and prayers are no longer enough. We need sensible  
19 solutions that will save lives. They include  
20 advancing the following pieces of legislation from  
21 this Committee so that they receive the floor vote  
22 they deserve. HB 194 would ban assault weapons in  
23 Pennsylvania, introduced by my colleague, who is  
24 present, Representative Ed Gainey from Allegheny  
25 County. HB 1400 would require background checks for

1 all firearm purchases, introduced by my colleagues  
2 Representatives Madeleine Dean and Representative  
3 Dom Costa. HB 2112 would ban large capacity  
4 ammunition magazines. HB 528 would prohibit people  
5 on the No Fly List from purchasing or possessing  
6 firearms, introduced by my colleague Representative  
7 Warren.

8           Lastly, it's imperative that we not only  
9 advance legislation that would address this issue,  
10 but also invest in prevention programs that tackle  
11 the crisis at its root. This means allocating  
12 funding to the State Department of Health to solve  
13 gun violence as a public health crisis, as well as  
14 providing funds to the Attorney General's Office  
15 with funding to expand the Gun Violence Task Force  
16 beyond the city of Philadelphia.

17           Mr. Chairman, only through a major  
18 collaborative effort with State and local officials,  
19 and with the proper legislative action, can we  
20 strengthen the rights of law abiding gun owners by  
21 keeping firearms out of the wrong hands.

22           Before I conclude, I think about all of  
23 the constituents that have unfortunately died as a  
24 result of gun violence or who have suffered  
25 shootings. I think, first and foremost, about

1 Sergeant Robert Wilson, who was gunned down the year  
2 that I took office. He grew up in the Cobbs Creek  
3 community and he served in the Philadelphia Police  
4 Department, and while on duty, was killed -- killed  
5 by two young people. One of them was a teenager.

6 I think about Tyhir Barnes, who was  
7 playing on a basketball court in my district. And  
8 at 15 years old -- 15 years old in a place that had  
9 always been safe for many years -- he was killed as  
10 a result of a basketball game. I think about a  
11 friend of mine from college, whose supposed  
12 girlfriend was upset and who legally bought a  
13 firearm and the next day killed Terrell L. Bruce.

14 The gun violence in Pennsylvania is out  
15 of control. It doesn't just affect who you think it  
16 affects. Many times, we think it affects violent  
17 thugs who are putting themselves at risk. I think  
18 about the sister of our colleague, Ed Gainey, who  
19 was just out one Saturday night and who was killed.

20 This is serious. It's out of control and  
21 it's incumbent upon us that we take responsibility.  
22 We can't just sit by and let people get killed, let  
23 people have access to firearms, not take the illegal  
24 handguns off the street. My mom says she thinks all  
25 of the illegal handguns are in Philadelphia, because

1 every time we turn on the news, someone else is  
2 getting killed, someone else is getting shot,  
3 someone else is getting robbed with a gun.

4 We cannot simply arrest our way out of  
5 this problem. We have to invest in making sure that  
6 our schools are properly funded because when  
7 children are educated, they don't go in this  
8 pipeline towards violence. We have to also make  
9 sure the guns are taken off our street and we have  
10 to make sure that you can't just buy a gun and then  
11 go out and shoot somebody the next day because this  
12 is, unfortunately, the awful plan you have.

13 I thank the Committee for your time and  
14 your consideration. And I hope that you strongly  
15 consider doing the right thing to ensure our  
16 communities are safer.

17 Thank you, Mr. Chairman.

18 MAJORITY CHAIRMAN MARSICO: Thank you,  
19 Joanna.

20 Before we go to questions or comments, I  
21 want to recognize other members of the Committee  
22 that have joined us: Representative Topper,  
23 Representative Klunk and Representative Briggs.

24

25 You said that you support HB 194, banning

1 assault weapons, and you talked about the gun  
2 violence in Philadelphia.

3 How many of those murders or deaths were  
4 caused by assault weapons?

5 REPRESENTATIVE McCLINTON: Those were  
6 mostly -- and I don't have that exact figure in  
7 front of me, but I can get it to you.

8 MAJORITY CHAIRMAN MARSICO: So those are  
9 mostly handguns --

10 REPRESENTATIVE McCLINTON: Those were  
11 mostly handguns.

12 MAJORITY CHAIRMAN MARSICO: -- not  
13 assault weapons.

14 REPRESENTATIVE McCLINTON: Correct.

15 MAJORITY CHAIRMAN MARSICO: Okay. That's  
16 what I thought.

17 Comments or questions?

18 Representative Costa.

19 REPRESENTATIVE COSTA: Thank you,  
20 Chairman.

21 Joanna, thank you for being here. You're  
22 truly a great Representative for your area.

23 One of the questions that I have, or  
24 concerns, and I'm not sure how we can go about this,  
25 as the former chief of Police in Pittsburgh, I've

1     seen a lot of murders with illegal guns. That's  
2     part of the problem.

3             A lot of the legislation we have is about  
4     law abiding citizens, about background checks and  
5     things like that. In the urban areas in Allegheny  
6     County, in Philadelphia and other areas, we're  
7     having a large number of shootings. I can  
8     comfortably say 90 percent of them are with illegal  
9     guns, but then when we turn around and we try to  
10    impose the five-year mandatory sentence, most of the  
11    representatives from Allegheny County, from  
12    Philadelphia, oppose the five years.

13            So it's like you want us to control  
14    illegal guns -- we all do, okay -- but we have to  
15    send some kind of a message out there. I agree that  
16    education is the way to try to do everything, but  
17    unfortunately, if you think back, look how long it  
18    took us to educate our children about the harm of  
19    smoking. It worked, but it took a good 10 years.

20            Do we have 10 years?

21            So we have to send some kind of a  
22    message. I'm open for ideas that you would have. I  
23    mean, educational ideas. There's no better way to  
24    put this, a street thug is a street thug and they're  
25    not listening to you, me or anyone. They have their

1 way. There are community guns, as I'm sure you've  
2 heard, where they stash it somewhere and, you know,  
3 everybody knows to use it and put it back. Okay.

4 We've even -- in Pittsburgh, we've taken  
5 the initiative of getting all of the abandoned cars  
6 out because they were using abandoned cars,  
7 abandoned homes to hide these guns. I'm open for  
8 any suggestion, and I would support any suggestion  
9 that would help that. I mean, our problem is not  
10 with legal guns, because we have some stuff and we  
11 have a lot of background checks, but we need to do  
12 something on the enforcement end to keep these guns  
13 out of the hands of the kids because they just, you  
14 know, whether it be parenting or whatever, they just  
15 don't -- their priorities are handled with a gun  
16 instead of going out and swinging it out in a  
17 playground yard or in an alley.

18 REPRESENTATIVE McCLINTON: Thank you,  
19 Representative Costa.

20 First and foremost, as the former Police  
21 Chief, you have seen this firsthand, much more  
22 extensively and upfront than I have. If the data  
23 showed that mandatorics would reduce violence, I  
24 would be the first one to not only vote for it, but  
25 introduce and support it. We hear testimony from

1 people like Secretary Wetzel, our Department of  
2 Corrections Chair. And there are other studies from  
3 even conservative groups, like the Commonwealth  
4 Foundation, all that indicate that, unfortunately,  
5 mandatories do not make our communities safer. They  
6 simply increase the cost on the taxpayer by having  
7 to incarcerate people for longer times.

8           What we do see is that, unfortunately,  
9 once people are prosecuted for shooting someone or  
10 for using a firearm or for, you know, unfortunately,  
11 even killing somebody, they are put away for a very  
12 long time. What I would like to see as a possible  
13 solution is to make sure that the Gun Violence Task  
14 Force from the Attorney General's Office is fully  
15 funded and that they have partnerships throughout  
16 the State with local municipalities.

17           In my time practicing at the Defender  
18 Association, one of the main ways that someone gets  
19 a gun, they're not supposed to have one because they  
20 can't pass a background check, is through a straw  
21 purchaser. But when the funding went down a few  
22 years ago for the Attorney General's Office Gun  
23 Violence Task Force, the prosecution of straw  
24 purchasers went down. So that means that someone  
25 can go out, get lots of guns from a store, you know,



1 going through the regular method, and then give them  
2 to people that are these folks you're describing,  
3 who want to do terrible things with them.

4 But we need to start there with the  
5 prosecution and make sure that we send a message  
6 there because that is what's happening. If there  
7 was a way that we could even see, where are these  
8 guns coming from? But if straw purchasing is the  
9 primary source, we need to make sure it's enough  
10 funding so that we can go after them.

11 REPRESENTATIVE ACOSTA: Okay. Well,  
12 straw purchasing is one of the sources, but the  
13 biggest source is burglaries. They're being stolen  
14 from cars, being stolen from houses and things like  
15 that. That's what I'm saying.

16 Unfortunately, we have a mandatory five  
17 years if you commit a crime with a gun, but the  
18 District Attorneys in a lot of counties have been  
19 plea bargaining that down to Possession of  
20 Instrument of a Crime and things like that. People  
21 that want to possess guns are a danger to our  
22 society and need to be put away. And in my opinion,  
23 they need to be put away for a long time if they  
24 commit a crime with a gun or if they threaten  
25 somebody with a gun, whether it be domestic violence

1 or whatever. You know, if you threaten someone with  
2 a gun, you should still get the five years.

3 If you threaten your wife or your spouse  
4 with a gun, you should get the five years. That's  
5 it. I mean, when a gun is involved, we have to be  
6 strong, we have to be tough on it. I think that's  
7 the only way we're going to send a message, not to  
8 everybody, but I agree. And I agree there are other  
9 educational things, and hopefully it will transition  
10 till we get that and then we can look and say, okay,  
11 we don't need tie five years anymore or something.

12 But I totally agree with you. Thank you  
13 so much for being here and for your tribute to your  
14 area.

15 Thank you.

16 MAJORITY CHAIRMAN MARSICO:

17 Representative Jozwiak for a question.

18 REPRESENTATIVE JOZWIAK: Thank you,  
19 Mr. Chairman.

20 Thank you, Joanna, Representative  
21 McClinton, for your testimony.

22 You had a statistic, 79 percent of gun  
23 violence -- was that what occurs in Philadelphia,  
24 occurs in Pennsylvania?

25 It was right in the beginning of your

1 testimony.

2 REPRESENTATIVE McCLINTON: In  
3 Pennsylvania.

4 REPRESENTATIVE JOZWIAK: Seventy percent  
5 of the gun violence occurs in Philadelphia --

6 REPRESENTATIVE McCLINTON: No, no, no.

7 REPRESENTATIVE JOZWIAK: -- is that what  
8 you're saying?

9 REPRESENTATIVE McCLINTON: That was not  
10 it. It was talking about African-Americans.

11 REPRESENTATIVE JOZWIAK: Right.

12 REPRESENTATIVE McCLINTON: We are 12  
13 percent of the population of Pennsylvania -- 12  
14 million people -- but we account for 70 percent of  
15 the gun violence homicides. That's the fact.

16 REPRESENTATIVE JOZWIAK: Okay. How many  
17 of the -- you testified also that there were so many  
18 deaths last year. In my experience -- you know my  
19 background as a State Trooper and sheriff -- how  
20 many of these people that died from June violence  
21 were suicides?

22 REPRESENTATIVE McCLINTON: That is a good  
23 question. I don't have an answer in front of me,  
24 but I can get it to you today.

25 REPRESENTATIVE JOZWIAK: Okay. I'm

1 looking at -- back to that gun violence 70 percent  
2 number. I mean, most of the people that are  
3 involved in that come from broken homes. I think  
4 that is part of the problem. Kids don't have  
5 fathers. They get into gangs. They look there for  
6 security.

7           That really leads me to my next question.  
8 A lot of these shootings over the years, how many of  
9 those were gang-related, where gang members are  
10 shooting other gang members?

11           REPRESENTATIVE McCLINTON: That is a good  
12 question. Unfortunately, what I know, at least in  
13 Philadelphia, is a high number of homicides are  
14 unresolved. So I don't have any data to show which  
15 incident was gang-related, which incident was not.  
16 The people that I listed, for instance, the police  
17 sergeant, the young gentleman in a high school  
18 basketball league, he was not in a gang.

