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Live Fire Training Requirements – Meeting Meetings for Hearing # 2 Wednesday, June 4, 2025 *Via Microsoft Teams*

I. Call to Order

EOPSS Deputy General Counsel John Melander introduced himself and offered opening remarks at 10:05 AM. He also read directly from the section of Chapter 135 of the Acts of 2024 which required the hearing for which the public was gathered. After those remarks and informing the public of the procedure for making a public comment, John opened the floor to the public.

II. Public Comments

In his first statement, Dr. Jeffrey Sacks spoke opposing the proposed live fire training requirement. He argued the measure would be discriminatory and economically burdensome, targeting specific groups without demonstrating measurable safety benefits. Mr. Sacks emphasized that practicing is a personal choice, not a prerequisite, and asserted that the legislation attempts to solve a problem that doesn't exist. He also criticized it as politically and emotionally driven with no empirical grounding.

In his first remarks, Garet Holcomb, an instructor and advocate, challenged the format and legal grounding of the hearing itself, arguing that Section 152 requires in-person public sessions across different areas of the state—not virtual meetings. He stated that the absence of concrete proposals prevented instructors from commenting on cost, access, or logistics. Mr. Holcomb questioned whether the state would establish public ranges and argued that the mandate would disproportionately burden private facilities. He likened it to outsourcing driver's license testing to commercial franchises and warned that such policies amount to a de facto poll tax.

Mr. Holcomb then referenced the extensive training work done by John Green and stated that the vast majority of responsible gun owners already seek instruction voluntarily. He questioned the necessity of mandating training when Massachusetts doesn't have a firearm safety crisis. Instead, he suggested that the state provide incentives such as tax credits, community partnerships, and

vouchers for low-income applicants. He urged policymakers to distinguish between voluntary action and coerced compliance, warning that the mandate could transform rights into privileges.

In his first contribution, Richard Swasey, a firearms instructor and university professor, explained that he already incorporates live fire into his courses as standard practice and emphasized the value of experience in high-stress scenarios. He argued the state could reduce barriers through support and infrastructure rather than mandates. Swasey proposed options like offering tax credits, financial guidance, or .22 caliber-focused training to reduce costs. He also criticized the legislature for not engaging with instructors ahead of the bill's drafting and recommended forming an advisory committee of gun owners.

In his second statement, Richard Swasey supported creating an advisory committee and reminded participants that constitutional rights were at stake. He underscored that the legislature must approach the issue thoroughly and responsibly.

In his first remarks, Mike Harris from GOAL recalled that during the legislative process for Chapter 135, their organization raised objections—including to the live fire requirement—but were largely ignored. He expressed concern over property rights, Fifth and Fourteenth Amendment violations, and the impact on private clubs, especially given that Massachusetts lacks public ranges entirely.

Later in the discussion, Wayne Adams, representing the Massachusetts Conservation Alliance and Civil Rights Coalition, raised concerns about accessibility for individuals with disabilities and seniors. He emphasized that access to live fire training would be especially difficult in regions without nearby ranges or public transportation. Adams noted that private clubs are financially strained, some having recently lost insurance coverage, and warned that increased liability and training requirements would further tax their resources. He emphasized the importance of trust between ranges and instructors, and advocated for strong vetting and indemnification policies.

In his third statement, Richard Swasey suggested that the state provide classroom space for instructors and consider exempting the \$150 annual LLC fee to reduce the financial burden. He emphasized the need for instructors to prepare applicants for real-life, high-stress scenarios and proposed offering lower-cost training using .22 caliber firearms.

Dr. Sacks argued that the requirement would place firearms out of reach for the very communities that need them most. He questioned whether live fire training even improves safety outcomes, citing lack of transportation access and the limited utility of training under extreme stress. He characterized the proposal as politically driven and out of touch with real-world considerations.

Mr. Block emphasized the confusion instructors are experiencing due to the lack of guidance on course requirements. He noted that he has suspended his training activities because he's unsure what standards the state will ultimately adopt.

Mr. Swasey recommended utilizing police department ranges, particularly in cities like Boston where Moon Island was historically used. He pointed out that costs could be kept reasonable - just

\$15 to \$20 - for brief live fire sessions. Swasey also floated the idea of using military bases and stressed the importance of conveying this feedback to open-minded legislators.

In his second contribution, Robert McDermott, President of the Stockbridge Sportsman Club, emphasized that the club recently paid \$18,000 for a new insurance policy—one that prohibits the use of outside instructors. He noted that most students pursue licensing for target shooting or home defense rather than carrying a firearm in public. McDermott stated that new shooters typically have no prior experience with guns and that any live fire training involving tactical elements must be conducted one-on-one for safety, which raises costs.

In his first remarks, Paul Dislow addressed both cost and access concerns. He echoed prior comments that the cost of exercising a constitutional right should be zero and noted that what is affordable to some may be prohibitively expensive for others. He raised the issue of disparate impact, likening the policy to employment practices that—regardless of intent—can disadvantage protected classes. Dislow suggested that the state measure baseline licensing demographics now to evaluate whether the live fire mandate causes unintentional harm later.

In his first contribution, Frank Orton, a Connecticut-based instructor, shared that he's been conducting live fire training in Massachusetts for nearly four decades. He emphasized its benefits and welcomed open discussion on best practices.

