HB 351-FN - AS INTRODUCED

2023 SESSION

23-0030
04/08

HOUSE BILL ***351-FN***

AN ACT relative to the negligent storage of firearms and relative to firearm safety devices.

SPONSORS: Rep. Meuse, Rock. 37; Rep. Heath, Hills. 41; Rep. Levesque, Straf. 4; Rep. M. Smith, Straf. 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires a locking safety device accompany all private and commercial firearms transactions and expands the criminal penalties for negligent storage of firearms.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0030
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the negligent storage of firearms and relative to firearm safety devices.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Purpose. The general court finds that it is in the best interests of child protection and public safety to minimize the occurrence of incidents involving negligent storage of firearms by enacting safe firearms storage requirements and corresponding penalties for violations that will reduce the risk of an unsecured weapon falling into the hands of a minor, or a prohibited party.

2 New Section; Pistols and Revolvers; Firearm Safety Devices. Amend RSA 159 by inserting after section 12 the following new section:

159:12-a Firearm Safety Devices Required. In this section:

I.(a) "Commercial sale" means a transfer of ownership of a firearm listed or made available for public sale or exchange including but not limited to, a weapon purchased or exchanged for other goods and services at a licensed firearms dealer, a gun show, or via the commercial website of a dealer.

(b) "Firearm" means any weapon or device designed to be used as a weapon, which will, is designed to, or may be readily converted to, expel a projectile by the action of an explosive, explosion, or other means of combustion, or the frame or receiver of such a device, provided the term "firearm" shall not include the term "antique firearm" as defined in 18 U.S.C. Section 921(a)(16), or a weapon that has been rendered permanently inoperable and is incapable of being readily restored to a firing condition.

(c) "Licensed firearms dealer," "licensed dealer," or "dealer" means a person who has a valid federal firearms dealer license under 18 U.S.C. Section 923(a), and all additional licenses required by state or local law to engage in the business of selling or transferring firearms.

(d) "Private sale" means a transfer of ownership of a firearm between two parties where neither party is a licensed firearms dealer.

(e) "Safety device" means a device which has been specifically designed and manufactured for the purpose of allowing the owner to temporarily disable or securely store one or more firearms and may include:

(1) Trigger locks, cable locks, or other devices featuring a combination lock, key, digital key, radio frequency tag, automated fingerprint identification system, biometric key, voice recognition key, or other locking mechanism capable of preventing the firearm from being discharged by a person not authorized by the owner; or

(2) A lockbox or storage device with a combination lock, key, digital key, radio frequency tag, automated fingerprint identification system, biometric key, voice recognition key, or

other locking mechanism capable of preventing access to the firearm by a person not authorized by the owner.

(f) "Seller" means a person offering a firearm for commercial sale, private sale, or barter.

II.(a) No firearm shall be sold or transferred via commercial sale or private sale unless the sale or transfer includes or is accompanied by a firearm safety device.

(b) No firearm manufactured in this state shall be sold or transferred commercially or privately unless the sale or transfer includes or is accompanied by an approved firearm safety device.

III. Paragraph II shall not apply to:

(a) Antique firearms as defined in RSA 159:1.

(b) Personalized firearms or smart guns possessing an integrated RFID, biometric, voice identification, or other electronic access mechanism which restricts the firearm from being discharged by any person other than its owner.

IV. Sales or transfers shall be exempt from the requirements of paragraph II if the purchaser or transferee presents to the seller or owner a working safety or storage device when accepting delivery of the firearm.

V. Any licensed firearms dealer or private seller who violates the provisions of paragraph II shall be fined not more than $1,000.

VI. Nothing in this section shall be construed to reduce or limit any existing right to purchase and own a firearm or ammunition, or both, or to provide authority to any state or local agency to infringe upon the privacy of any family, home, or business except by lawful warrant.

3 Negligent Storage of Firearms. Amend RSA 650-C:1 to read as follows:

650-C:1 Negligent Storage of Firearms.

I. Nothing in this section shall be construed to reduce or limit any existing right to purchase and own firearms or ammunition, or both, or to provide authority to any state or local agency to infringe upon the privacy of any family, home or business except by lawful warrant.

II. As used in this section, "child," "juvenile" or "youth" shall mean any person under 16 years of age.

III. Any person who stores or leaves on premises under that person's control a loaded firearm[~~, and who knows or reasonably should know that a child is likely to gain access to the firearm~~] ***or an unloaded firearm with unsecured compatible ammunition in such a manner that it is available to a child*** without the ***supervision or*** permission of the child's parent or guardian, is guilty of a [~~violation~~] ***misdemeanor*** if a child gains access to a firearm and:

(a) The firearm is used in a reckless or threatening manner;

(b) The firearm is used during the commission of any misdemeanor or felony; [~~or~~]

(c) The firearm is negligently or recklessly discharged***;***

(d) The firearm is exhibited or displayed to others;

(e) The firearm is brought onto the grounds of any building or facility, public or private, accessible to members of the public where other people are present.