19           And the other child who was a part of  
20 that league was not in a gang, but he had access to  
21 an illegal handgun. So he came back the next week  
22 and shot the other child. And the gentleman that I  
23 went to college with was educated, La Salle  
24 University, a realtor, doing very well for himself.  
25 And a young lady goes into a store, buys a gun, and

1 the next day blows him away.

2 Those gentlemen were not in gangs.

3 REPRESENTATIVE JOZWIAK: Okay. The other  
4 question I have is, you want to ban large capacity  
5 magazines.

6 Do you believe that would reduce crime?

7 REPRESENTATIVE McCLINTON: I do. I do,  
8 especially as it relates to what we're seeing  
9 happening on the national scale, where people are  
10 coming in with assault rifles into schools and  
11 blowing away lots of people very quickly.

12 REPRESENTATIVE JOZWIAK: Well, first of  
13 all, statistics say large capacity magazines do not  
14 reduce crime. When you say -- another thing you  
15 said was, if you're on the No Fly List, you should  
16 not be able to purchase a gun.

17 Do you know how many people are on the  
18 No Fly List in our country?

19 REPRESENTATIVE McCLINTON: You can tell  
20 me, Joz. I don't know.

21 REPRESENTATIVE JOZWIAK: It's 81,000  
22 people. Now, only 1,000 of them are Americans. The  
23 rest of them are from other countries and they're  
24 not necessarily in the United States.

25 So there are a lot of things that we're

1 looking at. And I tell you, I totally  
2 wholeheartedly agree with my colleague,  
3 Representative Costa, on a lot of the enforcement  
4 things. We need to put people in jail and keep them  
5 there if they're dangerous to society.

6 You also mentioned that you don't think  
7 that this is a mental problem. I happen to think it  
8 is a mental problem because, honest people, they  
9 live for 30 years as an honest person, they have a  
10 firearm and then something happens in their life  
11 that they snap. And then they go out and do  
12 something violent.

13 That's the hard part to stop because, for  
14 many years, these people are okay. Also, we have to  
15 balance the weight here of not penalizing all the  
16 honest people, as well. I think we have to be very  
17 careful how we craft things here because the only  
18 people that are going to be affected by all of these  
19 laws are the honest people, because the dishonest  
20 people don't care about our laws. They don't care  
21 about anything.

22 They're still going to steal guns.  
23 They're still going to go shoot people, and they're  
24 not going to go through background checks. So there  
25 are other things we could talk about, but I just

1 want to thank you for your testimony.

2 Thank you, Mr. Chairman.

3 MAJORITY CHAIRMAN MARSICO: The Chair  
4 wants to recognize Representative Everett,  
5 Representative Barbin, Representative Saccone and  
6 Representative Nesbit, members of the Committee that  
7 have joined us.

8 Chairman Petrarca, question?

9 MINORITY CHAIRMAN PETRARCA: Thank you.  
10 Representative McClinton, I appreciate  
11 the work you do for this Committee. I think your  
12 district and the folks of Philly are fortunate to  
13 have you representing them. I want to touch again  
14 on what Representative Costa said and what  
15 Representative Jozwiak alluded to with the plea  
16 bargains.

17 You know, it's been my opinion also that  
18 if -- especially related to handguns -- if someone  
19 does that crime, then they should do that five  
20 years. In fact, I tried to pass an amendment to  
21 change the Pennsylvania law to say, regarding that  
22 mandatory, let's make that mandatory, mandatory.  
23 But you know, obviously in western Pennsylvania and  
24 in the more rural areas in Pennsylvania, obviously,  
25 we continue to hear that we are not enforcing the

1 laws on the books, you know, as we get into the  
2 discussion of new gun laws.

3 As an attorney, and in your past life in  
4 Philadelphia, do you see these cases being a plea  
5 for these five-year mandatories?

6 Because I have heard that if every one of  
7 these cases -- if there were no plea bargains or  
8 plea deals, every case would go to trial. District  
9 attorney staff is not sufficient to do that.  
10 There's not enough jail space in Philadelphia, and  
11 the entire court system would come to a grinding  
12 halt.

13 Do you have an opinion on all of that?

14 REPRESENTATIVE McCLINTON: I do. So  
15 that's a great question, Chairman Petrarca. When I  
16 was at the Defender Office, at the time, there was a  
17 creation called Gun Court. Everyone in Gun Court  
18 was, obviously, charged with possessing a handgun.  
19 There was no additional charge, like a robbery or  
20 aggravated assault or any type of other crime of  
21 violence. It was simply people who were possessing  
22 handguns.

23 I did about two or three rotations  
24 through Gun Court. And I will be honest. Many  
25 times, if someone was stopped and arrested with a



1 handgun, most of the -- and had no prior record,  
2 they were otherwise eligible to carry -- many of  
3 those folks would end up getting a very short county  
4 sentence and a probation that followed thereafter.  
5 That was the custom of the court.

6 I do not -- well, I know they don't  
7 currently have Gun Court anymore. They phased it  
8 out due to some funding issues, but the good thing  
9 about when it was in existence was that the judge  
10 was able to look at a person's record, to look at,  
11 you know, what other types of things they had been  
12 charged with or convicted of to determine what was  
13 the best sentence, and able to treat everyone, you  
14 know, if they generally posed a danger, based on the  
15 circumstances that surrounded their arrest. All of  
16 those factors were considered.

17 That was very helpful because it was  
18 treating people who were charged with one specific  
19 crime.

20 MINORITY CHAIRMAN PETRARCA: How about if  
21 they were using the gun in the crime?

22 REPRESENTATIVE McCLINTON: Well, see,  
23 they weren't charged with that. They were all  
24 charged with simply possessing the gun. The ones  
25 where they were charged with using the gun went to

1 majors. So their cases were listed before different  
2 forums and were often jury trials. Sometimes --  
3 most of the cases pled out.

4 MAJORITY CHAIRMAN MARSICO:

5 Representative Knowles.

6 REPRESENTATIVE KNOWLES: Thank you,  
7 Mr. Chairman.

8 Representative, thank you so much for  
9 testifying. And forgive me, I want to make sure  
10 that I understand. It's been a little difficult to  
11 hear. I want to follow up on something that  
12 Chairman Marsico was talking about, I believe.

13 In terms of the commission of crimes in  
14 Philadelphia, be it murders, armed robbery,  
15 whatever, when people were arrested, can anybody  
16 provide information on guns that were purchased  
17 legally?

18 Did the person who committed the crime,  
19 did he have a license to carry permit?

20 Mr. Chairman, or Tom, is there anybody  
21 that has that information?

22 MAJORITY CHAIRMAN MARSICO: Well, we can  
23 ask the State Police and the --

24 REPRESENTATIVE KNOWLES: I just want to  
25 understand -- when we're considering any new laws, I

1 want to understand -- I want to consider laws that  
2 we can seriously consider and that would help the  
3 situation, but I do appreciate your testimony.

4 Mr. Chairman, I would appreciate, if I  
5 could, seeing that information and sharing that with  
6 the Committee.

7 MAJORITY CHAIRMAN MARSICO: We're going  
8 to obtain that information. That's a good question.

9 REPRESENTATIVE McCLINTON: The answer is  
10 mostly no. No, these are not people who have a  
11 license to carry or a permit to conceal a weapon. I  
12 mean, occasionally, a security guard coming home  
13 might get stopped and arrested for having a gun, but  
14 usually, if they have all the paperwork, after some  
15 time elapses, the prosecutor will withdraw.

16 But the incidents that I was alluding to,  
17 for the first two victims that I mentioned by name,  
18 they did not have permission at all. But the third  
19 person, she did have -- she legally purchased a gun.  
20 I will say that.

21 MAJORITY CHAIRMAN MARSICO: So we're  
22 going way beyond our 15-minute segment, but hold on,  
23 Joanna.

24 REPRESENTATIVE McCLINTON: It's not me;  
25 it's Joz, Chairman. It wasn't me.

1 MAJORITY CHAIRMAN MARSICO: It's Jozwiak  
2 all the time.

3 REPRESENTATIVE McCLINTON: Him and Costa  
4 trying to take this over. I hope they're going to  
5 vote for some of these bills.

6 MAJORITY CHAIRMAN MARSICO: We have two  
7 more members that have, hopefully, concise questions  
8 or comments.

9 Representative Miller.

10 REPRESENTATIVE MILLER: Thank you. And  
11 understood, Chairman.

12 I was going to make a comment regarding  
13 deterrence with mandatorics. As a public defender,  
14 I never met an accused who told me they decided to  
15 not do an action because they understood what was a  
16 felony and what was a mandatory. But my key  
17 concern, though, a little bit that came up in  
18 relation to mental health is one of challenge, I  
19 think, that everyone has.

20 They say, well -- when a criminal act was  
21 done -- that person was crazy. What they did was  
22 crazy. Therefore, they think that saying that act  
23 itself was crazy was some sort of diagnostic tool as  
24 to what the individual's mental health was. I just  
25 wanted to reference that there's a tough part, I

1 think, that we have, I know in the disability  
2 community, between deciding what is a manifestation  
3 of someone's mental health or disability diagnosis  
4 and what is not.

5 There are many special education  
6 attorneys, for example, who make their living in  
7 proceedings that go into that matter entirely. It  
8 is something that I hope, as we go forward and we do  
9 talk about aspects of mental health, which I think  
10 should be discussed for sure, that we also keep in  
11 mind that just because there is a diagnosis, doesn't  
12 mean that it was a cause of any action.

13 Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN MARSICO:  
15 Representative White.

16 REPRESENTATIVE WHITE: Joanna, I just  
17 wanted to ask you about -- you had mentioned,  
18 obviously, communities of color and the impact of  
19 education dollars.

20 Can you just explain to the Committee  
21 what kind of, I guess, culture of gun violence that  
22 creates by not having those dollars in Philadelphia?

23 Thank you.

24 REPRESENTATIVE McCLINTON: Absolutely.  
25 And thank you, Martina, for your question.

1                   Because children who live in deep  
2 poverty -- Philadelphia, sadly, leads the nation  
3 with big cities being the poorest. It is the  
4 poorest big -- one of the poorest big cities in the  
5 country. So children will come from a family that  
6 has very serious struggles, and many times, as one  
7 of my colleagues alluded to, a single parent  
8 household.

9                   They then go into a school building  
10 that's been the same since their grandparent went to  
11 that school. There have been no updates, no paint,  
12 no new nothing that looks like, hey, we want you to  
13 grow, flourish and succeed in life. And when you  
14 send children into a school building that's been the  
15 same for 40 years, where there haven't been updates  
16 to books and things of that nature, there is not the  
17 motivation to flourish and make the right choices.

18                   Now, it's not an excuse. However, it  
19 doesn't cultivate an atmosphere and an environment  
20 of we are investing in you and want you to have the  
21 very best and brightest future. And then you look  
22 at all of the other social ails that are related.  
23 When you talk about a pipeline of prison, it's from  
24 school funding to lack of insurance, to lack of, you  
25 know, fresh groceries and food in your area.

1           There are so many factors that go into  
2           that. It's not just one thing, like funding for  
3           education, but that's one of many issues that  
4           relates to a lack of investment here at a young age,  
5           which would give you ideas and education, would help  
6           you flourish and make better choices versus being in  
7           an environment where you don't feel motivated and  
8           you don't feel like this school cares about me, so  
9           I'm not going to finish because there's no future.

10           And if you don't finish, you congregate  
11           with people who are making bad choices. Those are  
12           the ones, unfortunately, you look up to. So it is a  
13           correlation, but not an excuse, obviously, for bad  
14           behavior.

15           MAJORITY CHAIRMAN MARSICO: Okay. Thank  
16           you, Joanna.

17           REPRESENTATIVE McCLINTON: Thank you,  
18           Mr. Chairman.

19           MAJORITY CHAIRMAN MARSICO: Our next  
20           testifier and member of the Committee is  
21           Jesse Topper.

22           Maybe you should go back to the end of  
23           the line, Jesse.

24           REPRESENTATIVE TOPPER: Maybe I should.  
25           Thank you, Mr. Chairman.

1           A couple of us were fulfilling our duties  
2 as the co-chairs to the Commonwealth Prayer  
3 Breakfast this morning, so a little bit of a busy  
4 morning.

