

2010-04-18 Beal to courant

From: MICHAEL M BEAL <*****@snet.net>
Subject: No Need To Hide Handguns
To: emahoney@courant.com
Date: Sunday, April 18, 2010, 11:02 AM

I am a retired CSP officer who worked many years as a retired/retiree in the licensing unit of DPS. I have communicated with Tracy Fox in the past regarding my informed opinion that DPS has been abusing the regulatory process by revoking permits without the statutory authority to do so. I have taken a position strongly in favor of Mr. Goldberg and Mr. Kuck. Ironically, I am no fan of the carrying of firearms under any circumstances and would advocate on the side of a ban - short of that goal, my preference would be toward concealed carry. As a former regulator of permit holder's I was conscious of the fact that my preferences and opinions should not color the exercise of my authority. As such, I would never revoke someone's permit for the sole act of openly carrying because it is not illegal. Furthermore, I would not revoke a permit in support of the bad arrest made by any police agency. In the Goldberg case the DPS accepted a permit taken from Mr. Goldberg by the Glastonbury PD (again, without any statutory authority to do so - similar to the lack of authority given to police officers to take you driver's license away except in some very limited circumstances) and revoked the permit without any basis to do so. I know that DPS will defend the revocation by grasping at the word "suitability" found in the statutes. I know of no facts in the Goldberg incident that any reasonable person would interpret as rendering him "unsuitable", unless you accept the argument that a person's arrest (in this case without justification) and a request from a police agency for revocation are sufficient to make one unsuitable. The relevant statutes are very clear in requiring a conviction for specific crimes (parenthetically, breach of peace and disorderly conduct are not included in this list) before revocation of the permit becomes mandatory. Again, this forces the authority seeking to revoke to fall back on that vagueness of the "suitability" straw to grasp. In your article I was struck by some quotes from Michael Lawlor, a legislator I have always respected. He alludes to the "suitability" issue when he mentioned "maturity" and he alluded to the breach of peace statute when he mentioned intentionally or recklessly creating alarm in public. A reading of the statute (attached) shows that Mr. Lawlor left out the part of the statute that says the act must be an act "which such person is not licensed or privileged to do." It is difficult to support a claim that Goldberg intentionally or recklessly created alarm (in fact, there is no evidence that there was any alarm at all) and he was engaged in an activity that he was licensed or privileged to do. To repeat, if I had my druthers there would be no carrying of firearms - if allowed they should be concealed - I might suspect that Mr. Lawlor shares my aversion to folks walking about with loaded firearms. But he is a legislator and I am a citizen that must respect the rule of law. As a legislator he has the ability to "fix" it and as an informed citizen I am obliged to state my opinion to him but neither of us (or the DPS regulators) should disregard the law as it exists or twist it to comport with our personal notion of what is just.

Sec. 53a-181. Breach of the peace in the second degree: Class B misdemeanor. (a) A person is guilty of breach of the peace in the second degree when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person: (1) Engages in fighting or in violent, tumultuous or threatening behavior in a public place; or (2) assaults or strikes another; or (3) threatens to commit any crime against another person or such other person's property; or (4) publicly exhibits, distributes, posts up or advertises any offensive, indecent or abusive matter

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concerning any person; or (5) in a public place, uses abusive or obscene language or makes an obscene gesture; or (6) creates a public and hazardous or physically offensive condition by any act which such person is not licensed or privileged to do. For purposes of this section, "public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

Michael M. Beal