This handout is a summary of reasons WACDL/WDA opposes HB 1562. A more detailed and thorough explanation written by Vitaliy Kertchen has been circulated to various stakeholders and is available upon request.

HB 1562's purpose is twofold. First, it expands the list of crimes that will result in a prohibition on the possession of a firearm. Second, it severely restricts eligibility to restore firearm rights. We oppose both endeavors.

Attempting to possess a firearm is already a crime. The bill makes attempting to possess a firearm punishable as a completed crime, subjecting unaware people to felony charges. A person with a juvenile felony from 25 years ago who genuinely (even if incorrectly) believes he may possess a firearm could be subject to a minimum of 15 months in prison just for attempting a purchase. Such individuals are currently face gross misdemeanor charges, and it should stay that way.

The list of new crimes is too expansive. The bill adds a host of new misdemeanor crimes to the list of prohibiting convictions, including all crimes of domestic violence and many others even without a DV designation. One of the crimes is reckless endangerment. A person can be charged with reckless endangerment for popping a wheelie on a motorcycle. This is hardly evidence of violent tendencies and is too attenuated to be a firearm prohibitor. Creating a firearm prohibition for DV crimes that are not violent in nature is also an overreach. No one should lose a constitutional right over a nonviolent misdemeanor.

The waiting periods for restoration are too long. The bill seeks to impose a mandatory ten-year waiting period for restoration of firearm rights for many nonviolent misdemeanors and for some nonviolent felonies. This is too long of a waiting period. No explanation exists on why arbitrarily increasing the limit from five years to ten years will advance public safety and no scientific data is provided to justify this significant change.

The other burdens imposed are too onerous. The bill imposes other capricious requirements. It requires proving compliance with all sentence conditions while making no provision for what happens if the records simply don't exist. It requires the petitioner not be restrained by a protection order in the last five years, even if that protection order has already expired. It requires that the petitioner not knowingly attempt to receive or purchase a firearm or acquire a CPL at any time prior to restoration, even though that is how a great deal of people find out they are prohibiting to begin with. Those people would then be prohibited from ever restoring their rights. And the bill requires the petitioner to prove eligibility by clear and convincing evidence, the highest burden of proof in civil court. These requirements virtually guarantee that almost no one will qualify.

A person who seeks the restoration of firearm rights is seeking the opposite of criminality. The people who choose instead to do what is necessary to own and possess firearms legally are making a choice to live a law-abiding life. The legislature should promote that choice, not make it more difficult to attain. It should not be easier to lose a core right *and* harder to restore it.

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