

## **Proposed Amendment 30 – Guns Rights and the Death Penalty**

This Amendment has two distinct, but over-lapping topics. The first part presents a detailed clarification to the Gun Rights oriented Second Amendment to the US Constitution. The second part addresses the Criminal Justice System penalties for pre-meditated murder of one or more persons, as in the recent Parkland, FL public school tragedy.

I brought these two (2) hard issues together, since in all of the discussion following Parkland, Florida high school tragedy, the word “deterrence” was never, ever spoken!! Why not?! There are only excuses for that dysfunctional situation and they will be addressed herein!

### **Our Answers Cannot be Found in Congress**

*A problem cannot be Solved by the same consciousness that Created it!*

*Albert Einstein*

To that truth I must add that our common problems will not be solved by the same entities that have for years maintained and thus allowed them to continue. In this case, it is both the US Congress and State legislatures around the nation that are responsible for such public failures. Always serving Special Interest lobbyists rather than our Common Good. Campaign donations for re-election campaigns of both political parties, are in reality more important to them than We the People. Yes, *Enough is Enough!*

Note: This draft text will contain random comments, notes, stats, etc., during the revision process. Those will of course be removed as the final document is completed.

### **Part 1 of 2 – Gun Rights**

#### **Guns Rights (and Responsibilities)**

This draft US Amendment intends to clarify the 2<sup>nd</sup> Amendment to the US Constitution – **Right to Bear Arms**.

The various specifications detailed in this critical revision to Gun related laws (not just regulations) will be enacted nationwide, under this proposed Amendment.

To be clear, this is only a DRAFT. The subject groupings and the items within them are subject to review and refinement. All modifications based upon public inputs. The NRA will not write this legislation as is their habit with both national and state legislatures. We the People will decide this, and the Congress will do their job and simply enact it.

#### **Ownership Rights**

- The US Government will never collect the gun(s) of law-abiding American citizens.
- Non-citizens may have their weapons collected.
- The US Government will never require law-abiding American citizens to produce an inventory of their weapons collection.
- Non-citizens may have their weapons inventoried.

### Circumstances Where a Citizen's Weapons Could be Taken Away

- Some states will take away all weapons from an individual in certain cases, such as:
  - Domestic Abuse
  - Stalkers
  - Others to be detailed

### Background Checks

- All public Gun Shows will provide for access to the US Background Check System (BCS) for sellers to utilize. Thus, all sales at the Gun Shows must run the Buyer successfully through the BCS, with No Exceptions.
  - Both federal and state agencies will be responsible for streamlining the reporting of criminal and suspect individuals into the BCS system. And will be responsible for promptly removing persons from the BCS that are entered in error and/or have been cleared of such restrictions.
- Private sales will not require BCS verification. Only a standard Bill of Sale will be required.
  - This item will certainly generate discussion from all sides of the issue.

### Purchase Age Requirements

- The Legal Age to purchase weapons in the United States is raised to twenty-one (21) years. Some “possible” weapon exceptions to that rule are detailed in the next grouping.

### Possible Purchase Exceptions to Age Restriction

In the spirit of compromise, there could be some specific rifles that will remain available for purchase to 18 to 21 year olds, in accordance with local code and documentation requirements. Those items would be:

- The following weapons, primarily rifles, are permitted for purchase by eighteen (18) year olds in accordance with local
  - 22 Caliber rifles
  - Other items to be added. Suggestions please.

### Weapons and Accessories to be Banned

- Bump Stocks will be illegal.
- Whether or not to re-institute the Ban on Assault Style Weapons will be resolved.
  - Some 60% of gun owners support such a ban – according to a recent FOX News Poll.
- Possibly certain size clips.
- Other items to be added. Suggestions please.

Open and Conceal Carry Permits

- Some 42 states currently allow some form of Open and/or Concealed Carry Laws.
- The current legislative details by state will be itemized in a future update to this draft.
- Please be reasonable and practical here everyone – all sides!

Again, this Draft will be refined based upon the public’s input. Please forward your “positive” suggestions and comments to us at, [gunrights@commonsense2nd.com](mailto:gunrights@commonsense2nd.com).

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## **Part 2 of 2 – The Death Penalty**

### **The Obvious Guilt Law (OGL)**

The human tragedy at the Marjory Stoneman Douglas High School in Parkland, FL on Wednesday, February 14<sup>th</sup> was sadly only the latest mass public shooting. Seventeen innocent lives lost and as many more lives were changed forever.

There has been a larger than “normal” public outcry over Parkland lead primarily by High School students from the area. Their actions generated widespread support from students around the nation. The students conducted a well-coordinated, nationwide Walk-Out of School Day on Wednesday, March 14<sup>th</sup>. A very successful “national” event!