5           I appreciate it. And I will endeavor to  
6 be brief and get us back on a time track. Just a  
7 couple of statistics, and these are not Jesse Topper  
8 opinions. These are facts from the State Police. I  
9 really won't add any more comment.

10           Annual firearm sales in Pennsylvania have  
11 more than doubled from the years 2006 to 2016.  
12 During that time, all violent crimes are down almost  
13 25 percent. Violent firearm offenses are down  
14 almost 30 percent.

15           In terms of what I wanted to talk about a  
16 little bit today was school safety. My wife is the  
17 front desk secretary at the elementary school that  
18 both of my boys attend. So I understand what that  
19 means if there's ever any kind of an event at that  
20 school. It would be the worst day ever for the  
21 Topper household, as it has been for households that  
22 have had to deal with those tragedies.

23           A few weeks before the Parkland shooting,  
24 I was scheduled to go speak to schools in my  
25 district. I try and do that whenever we're not in



1 session for a couple of weeks, and talk to  
2 government classes, high schools, middle schools.  
3 And those were on the schedule before the tragic  
4 events occurred.

5 So when I showed up the next week,  
6 obviously, that was the talk. Everyone wanted to  
7 talk about school safety. What does it mean?

8 What was interesting to me was the  
9 dialogue between myself, between students, between  
10 students and teachers, everything ranging from  
11 teachers carrying firearms to having security in the  
12 buildings, to improved security in terms of  
13 scanners, metal detectors, which in our neck of the  
14 woods in rural Pennsylvania, you don't see at any  
15 schools.

16 We talked about the safety of school  
17 buses in Israel, where Israeli Special Forces  
18 actually accompany the kids on the bus. What would  
19 that mean to get on the bus with an Army Ranger in  
20 America?

21 What I found is that sometimes down here,  
22 when we see emotional issues, when we see what we  
23 would consider controversial issues, we tend to be  
24 slow to talk about them openly. Everybody is afraid  
25 of saying the wrong thing, possibly saying something

1 that ends up on the front page of a paper somewhere.

2 The dialogue with the kids reminded me  
3 that we have to talk about these issues. Those were  
4 great dialogues those days. And I was very  
5 impressed with the maturity of young people who,  
6 even in the midst of talking about their own  
7 security, realized that sometimes improvement in  
8 perceived security means a loss of freedom.

9 They see it when you go to the airport  
10 and take off your belt and your shoes and stand in  
11 front of a scanner and let the government go through  
12 your things without any reason to, just because  
13 you're there. And they understand what those would  
14 look like in a school setting. They start to  
15 understand what that looks like in real life, and  
16 why we have a Constitution and why there are certain  
17 rights.

18 As the son of a history teacher, I love  
19 history. I love reading about our Founding Fathers.  
20 Those were individuals who lived under tyranny.  
21 They had a different perspective than, perhaps, we  
22 do. It's probably impossible for us to understand  
23 exactly what they were going through, the tyranny  
24 that they lived under. But when they set forth the  
25 Constitution, I believe in my mind that they weren't

1 setting it forth for that day, for that time. They  
2 were truly setting it forth for the future, that any  
3 governments that would follow, even though they  
4 might not experience what they experienced, would  
5 need to have these rights in place.

6 It's the way I look at, not just the  
7 Second Amendment, but every right guaranteed to us  
8 in the Bill of Rights. And so I guess my comments  
9 today would simply be this. As we look through all  
10 of these possible solutions when it comes to school  
11 safety, when it comes to violence of any kind, we  
12 need to keep in mind that when the government starts  
13 telling others, their own people, what they need --  
14 quote need -- to protect themselves, we go down a  
15 road that I don't believe our founders wanted us to  
16 go down, and not just because they lived in a day of  
17 muskets and cannons, but because they had lived  
18 under government tyranny in the past and never  
19 wanted to see it again, certainly not for the new  
20 nation that they were creating.

21 So those are some of my -- as  
22 Thomas Sowell would say in his articles -- random  
23 thoughts for the day. I appreciate the Chairman and  
24 all of the members of this Committee, their  
25 attentiveness and their diligence over the past few

1 weeks.

2 Thank you.

3 MAJORITY CHAIRMAN MARSICO: Well, thanks  
4 for coming forward with your thoughts and your  
5 perspectives. We really appreciate it.

6 Do any members have questions or  
7 comments?

8 Thanks for your brevity, as well.

9 REPRESENTATIVE TOPPER: Thank you.

10 MAJORITY CHAIRMAN MARSICO: Sorry.

11 Representative Barbin.

12 REPRESENTATIVE BARBIN: I was just  
13 thinking about this for a second. The best part of  
14 what you're saying is -- and I think this is what  
15 comes out if you go to each of your schools,  
16 wherever you live -- is they're going to have a  
17 different perspective. That's because our whole  
18 Commonwealth has different areas with different  
19 traditions.

20 In our area, it's similar to Bedford. In  
21 Johnstown, people don't go to school on the first  
22 day of hunting season. That gives you a different  
23 perspective, and we have to protect all of them.

24 Thank you.

25 MAJORITY CHAIRMAN MARSICO: Thanks,

1 Jesse.

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

4 MAJORITY CHAIRMAN MARSICO: Next to  
5 testify is a member of the Committee, Representative  
6 Sheryl Delozier, Cumberland County.

7 Good morning.

8 REPRESENTATIVE DELOZIER: Good morning.

9 MAJORITY CHAIRMAN MARSICO: You may  
10 begin.

11 REPRESENTATIVE DELOZIER: Thank you.  
12 Thank you to the Committee for being here. I know,  
13 having listened to a lot of the testimonies, that  
14 there are many points to bring forward from all of  
15 our districts, but thank you for allowing me to  
16 provide feedback from the residents of the  
17 88th Legislative District in Cumberland County  
18 regarding public safety, gun laws and violence.

19 We have had many tragedies in our  
20 country. Some involved guns. Some involved cars  
21 and trains driving into crowds. Some involved  
22 knives. Some involved explosives. What all of  
23 these had in common was people that were killed  
24 because someone was mentally unstable. A stable  
25 individual would not set out to take other lives.

1           The most recent tragedy at Stoneman  
2 Douglas High School in Parkland, Florida, occurred  
3 on February 14th, and many died. A great dialogue  
4 has continued since then. I want to thank those who  
5 provided input by calling, e-mailing or speaking to  
6 me when I saw them. I appreciate them explaining  
7 their thought process and how they came to where  
8 they stand on the issue of guns, school safety and  
9 our community as a whole.

10           My office started receiving numerous  
11 calls and e-mails on both sides of the gun issue,  
12 everything from doing nothing to banning all guns.  
13 So I want to relay to you the conversations that I  
14 had and the information that I received in my  
15 offices with the ability and where people stood in  
16 the 88th District.

17           Those that I received from those that  
18 identified themselves as pro-Second Amendment had a  
19 common thread, but there were a lot of different  
20 twists that went along with it. We received calls  
21 and e-mails from constituents that totally opposed  
22 any form of gun control, and who asked for me to  
23 stand firm in supporting the Second Amendment.

24           I also recently have started receiving a  
25 number of form e-mails recognizing the fact that

1 they don't want any changes whatsoever. In my  
2 response to them, as to where we have stood with  
3 legislation, I also asked for them to be specific on  
4 what they supported and what they opposed. When I  
5 solicited this feedback from them, in most cases, I  
6 received responses that had specific suggestions on  
7 what they support, which I want to share with you.

8 Many of those that support the Second  
9 Amendment, that reached out, believed we needed to  
10 enforce the laws already on the books, as well as  
11 maybe strengthening some of the existing laws,  
12 rather than creating new ones. Instead, they  
13 believe we should focus on better background checks  
14 and mental health screenings. There were some  
15 individuals who stood in support of the Second  
16 Amendment, but were open to additional regulations  
17 or outright bans on assault weapons and bump stocks,  
18 but were okay with our citizens having all other  
19 firearms.

20 One of the most talked about ideas after  
21 the Florida shooting was raising the age from 18 to  
22 21 to purchase certain firearms. Many of those that  
23 were pro-Second Amendment constituents, who I spoke  
24 to, were firmly opposed to this idea. They believe  
25 that we should not discriminate against an entire

1 age bracket based on the actions of a few.

2 In addition, many echo the sentiment that  
3 if you can join the military at 18, you should be  
4 able to purchase all firearms. The feeling is that  
5 those that have used military firearms are well  
6 trained and qualified to own a weapon.

7 At a new business opening that I had, I  
8 had a conversation on this very issue. The  
9 individual I was talking to raised the issue of age  
10 and said that they were in support of raising the  
11 age. We talked for a while, and I gave him both  
12 sides of the issue, as to what I had heard. And I  
13 brought up the military response.

14 He actually thought about it and said to  
15 me, he goes -- that was an issue he hadn't thought  
16 about and he himself would have to go back and think  
17 about it and he might change his mind on that issue.  
18 So having that dialogue, and I think that that's  
19 what these hearings are, as well, is opening that  
20 dialogue and saying both sides of an issue. I think  
21 that really has people thinking, and I think that  
22 that's a good thing.

23 Another idea that has been discussed is  
24 allowing teachers to carry firearms in schools and  
25 those that, again, were pro-Second Amendment, that



1       responded, mostly agreed that this could be a good  
2       idea for those that were trained to do so, but that  
3       the school district needed to have a say. They  
4       believe teachers who are willing to carry must be  
5       trained properly, certified for conceal carry, and  
6       understand their role and responsibility prior to  
7       bringing a firearm in a school.

8               I also received many contacts by those  
9       who supported more gun control. So I want to relay  
10      what their thought process was, as well. Initially,  
11      we received many robocalls from constituents who  
12      were opposed to all bump stocks and wished to see  
13      them banned, both at the State and Federal level. A  
14      few weeks later, my office received dozens of  
15      additional robocalls in support of banning all  
16      assault rifles.

17              So when my staff received these calls,  
18      they also asked them what they supported and what  
19      they were actually against. Now, many of those  
20      calling on a robocall, as is normal, are asked to  
21      just push a button to talk to their legislator.  
22      We've all received those.

23              So many of those that did the calls were  
24      not really sure as to exactly what the issues were  
25      that we were debating here at the State, but the

1 ones that did provide feedback, that were willing to  
2 have an idea, made the suggestion on the issue of  
3 banning assault weapons, bump stocks and high  
4 capacity ammunition magazines. Those were the three  
5 issues that they brought up.

6 A major concern for those that called was  
7 also school safety, in general, a desire to protect  
8 our children, which I think we can all agree on, no  
9 matter what side of the issue you might find  
10 yourself. But they voiced that no child should have  
11 to worry about going to school and no parent should  
12 have to worry about sending their child to school.

13 While most supported a school resource  
14 officer, they felt they should be trained to deal  
15 with mental health issues and have trauma-related  
16 training. They also supported more funding to be  
17 provided for school safety grants and basic  
18 education.

19 Another set of responses from those who  
20 were for gun control sent a form letter saying that  
21 I, as a legislator, needed to pledge not to take NRA  
22 money and to choose my constituents over the money  
23 from the gun industry. I responded that, while I  
24 was a Second Amendment supporter, and my voting  
25 record stands as such, I vote the way the majority

1 of my district wants me to and I have never received  
2 a dollar from the NRA.

3 Mental health, we've talked about the  
4 issues. And over the past two weeks, there have  
5 been many testimonies from those in the State House  
6 with what their districts feel, what they support  
7 and what they don't. I have tried to lay out the  
8 same from those in the 88th as to what I've heard on  
9 gun issues, but that is only one side of the story.

10 There's a very important story to be told  
11 on another front, and that is the issue of untreated  
12 mental illness in our communities. I know that this  
13 is an uncomfortable issue for some and there are  
14 many, probably in this room, that have dealt with  
15 someone in the circle of their friends and families  
16 that have suffered with mental illness, from  
17 depression to bipolar to more severe diagnoses.

18 On this issue, with the focus of the most  
19 recent school shootings, I spoke to those in my  
20 school district that I represent on this issue. I'm  
21 proud to represent the West Shore School District,  
22 the Mechanicsburg School District. Both of these  
23 districts are strong districts that have teachers  
24 that care, parents that are involved and a strong  
25 community service for their ability to use it for

1 those who need it.

