

Friends,

It is hard to know where to begin with this legislation but I suppose the best way is actually at the beginning.

PA was the "first" state in the nation with a comprehensive domestic violence law and agenda beginning in the middle seventies (much like PA being the first state, beginning in 1934, with a comprehensive "Uniform Firearms Act/set of laws). **Anyone** who has had "any" dealing with the actual issues in the domestic violence enforcement issues in PA is well aware of how and where the system is abused and how it abuses the average individual. **Virtually no tangible benefit** could be claimed by anyone as to the worth of the old law except by how much injustice was imparted to, in most cases, men and how it actually failed women in need.

I needed to set the stage by the above so you would know that there has been deeply discordant voices rumbling for years about the abuses by the courts of the falsely accused from many directions and the inability of the courts to take effective action to protect those in need (not that the government actually has a responsibility here though). Enter (former) Rep. Melissa Weber, Republican, in 2003 and her bill HB 2403. This "horrible" legislation was the brainchild of the Pennsylvania Coalition Against Domestic Violence (PCADV). Remember this group's name well as they are permeated with anti-gun individuals!

The gist of this legislation is that the legislature was oblivious, **as was the NRA**, to the deep consequences of this legislation. Like the pay grab the Governor and House leadership tried to run this bill in late 2004 but much to the surprise of everyone in the legislature, PCADV and the media, grassroots gun groups, without ANY help from the NRA, joined together to educate legislators and blocked this legislation. **Despite all the forces arrayed against us we fought this bill to a standstill.** FOAC also helped to inform the gun owners in Rep. Melissa Weber's district during the run up to the 2004 General Election as to her troubling effort on this legislation AND her unwillingness to communicate with us so that our concerns could be addressed. She lost her reelection bid by just fewer than 500 votes.

This carried us into the new session (2005/2006) with the continuing drumbeat of the PCADV on this issue. The difference is that NOW we had the attention of House leadership and thus commenced a prolonged effort of nearly 8 months of almost daily give and take on virtually every section of what now has become HB 1717. We faced a climate in Harrisburg that forecast certain passage of some kind of domestic violence bill in this session (2005/2006). Behind the scenes, Harry Schneider of the PSA, attorney Mike McCormick and I worked with leadership to craft the very best language possible considering the forces arrayed against gun owners. Who were they, for starters the PCADV then Ed Rendell, the Philadelphia Caucus, Philadelphia DA Lynn Abrams to name a few.

- 1. It is important to make clear that the GREATEST problem in my experience and knowledge of this issue, domestic violence, is the standard of evidence (Preponderance of the Evidence) for the issuance of a PFA. It is FAR too low and is actually the lowest standard available in the justice system.***

There are many good measures in HB 1717 such as a first for ANY state in this nation that an unjustly accused individual now can sue civilly for false accusations AND perjury charges can be instituted against manipulative spouses. Also you have a choice of where your firearms are held by including 3rd party choices in their storage. There are many more important changes that we were able to negotiate. But . . . .

Problems with this issue remain the "**low standard of evidence**" AND the increase in the term of the PFA from the current **18 months** to **three years** as well as several other substantial issues. I want to make it extremely clear that we "FOUGHT" tooth and nail to change these points but were unsuccessful THIS time! It is also EXTREMELY important to point out that gun owners had three tremendous champions in the House with us in this fight and they were **Rep. Daryl Metcalfe, Rep. Teresa Forcier** and **Rep. Russ Fairchild**. In light of this the grassroots gun groups of PA, after examining the final language and all of our options, chose "not to support OR oppose this legislation" like we did with our opposition to HB 2403. HB 2403 was much worse and would have quickly become law in 2004 if we had not made a major effort to derail it. We gutted **most, but not all** of the adverse language in what became HB 1717. The **PSA** and **ACSL** did not oppose HB 1717 (and **FOAC** will 'not' use this legislation in grading incumbents) because the gains outweighed the negatives, but the **PSA** and **ACSL** did not support it because it contained some bad features and did not go far enough to correct the harms in existing law. **Representative Metcalfe's & Forcier's** co-sponsorship also made sure that the no additional adverse changes were made without their/our knowledge, which was tried in the Senate at the behest of Gov. Rendell the first time Senate passage was attempted. **Were the gains worth it?** Only time will tell! Like other issues, it is pure conjecture as to what "would have happened" to this legislation IF we had not intervened for surely HB 2403 would have become law in 2004 and PFA law would be much worse and we would have none of the gains made in HB1717.

In retrospect, we have all seen what can be accomplished with citizen involvement. Motorcyclist groups worked for two + decades for the successful repeal of the mandatory helmet law. Citizen outrage forced the retreat on the pay raise and sent liberal anti-gun judge Nigro into early retirement. IF 10% of the PA gun owners would give us a few hours of their time we could change the remaining problems in the domestic violence law by the end of the year. The NRA was complicit in helping advance HB 2403 but to their credit were able to contribute a "very" minor role in the negotiations over HB 1717. It is, and will remain, my fervent desire to see the gun owners of PA awaken to the true extent of their collective political power and flex atrophied muscles to the point that we drive the debate on gun control where it needs to go.

I am attaching both pieces of legislation, **HB 2403** and **HB 1717**, for your review and records.

Thank you for your time and interest and I hope this helps in some small way to explain the torturous path of this issue and legislation.

Best Regards,

Kim Stolfer  
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