### **What Normally Happens**

- With reference to Parkland, there would be far more than thirty (30) trials over the next years or decade.
- It will continue to drag families in and out of court for years. Not allowing families to gain more closure after their loss.
- I am not a lawyer, and neither are most of you! I do not know exactly how the courts system works, but it is safe to assume that those trails will go on for years and costs millions of tax-dollars that could be better spent than in court. It prolongs the grief of families, friends, and other victims. It requires housing the criminal for decades in prison, and wastes tax-payer dollars all along the way. Do I exaggerate? Not at all.

### **Under the Obvious Guilt Law (OGL)**

The “Obvious Guilt Law” was first detailed in my 2008 non-fiction, political book, *The Second Coming of Common Sense (CS2)*. It was the 10<sup>th</sup> of 27 problem-solving proposals. The 718-page book is available for free download at [commonsense2009.typepad.com](http://commonsense2009.typepad.com).

- A person commits a free-will, pre-meditated murder. When they walked into the business with a gun, they had not planned to kill anybody during the robbery. However, when they left one (1) or more persons were dead from their free-will decisions.
  - The key issue is that in this category of crime there is always sufficient witness, video, etc., to certify that the accused factually committed the murder. Hence, Obvious Guilt. There is no question of guilt or concerns about the wrong person is being convicted.
- The person is apprehended and charged with pre-meditated murder(s).
- The accused faces a single, standard trial-by-jury no matter the number of people involved.
- The person is convicted of First Degree Murder.
- The person is sentenced under Obvious Guilt Law.
- There is no Plea-bargaining.
- There are no Insanity Pleas. Their sanity is not in question.
- There are No Appeals to be granted. Even if such Legal Reform requires an Amendment to the Constitution.
- The jury reaches the only verdict possible. Guilty of pre-meditated murder on hard and clear evidence.

- The Court will then have 48 hours to perform a final Evidence Review and Verification.
- Subsequent to that, and some ninety (90) days later the convicted criminal receives the prescribed sentence which is Death by Lethal Injection.

In my experience in literally thousands of one-on-one chats, at least 9 out of 10 people would vote for what you just read. Period. So, it is time We the voters, the workers, the tax-payers began to simplify the judicial process in specific criminal areas, such as this.

### **Then, What Do We Do?**

Once this narrative gets adequate air time, a great cry will go out from groups like the American Bar Association!! It will be interesting to observe how the opposition will frame their objections to the wording of the Draft Amendment. There will be complaints about this and that, but things will soon settle down.

And then comes the Final Act. The problem resolution process they used to call “binding arbitration”. All sides will have their say, but the People, the citizens, and public safety will be served before all others. We will have a public debate and decide how We the People want to approach this. What “We the People” decide is reasonable conduct to expect from our fellow citizens and the penalty to be earned if you commit certain crimes.

And that is the legislation that Congress will promptly pass into law along with the power to enforce it.

There will be much more to come on this as you might expect. That is expected and is encouraged.

It is my belief that our Criminal Justice System must be reformed. Proposals and their real benefits must be direct and to the point. Such crimes resulting in the death of one (1) or more persons must be dealt with swiftly. Whenever the hard evidence of a person’s guilt is determined to be absolute, the OGL will be enforced.

Again, in my personal opinion, years of repetitive trials for years over a crime that is already decided – is in fact, at least meaningless! Further, these long-lasting trials have been a ridiculous waste of tax-payer dollars for decades and We the Taxpayers are tired of it.

Endless trials are at best a monument for those that worship the Law.

It does not honor or provide society with Justice!

Presently, our courts and prison systems in this country are doing a terrible job! Frankly, part of the reason for that is that they have a terrible job to do to begin with! Yes, both kicking and taking up for them at the same time. The Criminal Justice System is the problem, not those that are administering it. We by our votes will deliberately Reform that system both in fairness and in operational costs!

**And in the End**

We will implement the Obvious Guilt Law (OGL).

We will demand that it be applied starting with case against the 19-year old killer in the Parkland, FL shooting. Let that loud debate begin.

One last point to be addressed is whether or not to make the OGL retro-active where evidence supports its application. That will absolutely produce a most lively discussion.

To that question, I have two (2) candidates for the retro-active application of the new Law.

1. The man that deliberately ran over a crowd of people at the Charlottesville, VA protest last August and left one (1) innocent woman dead!
2. The Baltimore City man, also last year, that while baby-sitting decided to murder four (4) little girls under ten (1) years old while they slept.

And, that is just a practical start! We must raise the bar of civil behavior across the board.

Please forward your “positive” suggestions and comments to us at, [deathpenalty@commonsense2nd.com](mailto:deathpenalty@commonsense2nd.com).

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**End of the Draft of Amendment 30 – Gun Rights and the Death Penalty**

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If additional copies of this proposal are needed, refer to [www.commonsense2nd.com](http://www.commonsense2nd.com). Tab down on the Home Page until you see the Blue Box that is titled, *Proposed Amendment – Guns Rights and the Death Penalty!* There is a link in that box to a PDF of this proposal.