2           While I'm proud of what both districts  
3 do, there is always room to do better, help more and  
4 be aware of the situation that needs attention,  
5 especially when it comes to mental illness. There  
6 are those in situations that need help. We have a  
7 growing population in my district of those that are  
8 in poverty, and we have schools that are entirely  
9 Title 1, where students receive government  
10 subsidized breakfast and lunch.

11           We work with the Food Bank to provide  
12 summer meals to fill a gap. And the reason that I  
13 bring this up is that we are lucky to live in the  
14 community that we do. People care and want to help  
15 those that need it. They understand a child being  
16 hungry, but what they don't understand is a child  
17 needing mental help care.

18           We have the numbers. We have a number of  
19 tragedy cases that I mentioned, different types of  
20 weapons, different manners of doing it, but they all  
21 ended up in the same thing, which was hurting and  
22 people dying. Those that were -- we had them at  
23 preteen, we have them as teenagers and we have them  
24 as adults who perpetrated the crimes and caused  
25 people to die. And while they were different ages,

1 used very different weapons, they had one thing in  
2 common. All were in need of mental help, which we  
3 learned after the fact, was missing in their lives.

4 I spoke to both of my superintendents and  
5 asked them what they see missing in our districts.  
6 And I'd like to share what they, as teachers and  
7 coaches, also have suggested. And overall, the  
8 majority of those in the district do not support  
9 arming our teachers. Some don't have an issue with  
10 resource officers, if the funding is provided for  
11 them.

12 And while asking about the mental health  
13 in our schools, I was educated on a gap that my area  
14 has been experiencing. This is an issue that I  
15 wanted to raise here because I thought it was very  
16 appropriate for what we are looking for.

17 One of my school districts has entered  
18 into a contract with a mental health provider.  
19 While the school district employs school counselors  
20 and a social worker, there were gaps that needed to  
21 be filled for individual counseling, and that is  
22 what the contract was for.

23 You would think this is a good idea, that  
24 school districts identify a gap for its students, it  
25 provided an outlet to receive services and the

1 individual's insurance pays for these services.  
2 Well, the issue that has been raised is that those  
3 that have private health insurance are running into  
4 a hurdle.

5           Some insurance companies and public  
6 assistance pays for counseling services provided on  
7 school district grounds. However, some private  
8 health insurance companies will only pay for  
9 services provided at an off-site center, not on  
10 school grounds. Those that are in need of these  
11 services may not be able to have a parent take time  
12 off of work to take a child to receive the mental  
13 health services that he or she needs to another  
14 location. So the child would not receive these  
15 services that have been identified as needed.

16           The schools are recognizing a need in the  
17 life of a child and are trying to help their mental  
18 well-being. However, the child cannot get the  
19 services he or she needs because of an insurance  
20 decision based on where the service is provided. It  
21 should not matter where the service is provided. It  
22 should only matter that the child is being helped  
23 and the insurance can pay for it. It is an approved  
24 service. We need to work this out for services to  
25 be covered in schools as well as off-site centers.

1           Another issue that everyone I spoke to  
2 mentioned or added to the mental health debate was  
3 social media. According to those in our school  
4 district, the parents of today are the last to be  
5 born without technology, but their children have  
6 been born with it and never lived without it.

7           If you are anything like me, I'm always  
8 asking my teenagers what to do with my phone and how  
9 to fix things that I did to my phone, but the  
10 technology brings stress. It was a common thread in  
11 all of those that I talked to, between coaches,  
12 teachers and the superintendents.

13           We have a generation of 10-year-olds that  
14 are stressed. Who thought a 10-year-old could be  
15 stressed?

16           They're stressed because they need to be  
17 keeping up always. They are very publicly trying to  
18 impress. Never mind the snarky, nasty side of  
19 social media. Children today can go to YouTube and  
20 learn anything. There are videos teaching an  
21 11-year-old how to make an explosive or assemble a  
22 gun. Why?

23           Our students need to learn how to cope  
24 with all of the pressures in life. And as was  
25 mentioned in the last testimony, there are no

1       excuses for this. It's just what our communities  
2       are living with right now.

3               The superintendent stressed that we need  
4       to know and educate others that if they see  
5       something, say something. This is a saying we've  
6       used for a number of issues, but it's also  
7       appropriate in this case. We need those that see  
8       something on social media, a cry for help and a need  
9       for help, to tell someone.

10              Education is not only reading, writing  
11       and arithmetic. It is also educating people where  
12       to go for help, where do you report and to whom.  
13       Another mental illness and violence is that -- we  
14       need to watch for all forms of violence, including  
15       violence that results in a young person thinking  
16       there's only one way out, that taking their own life  
17       is the only option.

18              This was stressed by one of my particular  
19       superintendents because in one of my school  
20       districts in January, there was a student that  
21       believed that was the only way out. While,  
22       unfortunately, he was not the first in any of our  
23       districts to take his life, we should be working to  
24       make sure that he is the last.

25              We need to be there for our students. We



1 need to be there for our young adults in all areas  
2 of their health, and we need to be there for our  
3 friends and family when we know they need help and  
4 may be a danger to themselves or someone else.

5 We need education on all of this, gun  
6 safety, safety in our schools and mental health.  
7 There is not an easy answer, and there is not a  
8 problem that one piece of legislation or policy will  
9 solve. I believe that we have taken many steps in  
10 the right direction on educating, what the signs are  
11 to look for and the resources to have available, but  
12 we have a long way to go and so many opinions to  
13 weigh and decisions to make to keep those that we  
14 love safe.

15 As a parent of two high school students,  
16 I agree that we must ensure our schools are a safe  
17 place for learning. What actions should be taken,  
18 if any, are open to debate. And as with any issue,  
19 a balance must be struck, as there is no way to  
20 satisfy everyone.

21 I thank you for the opportunity to relay  
22 everything that has come into my office from the  
23 88th District. I appreciate the opportunity.

24 And those that I spoke to in our school  
25 districts, they took the time to really lay down

1 some of the issues that they are facing. I truly  
2 respect those, whether I agree with where they stand  
3 or not. I believe that everybody has very  
4 passionate views on this issue. I think the more  
5 that we have these conversations -- I want to thank  
6 the Chairman and the Judiciary Committee for the  
7 ability to have everyone come in, on both sides of  
8 the issue, to relay what it is that their  
9 constituents feel.

10 I'm glad to be the voice for the 88th as  
11 everybody has been before me for their districts. I  
12 thank you for the opportunity to testify.

13 MAJORITY CHAIRMAN MARSICO: Thanks,  
14 Sheryl.

15 I want to recognize that  
16 Representative Toepel was here with a class from the  
17 Montgomery County Community College. I know they  
18 just walked out, but I want to recognize that they  
19 were here with her.

20 Chairman Petrarca for questions and  
21 recognition.

22 MINORITY CHAIRMAN PETRARCA: Thank you,  
23 Representative Delozier. I appreciate the work that  
24 you do on this Committee.

25 Like you, I think we all have received

1 calls, letters, texts, e-mails, what-have-you, about  
2 pro and con regarding these hearings and gun control  
3 issues in Pennsylvania. You know, I guess that in  
4 western Pennsylvania, certainly my constituents --  
5 you know, I don't represent Allegheny or Pittsburgh,  
6 I'm from Westmoreland County, suburban, rural.

7 My constituents would say that they do  
8 not want their rights infringed upon when it comes  
9 to the Second Amendment and their right to bear arms  
10 and I agree with them. But with that said, I think  
11 there's an inherent distrust, maybe in the Second  
12 Amendment or pro-gun community, that if we do  
13 anything to pass any kind of gun law, that will just  
14 be the beginning of, you know, the slippery slope,  
15 what have you, that that will be the beginning of a  
16 number of things.

17 As a Representative from central  
18 Pennsylvania, what is your perspective on that?

19 Do you feel that the pro-gun community  
20 feels the same way, in terms of if anything happens,  
21 you know, as a result of these hearings, or from  
22 this Committee, that it will be the start of a  
23 number of different gun control measures?

24 REPRESENTATIVE DELOZIER: Well, thank you  
25 for the question. I appreciate it, Chairman.

1           The ability for us -- those that called  
2 in, the easy answer for your question is yes. I do  
3 believe that. From those that had called in, their  
4 feeling was that -- actually, I think there was a  
5 lot of misinformation, even about these hearings,  
6 that had been put out, as to the fact that we were  
7 debating gun control and we were moving forward with  
8 very big gun control measures.

9           I received a lot of, quite honestly, very  
10 nasty e-mails in the last week, calling me every  
11 name in the book and many that can't be printed, as  
12 to the fact of how dare I even think about taking  
13 away their right to bear arms and that this is what  
14 this Committee was about. They were very agitated  
15 as to the fact that their voice was not being heard  
16 at all.

17           There were people putting out that this  
18 was unconstitutional to have hearings, just to have  
19 the conversations by the Representatives. So I  
20 think that you are going to have people that are  
21 very, very adamant that any change to our laws as  
22 they exist right now is a step towards gun control.  
23 So that is the feeling that I have received back  
24 from those in my district, as well as these e-mails  
25 that have come in over the last couple of days have

1     been from all over the State, 99 percent of which  
2     were not mine. I had one or two that were mine.

3             We opened a dialogue by that e-mail. I  
4     was relaying that these hearings were to talk about  
5     the issue across the board. These hearings were to  
6     relay what we're hearing in our district. These  
7     weren't gun control hearings. These were hearings  
8     to -- that's why I talked not only about gun control  
9     or gun rights and what I heard in my district, but I  
10    also thought it was very important to bring forward  
11    the mental health issue, you know, because people  
12    don't kill people when they're in their right mind.

13            That is not something that someone --  
14    well, most people -- don't wake up and say I'm going  
15    to go out and do this. Obviously, we have  
16    premeditated murder for a reason, you know, as one  
17    of our crimes. So some people may do that, but I'm  
18    just saying the majority. And the majority of those  
19    that own guns are law abiding citizens that just  
20    want to use them for safety, to protect themselves,  
21    hunting, for many reasons that they have.

22            In my household, I do not have a conceal  
23    carry permit. I do not carry a gun. I am married  
24    to a police officer and we have guns in the house.  
25    We have my husband's grandfather's rifles that I

1 think will never be shot ever again -- they're  
2 probably dangerous to be shot -- but they're in our  
3 home and locked.

4 My husband's duty weapon and off-duty  
5 weapon, they're in our house and locked. So I don't  
6 believe because my children are in a household with  
7 guns that they're going to go out and commit a  
8 crime. I think that they know gun safety. They  
9 know the issues. But I do believe that many feel  
10 that any step in modification of the existing gun  
11 laws will be a step on that slippery slope.

12 MINORITY CHAIRMAN PETRARCA: All right.  
13 Thank you.

14 And thank you, Chairman. I also would  
15 like to recognize a group from my county, from  
16 Seton Hill College, Professor Michael Cary and his  
17 wife, Eloise, and students, political science  
18 students, Mark, Jamie, Derek and Frasier.

19 Thank you for being here to take part in  
20 our Judiciary hearings this morning as we discuss  
21 the important issue of guns in Pennsylvania.

22

23 MAJORITY CHAIRMAN MARSICO: Welcome, as  
24 well.

25 I want to recognize Representative

1 Barbin.

2 REPRESENTATIVE BARBIN: I have a  
3 question.

4 Thank you, Mr. Chairman.

5 One of the things that I wanted to ask  
6 you about was, there are two bills that are pending  
7 in the legislature that would deal with the issue of  
8 gun violence or school violence.

9 There's a bill from Senator White, from  
10 the west, that says that school districts should  
11 have the right to, with a properly trained teacher,  
12 carry in the school. And then there's another bill,  
13 which would suggest that if we're going to do this,  
14 we should have school resource officers who are  
15 properly trained.

16 Do you believe -- and this is just the  
17 tie-in I want to -- those two are out there. And I  
18 think those are part of this conversation, but how  
19 do you feel -- do you believe that there is a  
20 benefit if school resource officers are the ones in  
21 the schools for being able to identify mental health  
22 issues?

23 Because police officers have to do it  
24 every day. They deal with people on the streets in  
25 cities that have mental health problems. They get

1 called for, you know, whatever the issue is and they  
2 have to decide how to handle that.