Later in the discussion, Mr. Swasey encouraged broader public education around firearm handling and safety. He noted an uptick in participation by women and proposed that community colleges be involved in offering training. He emphasized that if someone is carrying a gun, the public deserves confidence in that person's competence.

In his third statement, Mr. Block highlighted the disproportionate impact that liability insurance costs have on small-scale instructors like himself. He mentioned conducting training out of his home and pointed out that instructors without access to large facilities will face steeper logistical and financial challenges.

In his second comment, Mr. Orton noted that while NRA insurance policies are affordable for instructors, most clubs require higher coverage limits, which those policies may not meet.

In his third appearance, Mr. McDermott elaborated on the complexity of insurance for clubs. He explained that while a \$1 million policy may be standard for instructors, most clubs require higher coverage and hold liability concerns. He noted the environmental risks of lead exposure and expressed concern about cost implications of providing sufficient personal protective equipment after COVID-19.

In his first remarks, Tony Tufo, a former police officer and longtime firearms instructor, explained that he spends \$69 per month on insurance and has incurred numerous costs associated with forming an LLC, maintaining separate financial accounts, and purchasing legal waivers. He warned that these burdens are making training financially unsustainable and predicted that instructor attrition could undermine public safety. He also observed that legally licensed individuals are rarely involved in gun-related incidents based on his experience as a first responder.

In his fourth statement, Mr. Block proposed the use of firearm simulators as a viable alternative to live fire training, particularly for instructors unable to access facilities or afford rising costs. He noted that simulators reduce liability and could be used in garages or other private spaces.

In his second response, Mr. Tufo agreed simulators offer potential but emphasized that the units are prohibitively expensive. He noted that simulators are cost-effective only at scale and estimated that building even a modest training business around them would cost over \$1 million.

Mr. Swasey endorsed the idea of simulators tied to technical colleges or vocational high schools. He envisioned instructors using them in “shoot/no-shoot” drills and suggested creating a list of legislators who support practical firearm education.

Mr. McDermott explained that while simulator technology has promise—especially for tactical training—live fire is likely better suited for beginners. He shared that in New York, training programs now incorporate both simulators and live fire due to legal reforms post-Bruen. He offered comparative cost estimates between building an indoor range (roughly \$250,000 per lane) and purchasing simulator units.

Dr. Sacks noted that while simulators could be useful in urban settings, they may raise concerns with law enforcement or neighbors. He suggested that in dense areas, using simulators might unintentionally trigger police visits due to misinterpretation of simulated gunfire.

Mr. Block explained that transporting multiple firearms for training—sometimes valued at \$6,000 to \$7,000—adds financial strain. He pointed out that due to safety concerns and club policies, secondhand guns are not suitable for instruction. He maintained that simulators could reduce costs for instructors and ease access for students.

Mr. Tufo elaborated on simulator costs, estimating that equipping four simultaneous users would cost around \$20,000. He compared it to golf simulators: an \$800 home unit is inexpensive, but building a facility suitable for training would exceed \$1 million. He cited other equipment expenses—like CPR dummies and AEDs—that compound overhead for instructors juggling multiple certifications.

Mr. Orton asserted that simulators are helpful in some situations but don’t offer the same skill development as live fire. He emphasized the need for common sense in determining the right tool for the job.

In his sixth statement, Mr. Swasey highlighted practical suggestions—such as creating simulator programs at technical high schools—and reiterated the importance of lawmakers taking public input seriously.

In his sixth appearance, Mr. McDermott described firsthand experience building both indoor and outdoor ranges. He stated that an outdoor covered range with safety berms and bulletproof partitions could cost less than \$30,000, excluding property costs. He noted that lead contamination

remains a significant issue for both indoor and outdoor ranges, and that annual environmental testing and lead mitigation are necessary for continued operations.

In his seventh contribution, Mr. Block warned that the state would likely avoid constructing outdoor ranges due to liability related to lead exposure. He recalled that indoor range ports in the 1980s already cost \$30,000 and emphasized the high cost of lead remediation today.

Mr. Orton described a case he investigated where lead-based ammunition contaminated nearby fish when skeet shooting was conducted over ocean waters. He stressed that indoor range employees must be tested regularly for lead exposure, underscoring the importance of proper ventilation and facility design.

In his first appearance, Richard Johnson, a basic pistol instructor, explained that while his courses focus on firearm operation and cleaning, he does not incorporate range time. He uses laser simulations to mimic firearm function and proposed that police departments—often the licensing authorities—could administer live fire tests, similar to how driving tests are handled.

In his fifth contribution, Mr. Orton shared that Connecticut requires students to shoot as part of their licensing process. He added that many students initially fearful of firearms ultimately enjoy shooting once they try it. He underscored the value of live fire in changing perceptions and building confidence.

In his eighth statement, Mr. McDermott noted that at least five municipalities in Massachusetts already require live fire training. He raised concerns about retroactive enforcement for those who were licensed before such requirements were formalized. He argued that if an applicant has already completed the necessary coursework for a license, they shouldn't be penalized by future retroactive mandates.

Attorney Melander thanked participants and ended the public hearing.