

# **MATTHEW F. TYSZKA, JR.**

RIVERTON, CONNECTICUT 06065

## **REFERENCE: SB 787, INCREASE OF PISTOL PERMIT FEES**

Dear Senators and Representatives of the Finance, Revenue and Bonding Committee:

I respectfully request that you VOTE NO on SB 787, which will excessively increase the fees for Connecticut pistol permits under Sections 18 and 19 of the bill.

Section 1 of the bill requires that agency heads "undertake a review of the fees collected by his or her department and determine whether each fee is sufficient to cover the department's costs to collect such fee and administer the program associated with such fee." DESPP Commissioner Doris Schriro testified before the Appropriations Committee working group in February that she had not conducted any such workload or cost analysis justifying the proposed increases, and admitted that she just wanted to make the fees equivalent to those in New York City. This goes completely against the mandate of the bill.

The DESPP Special Licensing and Firearms Unit (SLFU) is responsible for the issuance of the following:

- **State Pistol Permits**
- Eligibility certificates for pistols and revolvers
- Eligibility certificates for the purchase of long guns
- Ammunition certificates
- Oversight and regulation of firearm sale transactions
- Licensing of Professional Bail Bondsman
- Licensing of Private Security Companies
- Licensing of Private Investigators
- Licensing of Bail Enforcement Agents
- Licensing of Precious Metals and Pawn Brokers
- Security Guard Cards
- Licensing for Fireworks and Explosives
- The regulation and licensing of Professional Boxing and Mixed Martial Arts<sup>1</sup>

It is especially concerning that the ONLY fee increases are applied to pistol permits. All other licenses and activities are left untouched, while the pistol permit fees alone are drastically increased. There are no practical, legal or justifiable reasons to increase the pistol permit fees an excessive amount while ignoring the other potential sources of revenue. Consider that by increasing the revenue burden over the entire field of a combined 4.5 million drivers licenses and vehicle registrations by only \$3.00 each, the same revenue can be gained without targeting the relatively small number of pistol permit holders with a hefty increase. This can only lead to the conclusion that the real intent of this proposal is to discourage and punish firearms owners, who are a scorned and disfavored class under the present administration, from exercising their rights.

The United States Supreme Court ruled against specific taxes infringing on the exercise of a Constitutional right in a case involving the First Amendment in *Minneapolis Star & Tribune Co. v.*

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<sup>1</sup> DESPP website accessed on March 5, 2017,  
[http://www.ct.gov/despp/cwp/view.asp?a=4213&Q=494632&desppNav\\_GID=2080](http://www.ct.gov/despp/cwp/view.asp?a=4213&Q=494632&desppNav_GID=2080)

*Minnesota Commissioner of Revenue* (1983)<sup>2</sup>. The court said that “Minnesota's ink and paper tax violates the First Amendment not only because it singles out the press, but also because it targets a small group of newspapers. . . . Whatever the motive of the legislature in this case, we think that recognizing a power in the State not only to single out the press, but also to tailor the tax so that it singles out a few members of the press presents such a potential for abuse that no interest suggested by Minnesota can justify the scheme.”<sup>3</sup> If we substitute “firearms permit holder” for “the press” in that decision, the teaching is clear that the revenue increases proposed in SB 787 as applied to Second Amendment and Fourteenth Amendment equal protections rights will also be ruled illegal.

Other Supreme Court cases dealing with taxes and fees imposed on Constitutional rights go back to 1943, and have been only slightly modified since then. In *Murdock v. Pennsylvania*, the court laid down the basic rule that a state may not impose a charge for the enjoyment of a right guaranteed by the Federal Constitution. (“The tax imposed by the City of Jeannette is a flat license tax, the payment of which is a condition of the exercise of these constitutional privileges. The power to tax the exercise of a privilege is the power to control or suppress its enjoyment.”)<sup>4</sup> The Fourth Circuit Court of Appeals allowed states a little more leeway when dealing with user fees, saying that “to qualify as a user fee, a state tax must (1) reflect a fair, if imperfect, approximation of the cost of using state facilities for the taxpayer’s benefit, (2) not discriminate against interstate commerce, and (3) not be excessive in relation to the costs incurred by the taxing authorities.”<sup>5</sup> Finally, the Second Circuit upheld New York City’s firearm permit fee using intermediate scrutiny, on the basis that the fee was designed to *defray, and did not exceed, the administrative costs associated with the licensing scheme*.<sup>6</sup> (Emphasis supplied) In Connecticut’s proposal, not only is the hike in the pistol permit fee not related to any stated cost for issuing a permit, but the approximate 400% increase will prevent less financially able citizens from exercising a fundamental Constitutional right.

Based on the above, please VOTE NO on any increases in the Connecticut pistol permit fees.

Sincerely,

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Director of Legislative Affairs  
Connecticut Carry, Inc.

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<sup>2</sup> *Minneapolis Star & Tribune Co. v. Minnesota Commissioner of Revenue*, 460 U.S. 575 (1983)

<sup>3</sup> *Id.* at 591, 592.

<sup>4</sup> *Murdock v. Pennsylvania*, 319 U.S. 105, 112-113 (1943)

<sup>5</sup> *Center for Auto Safety v. Athey*, 37 F.3d 139 (4<sup>th</sup> Cir. 1994), at 142, citing *Evansville-Vanderburgh Airport Authority District v. Delta Airlines*, 405 U.S. 707, 717-720 (1972)

<sup>6</sup> *Kwong v. Bloomberg*, 723 F.3d 160 (2d Cir. 2013), cert. den. by *Kwong v. de Blasio*, 134 S.Ct. 2696 (2014).