3 Do you think the school resource solution  
4 will also provide benefits to the schools?

5 REPRESENTATIVE DELOZIER: Thank you for  
6 the question. I think that the school resource  
7 officers -- and I, in part of my testimony, did say  
8 that some that called in felt that that resource  
9 officer should be trained in trauma and mental  
10 health, as well.

11 I do believe that many that have used a  
12 school resource officer tend to use retired law  
13 enforcement. So I do believe that they are a tool  
14 that can be used, certainly, in identifying certain  
15 actions that would lead up to an issue. But I think  
16 that the identification for students and their need  
17 for possible mental health care will come from a lot  
18 of different areas, not just the resource officer.

19 Because that resource officer, from those  
20 that I have spoken to, you know, moves around a  
21 school, does not have direct interaction in a school  
22 setting or anything like that with the student.  
23 They may not have that relationship to be able to  
24 make that judgment well.

25 In an emergency situation, those types of



1 things, you know, they go into action, as well. So  
2 I just think that, to answer your question, they  
3 would be a tool, certainly. I think the more that  
4 we have individuals that are aware of what the  
5 identifiers are, to someone who may need some help,  
6 I think all the better.

7           And I think that those that are hired as  
8 resource officers, like I mentioned, typically are  
9 post or former law enforcement and they have that  
10 training, but the ability to have more people aware  
11 of cues, of where should they have resources, I  
12 think all the more that will strengthen our schools  
13 and allow for issues to be identified that are  
14 needed.

15           MINORITY CHAIRMAN MARSICO: Thank you.

16           REPRESENTATIVE COSTA: Thank you,  
17 Mr. Chairman. You caught me off guard there.

18           REPRESENTATIVE DELOZIER: I saw that.

19           REPRESENTATIVE COSTA: Sheryl, I want to  
20 thank you for being here. Your testimony actually  
21 shows the diversity and the complexity of this issue  
22 with people. I think you're right on key when it  
23 comes to the schools. I think if we had resource  
24 officers -- I'm not for arming teachers, myself, but  
25 if we had resource officers in the schools, along

1 with the teachers and things like that --

2 A lot of our school shootings, as you  
3 stated, were kids who were disgruntled, bullied,  
4 things like that. And a lot of red flags, let's  
5 face it, have been flown and ignored by people, or  
6 not maybe just ignored, but they didn't see the red  
7 flag as a red flag.

8 So your ideas and the feedback you got is  
9 commendable and definitely helpful. I think if we  
10 go that route, we'll be on the same -- it also  
11 addresses some of the urban areas where the kids  
12 are, for one reason or another, an outcast to the  
13 other kids. People can see, let's face it, you can  
14 see a kid off by themselves and stuff like that. If  
15 we have people that would take that into  
16 consideration, and have a little more attention for  
17 that child, I think we could eliminate a lot of this  
18 stuff, including on the street.

19 So again, I commend you.

20 REPRESENTATIVE DELOZIER: Thank you.

21 REPRESENTATIVE COSTA: You did a great  
22 job here with your research and stuff.

23 REPRESENTATIVE DELOZIER: Thank you.

24 REPRESENTATIVE COSTA: I'm going to hire  
25 you the next time I need it.

1                   REPRESENTATIVE DELOZIER:   Okay.   Next  
2   time.

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

5                   REPRESENTATIVE DELOZIER:   I appreciate  
6   that very much.   And the one thing that I would put  
7   out there is the fact that I was focusing on the  
8   schools and asking the superintendents because  
9   that's where the last shooting was, but I just want  
10   to reiterate that the issue of those that have gone  
11   out haven't always been at schools.   So the idea  
12   behind resource officers or those that can key in on  
13   our children, absolutely is very, very important,  
14   but it's a larger issue because there are shootings  
15   at concerts and there are people driving cars into  
16   crowds.

17                   And there are, you know, for reasons that  
18   they've identified with terrorist organizations -- I  
19   mean, there are so many other issues that are out  
20   there, unfortunately.   Getting our arms around it is  
21   a huge job and I think it will take a lot of small  
22   steps to be able to do that.

23                   Thank you very much.

24                   MAJORITY CHAIRMAN MARSICO:  
25   Representative Jozwiak.

1                   REPRESENTATIVE JOZWIAK: Thank you,  
2 Mr. Chairman.

3                   When I hear the words school resource  
4 officer, I get a little nervous. To me, a school  
5 resource officer is a full-blown trained police  
6 officer. I know there's some legislation being  
7 prepared that says a school resource officer can be  
8 anyone that's appointed by the court. They would  
9 give them authority to carry a firearm and also have  
10 arrest power.

11                  That's anybody in the world that can be  
12 that. To me, a school resource officer -- and  
13 you've got to watch how you -- everybody has a  
14 different interpretation of this.

15                  REPRESENTATIVE DELOZIER: Absolutely.

16                  REPRESENTATIVE JOZWIAK: I just want, how  
17 your feelings are, to me, a resource officer has to  
18 be a fully-trained police officer with some  
19 education to look for these mental problems in these  
20 kids and get to know these kids and understand them  
21 better and be their friend.

22                  REPRESENTATIVE DELOZIER: I agree with  
23 you in the sense that, you know, years ago we always  
24 used to hear about Officer Friendly. And the start  
25 of that resource officer, I think, came from many

1 police officers being that Officer Friendly and  
2 walking around the school.

3 So people that, many times, only saw the  
4 police in a bad light, in the sense of if they  
5 unfortunately had a home situation and a parent had  
6 to be arrested or there was violence at home or they  
7 lived in a bad neighborhood, the only thing they  
8 identify a police officer with is arrests and people  
9 being taken away from them.

10 So the idea behind the Officer Friendly  
11 kind of thing was identifying a police officer as  
12 someone who can help you not only arrest your father  
13 or, you know, the situation that they may have seen  
14 a police officer in. I think it's evolved. I think  
15 that it's gone from that Officer Friendly -- we had  
16 the DARE Programs. We had a lot of those, again,  
17 with the objective of bringing a police officer in  
18 to talk to students and give them a different  
19 perspective on what a police officer is and how they  
20 should behave.

21 And they can be your friend. We have PAL  
22 organizations, the Police Officer Action League,  
23 that, again, has police officers interacting in our  
24 inner cities, in our tougher neighborhoods so that  
25 they don't just see a police officer in a bad

1 situation.

2           When it comes to this resource officer,  
3 having somebody in the school all of the time, I  
4 agree with you. It should be a trained individual.  
5 It should not be somebody off the street that has  
6 not had the many, many hours of training that MPOETC  
7 does for our municipal police officers.

8           Our trained police officers know how to  
9 identify, as Representative Barbin mentioned, how to  
10 identify things. I think that's important. That's  
11 their job. But I do believe that a prerequisite to  
12 having a resource officer should be someone with law  
13 enforcement experience.

14           Do they have to be a 20-year police  
15 officer or a State Trooper?

16           I don't know that that has to be in the  
17 parameters, but I do believe, if they're going to be  
18 carrying a weapon, they need to be Act  
19 120-certified, to be able to understand what it is  
20 that they need to do. I don't believe they should  
21 have arrest powers. We have law enforcement for  
22 that purpose.

23           And I know in the high school that my  
24 children go to, it's in Lower Allen Township, police  
25 are always around that school. Whether it's just

1 doing crossing duty, because the elementary school  
2 is right next door, you see a police car in the high  
3 school very, very often. It's not for a bad reason,  
4 simply because they're around. Their presence is  
5 known, and I think that's a good thing.

6 Again, that relationship building, I  
7 think, is very good with the students, in that they  
8 see that a police officer can be their friend and  
9 can help them out of a bad situation. So I do agree  
10 there should be criteria with law enforcement  
11 background, absolutely, for a resource.

12 REPRESENTATIVE JOZWIAK: Thank you,  
13 Mr. Chairman.

14 MAJORITY CHAIRMAN MARSICO: So we are  
15 running a little bit behind schedule, but I wanted  
16 to recognize Representative White for a question.

17 REPRESENTATIVE WHITE: Thank you,  
18 Chairman.

19 So earlier today, we heard Representative  
20 McClinton describe gun violence in the city of  
21 Philadelphia and just how many of these crimes  
22 actually go unsolved, right?

23 We've heard that -- she brought up that  
24 here in Harrisburg even, this is a city that's  
25 suffering from increased gun crimes. We heard

1 Representative Dom Costa describe his experience in  
2 Pittsburgh as the Chief of Police, that many illegal  
3 guns are stolen by thieves from vehicles and homes.

4 Coming from a law enforcement family,  
5 Representative, with your experience on this  
6 Judiciary Committee, as well, if you heard that cash  
7 bail was being removed for crimes such as theft from  
8 motor vehicles or theft from the unlawful taking,  
9 what do you feel your response to that would be?

10 REPRESENTATIVE DELOZIER: That cash bail  
11 would be removed?

12 REPRESENTATIVE WHITE: If it was being  
13 removed from, say the city of Harrisburg, like maybe  
14 the D.A. decided that they were just going to no  
15 longer have cash bail for people who are committing  
16 thefts from vehicles and homes, as we just heard  
17 that that's typically where these unlawful guns are  
18 being stolen from, right?

19 So you have a husband that's an officer,  
20 you know how difficult it is to catch a criminal,  
21 right?

22 REPRESENTATIVE DELOZIER: Yes. Once  
23 you've got them, keep them.

24 REPRESENTATIVE WHITE: So that's -- that  
25 would be your response?





1 appreciate the response. Unfortunately, this is  
2 something that has transpired in the city of  
3 Philadelphia. Our District Attorney decided that  
4 they would not be offering cash bail to prevent  
5 these types of thefts and thieves from being put  
6 back on the street.

7 So you know, I appreciate your response  
8 and thank you for your time today.

9 REPRESENTATIVE DELOZIER: Absolutely.

10 MAJORITY CHAIRMAN MARSICO: Thank you,  
11 Sheryl.

12 REPRESENTATIVE DELOZIER: Thank you.

13 MAJORITY CHAIRMAN MARSICO: The next  
14 testifier is Representative Eddie Pashinski.

15 Welcome, Representative.

16 How are you doing?

17 REPRESENTATIVE PASHINSKI: Good morning,  
18 Mr. Chairman.

19 Thank you very much for conducting this  
20 very important hearing.

21 MAJORITY CHAIRMAN MARSICO: You may  
22 begin. Go ahead.

23 REPRESENTATIVE PASHINSKI: Thank you very  
24 much.

25 I would imagine that at this point, you

1 probably have heard every statistic, every piece of  
2 data and countless experiences regarding some of the  
3 tragedies that we've seen in our country. I'm going  
4 to pursue this from a different point of view.

5 I come to you today as a father, a  
6 grandfather, a teacher, a musician, small business  
7 owner, a manager, a union guy. Never did I ever  
8 think that I would have the honor of serving as a  
9 Representative in the House of Representatives here  
10 in Pennsylvania. It was never part of my plans.

11 I feel a sense of responsibility,  
12 certainly a great deal of pride and honor and  
13 humility in being in this position. I think about  
14 the fact that my constituents would trust me to  
15 represent them, just as your constituents trust you  
16 to represent them.

17 I've learned very quickly that no matter  
18 what the issue is, no matter how honorable the  
19 position may be, there will always be someone for an  
20 issue and someone against that issue. The issue  
21 that we have before us today is an issue that we  
22 cannot fully accomplish with a law.

23 It is ever-encompassing because it's not  
24 one thing. It's not just a gun. It's more than  
25 that. It's a mental condition. It's a state of

1 life. And yes, it is an instrument of death.

2 I, particularly, own guns. I believe  
3 that people have a right to protect themselves, to  
4 protect their families and to protect their  
5 property. What I'm having difficulty with is a  
6 sense of "hands off" regarding this issue because  
7 it's highly controversial. Although we will not be  
8 able to find a complete solution, it is incumbent  
9 upon us, it is our job, our responsibility to try.

10 As a teacher, I can tell you -- one of  
11 the most rewarding careers I've ever had -- every  
12 school has a troubled child. Every school. Those  
13 children eventually graduate. Now they're a  
14 troubled adult.

