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FLOOR DEBATE

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criminal intent. Would you like to know how much trouble they have with all those gun toters in Vermont? None. None. You have a choice with this bill. Follow the rules, get a permit, and carry it where it is then permitted to carry. One of the things that was objected to in the Sheriff's Association letter comes towards the very back. How do you know...

SENATOR CUDABACK: Time.

SENATOR TYSON: ...if 50 percent...

SENATOR CUDABACK: Thank you, Senator Tyson. Senator Chambers, on your motion to recommit.

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Tyson and others have shown their woeful misunderstanding or lack of knowledge about the law. They continue to say that the existing law relative to carrying a concealed weapon is based on the premise that you're guilty till proved innocent. That is totally fallacious and wrong. Before a person can be convicted of a crime, the state must enter that proceeding knowing the defendant is cloaked with the presumption of innocence. What the state has to prove is every element of the offense. If a person were guilty until proved innocent, the defendant would have to go forth and make his or her case. And if he or she could not make the case for innocence, then guilt, which was presumed, would then be established conclusively. What Senator Tyson and the gun people don't understand about the law is that the state must go forward and prove guilt. That must be done by establishing every element of the offense that you were...that the weapon you had, first of all, was concealable; that you had possession of the weapon and it was concealed; you were in a location where a person is violating the law to have a concealed weapon; and if all of those elements are established you still cannot be punished unless you have no defense. After a case is presented, the defense then offers its side, and that's where the person establishes that he or she had a basis recognized under the law for carrying a concealed weapon in those circumstances, and the person is found not guilty. That's the way that goes. What they want to say is that any time a person is arrested and charged, that person is presumed