15 As we review this very complex issue and  
16 the right to protect ourselves, our family and our  
17 property, the question is, to what extent?

18 We're not allowed to buy a tank. It  
19 seems a bit absurd. We're not allowed to have a  
20 rocket launcher.

21 If we go back in time and we think about  
22 the history of guns and this incredible democracy, a  
23 gun was a matter of survival. We had no police. We  
24 had no National Guard, Army, Navy, Marines. We  
25 didn't have that. So the farmer, the merchant, the

1 banker, we were our own militia.

2 That gun was the only thing that could  
3 protect our family from intruders. That gun also  
4 served as a way to acquire food for our family. And  
5 till today, the sport of hunting was a tremendous  
6 way to teach our children about the safety and the  
7 dangers and the proper instruction behind the use of  
8 a weapon.

9 This leads me to the inventions that we  
10 have experienced throughout our life. And when we  
11 think back when the Constitution was formed and  
12 we're thinking about a flintlock and maybe at most a  
13 blunderbuss, it's quite different than what we have  
14 today. The technology, the advancement, in all of  
15 our lives has been incredible, but I take you back  
16 to the Gatling gun.

17 Why was that gun invented?

18 The maker of that gun said, I want peace.  
19 I want to eliminate armies. This gun is so  
20 outrageous that one man can fire 300 shots in one  
21 minute or 400 to 900 shots in one minute to  
22 obliterate any charging army.

23 The Tommy gun, why was that invented?

24 World War I, if we remember some of our  
25 history, it was masses of men running from one

1 trench to another, trying to overtake one trench or  
2 another. And the Tommy gun allowed for that  
3 individual, that soldier, to obliterate countless  
4 soldiers on the opposite side.

5 The Tommy gun was banned, of course, and  
6 rightly so because of the fact that that gun  
7 outmanned our trained police force. Our policemen  
8 had maybe a shotgun and a six shooter. No chance.

9 I want our policemen to have everything  
10 and anything they need to do their job, protect  
11 themselves and us. Pretty hard to do that when you  
12 are outgunned.

13 And then today, we have other military  
14 style weapons. It's illegal for a machine gun, but  
15 an invention of a bump stock makes a semiautomatic a  
16 machine gun, a gun designed to kill many. You know,  
17 you go back -- the resource officer and  
18 Representative Jozwiak so correctly pointed out,  
19 they have to be trained. We need them. It's good  
20 to have a metal detector.

21 But I don't care what we do at that  
22 school, someone who is mentally ill, that has a  
23 military style weapon, can simply just wait outside  
24 for dismissal or wait for when they get on the bus.  
25 They can go to any movie theater and do what

1 transpired, to a mall, to a concert -- a thousand  
2 feet away.

3 I'm appealing to my colleagues for  
4 simple, commonsense solutions. I believe that we  
5 can do that. I believe, as deeply as I possibly  
6 can, it is our responsibility to try.

7 You know, we've tried in many other  
8 instances. We have laws for drunk driving. We have  
9 laws against stealing. We have laws against murder.  
10 It hasn't stopped it all, has it? But we have  
11 prevented some.

12 A simple stop sign or a stoplight doesn't  
13 prevent every accident, doesn't prevent every death,  
14 but it certainly has prevented billions of accidents  
15 and a countless number of deaths. That's what I'm  
16 appealing to this august body, that we come together  
17 as you have allowed us to do today, to share our  
18 thoughts and to work together, to come up with some  
19 commonsense solutions.

20 I'm not here to list them. You've  
21 already heard them. I'm here just to be a part of  
22 it. I'm very grateful for this opportunity, and I  
23 thank you very much.

24 MAJORITY CHAIRMAN MARSICO: Thanks,  
25 Representative.

1 I want to recognize Representative Warren  
2 and Represent English that are with us.

3 Chairman Petrarca, for a question.

4 MINORITY CHAIRMAN PETRARCA: Thank you,  
5 Representative Pashinski. Thank you for doing the  
6 job that you thought you would never do. You're  
7 good at it.

8 REPRESENTATIVE PASHINSKI: Thank you.

9 MINORITY CHAIRMAN PETRARCA: Question for  
10 you, as a former school teacher. Obviously, I  
11 believe you touched on and you know that legislation  
12 has been introduced to allow school boards -- or to  
13 give school boards the authority to allow teachers  
14 to be armed.

15 Again, as a former teacher, do you have a  
16 quick opinion on that legislation?

17 As you said, you obviously said that  
18 someone could wait outside with a military style  
19 weapon and there can be another disaster any day.

20 Does it make sense, in your opinion,  
21 based on your experience, to allow school boards to  
22 allow teachers to be armed?

23 REPRESENTATIVE PASHINSKI: Again, I  
24 believe everybody has their opinion. I want the  
25 well-trained police officer to protect me. I want



1 the well-trained police officer, the emergency  
2 personnel, to protect my students and the teachers.

3 Shooting a gun at a target can be fun.  
4 Shooting a gun at a clay bird is fun. There's quite  
5 a difference than having someone who has done that  
6 now to be put into a situation of an emergency and  
7 have to react by use of a gun.

8 First of all, I don't think you'd want  
9 certain teachers to have guns. It's a pressured  
10 job. Things can get very testy at times. I would  
11 have to say, without any hesitation, I would be  
12 totally against teachers bearing arms in schools.

13 MINORITY CHAIRMAN PETRARCA: Thank you.  
14 I appreciate your answer.

15 I'd also like to introduce more students  
16 today from Westmoreland County, from my alma mater,  
17 Saint Vincent College, Hector, Courtney, Kayla,  
18 Peyton, Juliana and Justin. Thanks for being at our  
19 hearings today.

20 MAJORITY CHAIRMAN MARSICO: Thanks for  
21 being here also.

22 Any other comments or questions?

23 Seeing none.

24 Thanks, Representative Pashinski.

25 REPRESENTATIVE PASHINSKI: Thank you,

1     again, Mr. Chairman. I appreciate the work you're  
2     doing.

3                     Thank you, sir.

4                     MAJORITY CHAIRMAN MARSICO: Thank you.

5                     Next to testify is Representative Eli  
6     Evankovich.

7                     Good morning, Eli. Welcome. You may  
8     begin.

9                     REPRESENTATIVE EVANKOVICH: Good morning,  
10    Mr. Chairman. Thanks for having me this morning.

11                    I appreciate the testimony of all of the  
12    previous testifiers. My testimony will be slightly  
13    different and perhaps a little bit more difficult.  
14    My testimony focuses, primarily, on this phenomenon  
15    of mass shootings and shooting of innocent people.

16                    I'm not an expert in psychology. I'm not  
17    an expert in criminology. I've never worked in or  
18    around law enforcement, but I am a frustrated  
19    citizen, a frustrated colleague with this consistent  
20    and all too common level of incidents that's  
21    happening in our country.

22                    If I can just divert for a brief second  
23    and talk about where we are in this discussion and  
24    debate. If we remember back to whenever we were  
25    children, we were learning facts, you know,

1 mathematical facts and historical facts, scientific  
2 facts. Two plus two equals four, the date the  
3 Declaration of Independence was signed.

4           Those were things that we built our  
5 levels of understanding on. And then, applying our  
6 own observations and hypothesis, we grew our base of  
7 learning and we learned how to solve problems for  
8 ourselves. Somewhere along the last 35 years that  
9 I've been on this earth, we lost a little bit of the  
10 observation and hypothesis end of problem solving  
11 and we replaced it with fact-based debate.

12           Here's the problem with our fact-based  
13 debate. We have two different sets of facts. And  
14 all too often, in the public realm, we face two  
15 opposing sets of facts. In Orwellian newspeak, you  
16 know, does two plus two equal four, or does two plus  
17 two equal five?

18           And when we sit here in our positions,  
19 oftentimes we're sitting there looking at our own  
20 set of facts and saying, our two plus two equals  
21 four, but it's the other person's two plus two that  
22 equals five. I think that if we're going to have a  
23 meaningful discussion about gun violence in this  
24 country, lawmakers, the media and every citizen, we  
25 need to abandon our addiction to dichotomous facts

1 or we will get nowhere. We need to move forward  
2 with the basis of observation, trial and error.  
3 We're not God. We don't know how every solution  
4 will play itself out.

5 But if we don't shift how we are trying  
6 to address these problems, we are going to wind up  
7 where we are, which is participating in a feedback  
8 loop from hell, where every time there's a mass  
9 shooting, we are going to sit here and we're going  
10 to have one group of citizens, one group of the  
11 population entrenched in talking about guns and one  
12 group of the population entrenched talking about  
13 mental illness and school safety.

14 My testimony is not designed to be  
15 commentary on either one of those things, for or  
16 against. I think my record as a lawmaker has been  
17 very clear about where I stand on the Second  
18 Amendment. I think we all believe in good mental  
19 illness programs, and I think we all want our  
20 schools to be safe.

21 However, if we just sit here and talk  
22 about those three things, we're really just talking  
23 about prophylactic measures at best. Those are  
24 longstanding debates in our country and they're not  
25 going to go away in our lifetime, but if we change

1 the focus and we start thinking about, you know,  
2 what are we observing, what is really going on --  
3 and again, I'm talking about the mass shootings, I'm  
4 not referring to criminal-based gun violence, which  
5 other testifiers were speaking of.

6 But if we go back to since the beginning  
7 of the rule of law, what we now call law  
8 enforcement, the people who are put in place to  
9 protect the citizenry, when they were investigating  
10 crimes, crimes happened for one of two reasons. It  
11 was either vengeance or personal gain. And as you  
12 follow the motives of vengeance and personal gain,  
13 you eventually come to a perpetrator.

14 That's typical law enforcement, and  
15 that's particularly true about murder. But then we  
16 started seeing this phenomenon in our country and  
17 around the world with what were referred to at the  
18 time as random killing.

19 These criminals that we refer to today,  
20 criminals such as David Berkowitz and John Wayne  
21 Gacy and Edmund Kemper, Ted Bundy, John Joubert and  
22 others, we call them serial killers. They were  
23 people who committed atrocious and heinous crimes,  
24 and they had no clear motive. Law enforcement  
25 worked very hard, over the course of decades, to try

1 and understand these people, so that we could  
2 understand their motives, stop their killings faster  
3 and bring them to justice.

4 Colleagues, I sit here today to just give  
5 my point of view that I believe the people who are  
6 committing these mass murders, these mass shootings  
7 today, are our modern day serial killers. Although  
8 they choose different means, the people who commit  
9 mass shootings today kill for the exact same reasons  
10 as Kemper and Gacy. They are violent episode  
11 killers.

12 Though the science is unsettled about how  
13 somebody becomes a serial killer, I think we need to  
14 just try to understand how it happens, how a serial  
15 killer comes to be, how one of these violent episode  
16 killers comes to be. And again, I'm not a  
17 criminology expert. I'm not a psychologist, but I  
18 have studied the collective works of people who are.

19 Their prevailing wisdom for the motives  
20 behind how someone becomes this type of killer, in  
21 my words, are the following -- and again, this is  
22 where things get a little bit difficult. If you  
23 notice, most of these people are men or young men.  
24 If you try to step into the mind of how this  
25 happens, prevailing wisdom is that all boys, roughly

1 between the ages of five and eight, start  
2 experiencing subtle sexual pressure in their head.  
3 They don't know what it is. They have no idea.  
4 They don't link it to feelings. It's just a subtle  
5 pressure.

6           It creates a varying level of  
7 frustration. Well, for young boys who learn how to  
8 socialize properly through their friends and  
9 families, that gives them an outlet. That gives  
10 them a way of allowing that pressure to release.  
11 For young boys who don't learn how to socialize, the  
12 pressure grows.

13           Well, what does a young boy do whenever  
14 they become frustrated, right?

15           They throw a rock or they break a stick.  
16 Well, eventually, someone tells them they can't  
17 throw rocks or break sticks anymore. So they start  
18 fantasizing about throwing a rock and breaking a  
19 stick, and that makes them feel better.

20           Well, the fantasy of throwing the rock  
21 and breaking the stick is really the beginning of  
22 the problem because that fantasy of throwing a rock  
23 or breaking a stick becomes just a little bit worse,  
24 step by step along the way. And instead of throwing  
25 a rock or breaking a stick, it's throwing a rock at

1 someone. It's hitting someone.

2 And as the fantasies get worse and worse,  
3 for some, they act out. Some may get into fights.  
4 For some, it leads them down the line to become  
5 petty criminals or violent rapists. For some, that  
6 tumbling effect over time, the worsening fantasies,  
7 to relieve their pressure, those fantasies become  
8 more and more abhorrent.

9 Outside influences work their way into  
10 those fantasies and some are just -- they become a  
11 product of their own depraved psyche. And it's in  
12 this manner that the prevailing wisdom suggests that  
13 serial killers and killers of mass people are  
14 formed.

15 Now, some, in that last grouping, they  
16 choose to just live with their fantasies. Others  
17 choose to live them out and they act on them.  
18 That's what led men like Edmund Kemper to do  
19 horrible mutilations, horrible things and commit  
20 sexual acts on corpses.

21 The worst of the worst, Jeffrey Dahmer,  
22 took the collective atrocities of virtually all of  
23 the killers of the 20th Century and put them all  
24 together. It's nearly impossible for us to sit  
25 here, anywhere, and try to put our minds into their



1 mind and understand how could somebody obtain  
2 pleasure or become stimulated from this, but they do  
3 and they are. And it is not just mental illness.

4           Jeffrey Dahmer was found to be sane. It  
5 is something deeper than mental illness. It is  
6 something deeper than a program can fix. And my  
7 hypothesis is this, based on what I've seen, based  
8 on what I've lived through, after Dahmer, a new  
9 model was set forward for people's fantasies to be  
10 based on.

11           That new model doesn't include  
12 dismembering bodies, it doesn't include some of the  
13 very disgusting depraved things that those other  
14 serial killers of the 20th Century did. The new  
15 model is less personal. It requires a tremendous  
16 amount of less work. It's not nearly as grotesque,  
17 and it creates the same level of stimulation for  
18 these folks, but it requires the killer to give up  
19 one thing that those killers sought to keep for a  
20 brief period of time, which was their anonymity  
21 while they did it.

22           So while the Dahmers and the Kempers and  
23 the Jouberts of the world, they operated under the  
24 cloak of darkness and they did these horrible  
25 atrocious things, the new model of violent episode

1 killer, they do it and it's not nearly as difficult  
2 and grotesque, but it's for the same reasons.

3           And unlike the politicians and the media  
4 treated and turned their heads away from the Dahmers  
5 and the Gacys of the world, today's violent episode  
6 killers murder innocent men, women and children and  
7 then they're memorialized on television, every  
8 Internet search and on the lips of nearly every  
9 elected official for months and weeks at a time.

10           In conclusion, these new serial killers,  
11 I don't believe, will be fixed by gun -- I'm sorry.  
12 Is something funny?

13           Sorry. There are some distractions going  
14 on over here. These new violent killers, they've  
15 been born out of societal problems. No gun  
16 legislation, no talk of mental illness will fix  
17 this. And it would be easy to say these societal  
18 problems were created by the collapse of the nuclear  
19 familiar or by the disintegration of certain levels  
20 of our community, but I think that's too simple.

21           I think that there are really three areas  
22 that are causing it. I think that it's pressure on  
23 children. I think we've been placing an  
24 unbelievable amount of pressure on our children. I  
25 think we have expectations of our kids to act more

1 perfectly than adults ever have or ever will.

2 Programs in our school districts, like  
3 zero tolerance policies, have taken away victim's  
4 abilities to defend themselves, and I think it adds  
5 to that pressure. I think we need to have coaching  
6 and not consequences. We have a culture that  
7 demands consequences and the teaching of  
8 consequences. There's a place for that.

9 But if we consider that our demands for  
10 people to understand consequences for their actions,  
11 that using consequences to teach lessons might be  
12 teaching them the wrong lesson. We need to create  
13 room in our public policy for coaching, starting at  
14 a very young age, and we need to reteach parents how  
15 to coach.

16 And lastly, it was touched on by one of  
17 the prior testifiers, but social media. Social  
18 media has taken away our kids' sanctuaries. Our  
19 children already live under tremendous pressure,  
20 regardless of economic status, and social media is  
21 warping their minds in ways unlike television ever  
22 could. If we think about it, when we were younger,  
23 we sat there and watched TV, everyone said,  
24 television is going to melt your brain. And that's  
25 true to a large extent, but when you watch

1 television, there aren't hundreds of engineers in  
2 Silicon Valley trying to figure out how to pull you  
3 in deeper, trying to figure out how they can tell  
4 you what you should like, what you should want, and  
5 worst of all, what you should be envious of.

6 My recommendation to this Committee would  
7 be that the most concrete action that can be taken  
8 at this point is to form a one-of-a-kind alliance  
9 across different government agencies with the  
10 federal government, law enforcement, State  
11 government, academia and our education systems, to  
12 come up with some solutions to address our problem,  
13 a small group, a nimble group, and a knowledgeable  
14 group with the willingness to drop aside the talk  
15 about guns and mental illness as a solution to  
16 what's going on.

17 In order to reimagine the future, we have  
18 to be willing to forget the past. We need to  
19 remember the past, but we need to forget it  
20 altogether to move forward on this issue.

21 Thank you, Mr. Chairman.

22 MAJORITY CHAIRMAN MARSICO: Thanks, Eli.

23 Any questions or comments?

24 Appreciate you coming forward. Thank you  
25 very much.

1                   Moving right along. Representative  
2 Donatucci is here, a member of the Committee.

3                   We have one more testifier before 11:00,  
4 so Representative, go ahead and begin. Thanks for  
5 being here.

6                   REPRESENTATIVE DONATUCCI: Thank you.

7                   Good morning. And I would like to thank  
8 Chairman Marsico, Chairman Petrarca and the members  
9 of the Judiciary Committee for holding several days  
10 of hearings on gun violence.

11                   First, I'd like to talk briefly about a  
12 bill I've introduced, and I think we could all agree  
13 on. It's a bill that is 100-percent voluntary.  
14 Then I'll give some thoughts on the overall problem.

15                   First off, a bill I think we could all  
16 agree on, HB 273. I got the idea from the existing  
17 voluntary gambling self-exclusion list. This bill  
18 would work the same way. The Firearm Purchase  
19 Self-Exclusion List would help people who believe  
20 they shouldn't have access to guns, but are not  
21 banned by law, from possessing one.

22                   This would help people who are struggling  
23 with mental or emotional health concerns and fear  
24 they may be a danger to themselves or others. It  
25 would give them a safe, confidential and voluntary

1 way to prevent access to guns for one year, five  
2 years or a lifetime. The period of self-exclusion  
3 can be temporary, meaning the person would be  
4 permitted to purchase firearms again and could even  
5 get their surrendered guns back when they feel they  
6 are ready to end their placement on the list.

7 It also gives healthcare providers,  
8 family and friends an opportunity to encourage an  
9 individual to use this option. This could save  
10 lives. And again, it would be voluntary. I hope we  
11 can all come together on this. If it saves one  
12 life, it's worth it.

13 Now, about the overall problem of gun  
14 violence. As Chair of the Philadelphia Delegation,  
15 I don't think my constituents should have to  
16 tolerate a level of gun violence that the rest of  
17 the State wouldn't put up with. According to Scott  
18 Charles, a trauma outreach coordinator for Temple  
19 Health, Philadelphia recorded 295 shootings between  
20 January 1st and April 9th of this year.

21 That's an 11-percent increase over last  
22 year. There's no way any of you would put up with  
23 nearly 100 shootings a month in your community, and  
24 we shouldn't have to either.

25 Here's another example of how bad things

1 are. Earlier this month, in Philadelphia, a  
2 12-year-old boy and his older brother were arrested.  
3 Police said the boys threatened their neighbors  
4 while holding loaded weapons, including an AR-15, in  
5 the middle of the street. An AR-15. This is  
6 madness.

7 And by the way, this happened in  
8 Bridesburg, which you could call the beginning of  
9 northeast Philly, and a very Republican part of the  
10 city. I know there's a reluctance to pass new gun  
11 laws that affect the whole State, so maybe it's time  
12 to at least give Philadelphia the freedom to take  
13 appropriate measures, at least let us protect our  
14 residents.

15 I know Republicans are big believers in  
16 local control, since local government is the closest  
17 to the people. We're going to have plenty to fight  
18 about this year, the budget and other issues, but  
19 let's work together to stop the killing.

20 In 1948, Harry Truman won a  
21 come-from-behind victory by running against the  
22 do-nothing legislator. Let's not give anyone the  
23 opportunity to say that about us this year. Let's  
24 work together to save lives to stop the violence.

25 Thank you.

1 MAJORITY CHAIRMAN MARSICO: Any questions  
2 or comments?

3 Thank you, Representative, for coming  
4 forward. Appreciate it.

5 Our next testifier is Representative  
6 Ed Gainey.

7 Good morning. You may begin.

8 REPRESENTATIVE GAINNEY: Good morning,  
9 Chairman and members of the Judiciary Committee.

10 Thank you for giving me this opportunity  
11 to talk to you. I appreciate it. Many of you all  
12 know about the incidents in my family's life. You  
13 know that my sister was murdered by gun violence, so  
14 it runs deep in me. But I'm not here to talk about  
15 taking nobody's guns.

16 So before I begin anything, let me  
17 reiterate that. I'm not here to discuss taking away  
18 nobody's guns. What I'm here to discuss is how we  
19 can work together to save a life. And I think one  
20 of the statewide and nationwide things that I'm  
21 saying is that the universal background check is  
22 something that we have a whole lot of bipartisan  
23 support on.

24 I know we got it for handguns and I know  
25 it's the rifles that we need. And I believe we



1 definitely need universal background checks when we  
2 talk about the long rifle. I forgot who asked the  
3 question a while ago about how many homicides in the  
4 inner city are caused by assault weapons. I know  
5 that was a question.

6 Even though I don't have the exact  
7 percentage, I can say that, in many instances when  
8 you have drive-by shootings, you have drive-by  
9 shootings by assault weapons. I'm not saying in all  
10 incidents, but I'm saying in a lot of the incidents  
11 where you have drive-by shootings and you need that  
12 quick trigger pull, it is being done by assault  
13 weapons.

14 So as I go forward, that's one of the  
15 reasons why, with long guns, we need background  
16 checks. I think that if we did that, it would be a  
17 step in the right direction. And by no way am I  
18 saying that it's going to stop violence. I think  
19 one of the conversations that I always hear is,  
20 well, is that going to stop the violence?

21 There's not one medicine, nor one cure,  
22 nor one piece of legislation that's going to stop  
23 the violence. It doesn't exist. But what we need  
24 to do is find out what are the multitudes of  
25 legislation that we can put together to help save

1 lives. And I think if we look at it from that  
2 perspective, we can have more of a bipartisan  
3 support on different legislations.

4 I come from western Pennsylvania, and I'm  
5 going to tell you -- this is the truth -- I know in  
6 western PA, mainly in western PA, that people that  
7 really love guns, that are gun owners, they know  
8 where their gun is before they know where their  
9 money is at. They don't never misplace or lose  
10 their guns.

11 And the fact that we don't have a  
12 statewide lost and stolen handgun piece of  
13 legislation is a problem. Because real gun  
14 owners -- I'm talking about the real gun owners,  
15 those that are disciplined in having guns -- are  
16 never going to be put in the position where they  
17 don't know where their gun is at, particularly not  
18 two or three times.

19 These gun owners -- I don't care where  
20 they're from -- check their guns every day. And if  
21 not every day, you better believe it's going to be  
22 every other day. And for someone to continuously  
23 lose their guns and not report them, and these guns  
24 show up in homicides, that is a problem, or these  
25 guns come to the urban area and you sell them for

1     dope, now we got guns on our street that people say  
2     they lost, but they never reported.

3             Three weeks later, they say, oh, I  
4     haven't checked my gun in a long time and it's lost.  
5     That's a problem that we should be concerned about.  
6     That bipartisan support should be there. Because  
7     there is no reason why real disciplined gun owners,  
8     -- if you're a real disciplined gun owner, you know  
9     where your gun is at.

10            And if you're not a disciplined gun  
11     owner, it's disrespectful for the ones who are.  
12     There should be something put in place that says  
13     that you are going on a registry or something to  
14     talk about the guns that you have lost. That's not  
15     an infringement on the Second Amendment. That's  
16     about having a human right. That's about being  
17     responsible.

18            That's not coming after the Second  
19     Amendment. Universal background checks is not  
20     coming after the Second Amendment. We have to stop  
21     the lies and alibis and deal with the truth. What  
22     I'm speaking does not have anything to do to  
23     infringe on the Second Amendment. So we need to  
24     walk away from that conversation and talk about how  
25     we save lives.

1           I agree that we have a serious situation  
2           in our schools and we need to do something about it,  
3           but arming teachers is not the way. They didn't go  
4           to college to learn how to carry guns. They went to  
5           college to learn how to educate our children. There  
6           are multiple different ways that we can deal with  
7           the school situation.

8           One is, we've got a whole lot of officers  
9           -- and I know several in my community -- who deal  
10          with Little League sports every single day. I have  
11          no doubt of how they feel about children. I believe  
12          my kids want them to know that they will grow up  
13          healthy. Those are the type of people that we want  
14          in schools protecting our children. Those types of  
15          officers like that.

16          But whatever we do, we have to address it  
17          because here's what I know for sure, and we can talk  
18          about all of the statistics you want. One thing is  
19          for certain -- two things are for certain. One is,  
20          if we don't address this gun situation, it's not  
21          going to get no smaller. Until we move on it, it's  
22          going to continue to grow. It's just like crack in  
23          the earlier '80s. No one thought it would be an  
24          explosion because everybody seen it as a black  
25          thing.

1           Now, we got an opioid explosion and now  
2 we're starting to see that it doesn't matter what  
3 color you is, it's an American problem. And if you  
4 don't understand that guns is an American problem  
5 that we have to address in order to save some lives,  
6 then we will be just as naive as we were when the  
7 crack epidemic hit and we never addressed it.

8           Now we're in an opioid crisis and now  
9 we're in a situation where we want to address it  
10 immediately. We have an opportunity to work  
11 together as Americans to do something that is good  
12 for our children and the next generation, because I  
13 firmly believe that America is in perilous times.  
14 And I firmly believe that we have a choice.

15           I don't want to do anything to jeopardize  
16 the Second Amendment, but I will always choose the  
17 life of being able to save our children over  
18 anything. And I will not put nothing above that,  
19 including the Second Amendment. My first  
20 responsibility, and your first responsibility,  
21 should be about saving children's lives.

22           And if you don't believe that there's an  
23 increase in gun violence, and you want to talk about  
24 murder is at an all-time low, then someone is not  
25 paying attention nationally to what's going on. And

1 just like the '80s had, and now we're in a whole  
2 other drug epidemic, it will be the same thing  
3 because it's beginning to pick up.

4 We can see each other as Americans and  
5 help one another save lives or continue to say, oh,  
6 well, that's that community, that's that community,  
7 we're not going to do nothing. At the end of the  
8 day, it's America and it affects all of us. I'm  
9 hoping we can work on some real gun legislation that  
10 protects children.

11 MAJORITY CHAIRMAN MARSICO:

12 Representative Saccone, for a question or comment.

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

15 Thank you, Representative, for your  
16 testimony. Look, we've heard this over and over,  
17 over the last four or five days. So I feel  
18 compelled to repeat some things I've said before  
19 because I know not everybody has been here for all  
20 of the hearings.

21 Let me start with arming of teachers.  
22 Arming of teachers has always been proposed as an  
23 option. I am a teacher. I stood in front of a  
24 classroom for two decades. I'm thoroughly trained  
25 in the use of firearms.

1 I've carried them in the military in  
2 harm's way and in law enforcement. Wouldn't you  
3 like a guy like me in a classroom when four sheriffs  
4 are standing outside doing nothing in Florida to  
5 help protect?

6 REPRESENTATIVE GAINEY: Can I answer that  
7 first --

8 REPRESENTATIVE SACCONI: I think you  
9 would.

10 REPRESENTATIVE GAINEY: -- before you go  
11 to the next one?

12 May I answer that first before we go to  
13 the next one?

14 So two, you are also from the military.  
15 So you are trained to handle weapons, so you can't  
16 compare you to the average teacher that's in the  
17 classroom because then that would be disrespectful  
18 of what they have learned through the years to be  
19 able to teach our children. You have a different  
20 level of training, and we can't say that -- because  
21 you have the level of training, of course you would  
22 be good in a classroom. You're trained. You've  
23 been trained for the last 20 years.

24 I'm talking about teachers who did not go  
25 to college to learn how to be trained to handle

1 guns. They've been trained to be able to deal with  
2 kids. That's number one. That's the main thing.

3 So I don't want to divert anything away  
4 from that without you, from a transparent point of  
5 view, talking about your background in the military.

6 REPRESENTATIVE SACCONI: My whole point  
7 is, nobody is forcing a teacher to do this. It's  
8 optional. It would be up to every school district  
9 to have people like me who are trained, if they want  
10 to do that, that they would be allowed to do that.  
11 That was the proposal. So that's number one.

12 Number two, lost or stolen. Lost or  
13 stolen doesn't solve any problem. If I lose my gun  
14 today and I report it, that doesn't help the police  
15 to find it. The average time to crime during the --  
16 I have an ATF study right here.

17 The average time to crime for guns that  
18 are recovered and traced, in Pennsylvania, just in  
19 Pennsylvania, is 10 years, 10.2 years, to be exact.  
20 So without having a lost or stolen law does nothing  
21 except help criminalize law abiding citizens. It  
22 doesn't help police find a gun. It doesn't do --

23 REPRESENTATIVE GAINY: Can I just  
24 address that before you go on? I want to address  
25 each one.



1           That may be your statistic, but in  
2           reality, that's not true because I have people that  
3           come into the urban area every day and sell guns for  
4           drugs. So they'll bring their guns and they'll sell  
5           them for drugs and say that they lost their guns. I  
6           also have people that will come into the community  
7           and sell guns, and it's their gun, and not report it  
8           lost.

9           What I'm saying is, if a person has a  
10          lost or stolen handgun two and three times, at the  
11          end of the day, they need to be reported. So I know  
12          for a fact, and we can check the statistics just to  
13          be sure, Representative Saccone, that in urban  
14          areas, and also in some suburban areas where drugs  
15          are being flourished, they are trading guns for  
16          drugs.

17          You should know that because you  
18          represent the Mon Valley. And in the Mon Valley,  
19          that happens quite a bit. So no one is taking  
20          advantage of -- saying about law abiding citizens.  
21          That is not true. What I said is that there is a  
22          growing indication of people coming into  
23          communities, selling drugs for guns or selling guns  
24          in the community that are being found in homicides,  
25          and as a body of legislators led to protect our

1 children and our community, we should address it.

2 REPRESENTATIVE SACCONO: And that's  
3 already a felony. So that's what I'm saying,  
4 creating a new law doesn't change anything.

5 REPRESENTATIVE GAINEY: Here's the catch.  
6 We should know who they are. We can skirt it if we  
7 choose, but skirting it gives us the same answer  
8 that we have today. It will sow and harvest more  
9 death.

10 What I'm saying to you is that those  
11 people should be reported so we know who's being  
12 responsible or not because to my people out west  
13 that are disciplined gun owners, they would never  
14 lose two or three guns.

15 REPRESENTATIVE SACCONO: And it's already  
16 a crime, so if they're found out, it's a felony.

17 The third point is, you mentioned about  
18 assault weapons being used for a quicker trigger  
19 pull. There is no quicker trigger pull. They're  
20 both semiautomatics. The trigger pull is the same  
21 for my 9 millimeter as it is for my AR-15. It  
22 doesn't make any difference. They're a  
23 semiautomatic weapon.

24 REPRESENTATIVE GAINEY: So let me address  
25 that. Let's take away the trigger pull, so we don't

1 play on words.

2           There are more rifles in drive-bys in  
3 urban areas -- and you can check the statistics.  
4 I'm not saying they don't use handguns. I am not  
5 making that statement, but when you are driving down  
6 the street and you see that long arm rifle come out  
7 and you hear that, that's a drive-by and masses of  
8 people are being killed.

9           I don't know if you can feel what I'm  
10 saying because you've probably never been in that  
11 situation, but what I'm saying to you,  
12 Representative Saccone, is that's a problem in urban  
13 areas. And that's a problem that we have to address  
14 in regards to background checks. We have an  
15 obligation as legislators to create safe streets and  
16 safe schools.

17           So the three things that I mentioned are  
18 not things that take away law abiding citizens'  
19 right to carry or purchase, all it does is put it in  
20 perspective because everybody needs to know that  
21 we're for trying to do something to curtail this  
22 violence.

23           REPRESENTATIVE SACCONI: Yes. We  
24 absolutely want to do something. We want to make  
25 sure it's effective.

1                   The last thing I'll say, Chairman -- I'm  
2                   sorry.

3                   MAJORITY CHAIRMAN MARSICO: You go right  
4                   ahead. We have two minutes.

5                   REPRESENTATIVE SACCONI: I'm sorry.

6                   MAJORITY CHAIRMAN MARSICO: I'm really  
7                   enjoying this lively debate, and I think it's  
8                   needed.

9                   REPRESENTATIVE GAINEY: And Chairman, I  
10                  thank you. I thank you.

11                  MAJORITY CHAIRMAN MARSICO: Go ahead,  
12                  Rick.

13                  REPRESENTATIVE SACCONI: I can proceed?  
14                  Okay.

15                  MAJORITY CHAIRMAN MARSICO: Yes, sure.

16                  REPRESENTATIVE SACCONI: The last thing  
17                  was the background checks. I've said this before  
18                  here. Look, we have 100 percent background checks  
19                  on handguns since 1934. No private sales without a  
20                  background check on handguns, yet you're 20 times  
21                  more likely to be killed with a handgun than you are  
22                  with a long rifle, which doesn't have the background  
23                  checks mandatory. You're allowed private sales.

24                  So background checks are not the answer.  
25                  Again, these are things that people look for as a

1 feel-good solution to fix something, but they're not  
2 effective solutions. We need to keep the guns out  
3 of the hands of the criminals and the mentally ill.  
4 We have some bills that do that.

5 Those are the things we should focus on,  
6 not putting obstacles in the way of law abiding  
7 citizens to loan and carry responsibly their weapon.

8 Thank you.

9 REPRESENTATIVE SACCONE: You know,  
10 Representative Saccone, you actually answered the  
11 question. If we have universal background checks on  
12 handguns, why not long rifles?

13 REPRESENTATIVE SACCONE: Because it  
14 doesn't work.

15 REPRESENTATIVE GAINNEY: I mean, it  
16 obviously works with handguns because it talks about  
17 the amount of lives that are saved.

18 What I'm saying to you, sir, is why can't  
19 we use uniformity?

20 Why can't it be across the line?

21 Why do we have to have division as if  
22 division ever built anything, and we know that it  
23 hasn't?

24 So what I'm saying to you as we go  
25 forward, I see -- and 90-some percent of

1       Pennsylvanians believe that there should be  
2       background checks -- so all I'm saying is that  
3       Pennsylvania has spoken. We need to follow the lead  
4       that they set forth and begin to address some of the  
5       issues that they want us to address.

6                 Thank you.

7                 MAJORITY CHAIRMAN MARSICO: So we do have  
8       -- it is 11:00. We've got to get to session, but  
9       appreciate you being here, Ed.

10                REPRESENTATIVE GAINNEY: Thank you.  
11       Chairman, thank you. I don't know what you're going  
12       to do in retirement, but whatever you're going to  
13       do, to the best.

14                MAJORITY CHAIRMAN MARSICO: Thank you  
15       very much.

16                REPRESENTATIVE GAINNEY: Yes, sir.

17                MAJORITY CHAIRMAN MARSICO: I want to say  
18       that tomorrow we'll reconvene at 9:00 a.m. until  
19       11:00 in Room 205 of the Ryan Office Building. So  
20       this hearing will reconvene tomorrow.

21                Thank you very much for being here,  
22       everyone.

23                (Whereupon, the hearing concluded at  
24       11:00 a.m.)

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CERTIFICATE

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.

Tracy L. Markle

Tracy L. Markle,  
Court Reporter/Notary