IV. Any person who violates paragraph III shall be [~~fined not more than $1,000~~] ***guilty of a misdemeanor***. ***If the child discharges a weapon obtained as a result of gross negligence resulting in the injury or death of the child or of another person, or uses it to commit a felony, such person shall be charged with a class B felony.***

V. This section shall not apply whenever any of the following occurs:

(a) The child has completed firearm safety instructions by a certified firearms safety instructor or has successfully completed a certified hunter safety course.

(b) The firearm is kept secured in a locked box, gun safe, or other secure locked space, or in a location which a reasonable person would believe to be secure, or is secured with a trigger lock or similar device that prevents the firearm from discharging.

(c) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.

(d) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person.

(e) The person who keeps a loaded firearm on any premises which are under such person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(f) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner.

VI. A parent or guardian of a child who is injured or who dies of an accidental shooting shall be prosecuted under this section only in those instances in which the parent or guardian behaved in a grossly negligent manner.

VII. Licensees shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: "IT IS IMPORTANT THAT THE OWNER OF A FIREARM SEEK FIREARM SAFETY INSTRUCTIONS FROM A CERTIFIED FIREARMS INSTRUCTOR AND KEEP FIREARMS SECURED FROM UNAUTHORIZED USE." A licensee failing to display this warning to the purchaser of a firearm shall be guilty of a violation.

4 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0030
12/22/22

HB 351-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the negligent storage of firearms and relative to firearm safety devices.

FISCAL IMPACT: [X] State [X] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[ ] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill, effective January 1, 2024 (FY 2024), contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
Violation and Misdemeanor Level Offense	$119	$122	$122
Complex Felony Case	$3,195	$3,244	$3,366
Routine Criminal Case	$644	$657	$779
Appeals	Varies	Varies	Varies

Judicial Council	FY 2023	FY 2024
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney - Felony	$825/Case	$825/Case

	$105 administrative fee $200 incarceration fee (If applicable)	$105 administrative fee $200 incarceration fee (If applicable)
Contract Attorney – Misdemeanor	$300/Case $70 administrative fee $100 incarceration fee (If applicable)	$300/Case $70 administrative fee $100 incarceration fee (If applicable)
Assigned Counsel - Felony. Homicide including capital cases. Travel time to court does not count toward the cap.	$125/Hour up to $20,000	$125/Hour up to $20,000
Assigned Counsel - Felony. Travel time to court does not count toward the cap.	$90/Hour up to $5,500	$90/Hour up to $5,500
Assigned Counsel- Misdemeanor. Travel time to court does not count toward the cap.	$90/Hour up to $2,000	$90/Hour up to $2,000
Assigned Counsel - Supreme Court Appeal	$125/Hour up to $10,000	$125/Hour up to $10,000

It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.

Department of Corrections	FY 2023	FY 2024
FY 2022 Average Cost of Incarcerating an Individual	$64,223	$64,223
FY 2022 Annual Marginal Cost of a General Population Inmate	$6,123	$6,123
FY 2022 Average Cost of Supervising an Individual on Parole/Probation	$688	$688

The Department notes any increase in the incarcerated population will have a direct impact on overtime costs given the Department's history of challenges associated with recruitment. In addition, the New Hampshire State Prison for Men has a degrading infrastructure which will only be exacerbated if an increase in the incarcerated population were to occur.

NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

The Department of Safety states this bill will have no impact on its performance of firearm checks and therefore will have no impact on its budget.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections, Safety, and Justice, Judicial Council, and New Hampshire Association of Counties

Rep. Meuse, Rock. 37
February 16, 2023
2023-0592h
07/08

Amendment to HB 351-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the negligent storage of firearms.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court finds that it is in the best interests of child protection and public safety to minimize the occurrence of incidents involving negligent storage of firearms and the corresponding risk of an unsecured weapon falling into the hands of a minor.

2 Negligent Storage of Firearms. Amend RSA 650-C:1 to read as follows:

650-C:1 Negligent Storage of Firearms.

I. Nothing in this section shall be construed to reduce or limit any existing right to purchase and own firearms or ammunition, or both, or to provide authority to any state or local agency to infringe upon the privacy of any family, home or business except by lawful warrant.

II. As used in this section, "child," "juvenile" or "youth" shall mean any person under 16 years of age.

III. Any person who stores or leaves on premises under that person's control a loaded firearm[~~, and who knows or reasonably should know that a child is likely to gain access to the firearm~~] ***or an unloaded firearm with unsecured compatible ammunition in such a manner that it is available to a child*** without the ***supervision or*** permission of the child's parent or guardian, is guilty of a [~~violation~~] ***misdemeanor*** if a child gains access to a firearm and:

(a) The firearm is used in a reckless or threatening manner;

(b) The firearm is used during the commission of any misdemeanor or felony; [~~or~~]

(c) The firearm is negligently or recklessly discharged***;***

(d) The firearm is exhibited or displayed to other minor children who are not members of the child's household or immediate family;

(e) The firearm is brought onto the grounds of any building or facility, public or private, accessible to members of the public where other people are present.

IV. Any person who violates paragraph III shall be [~~fined not more than $1,000~~] ***guilty of a misdemeanor***. ***If the child discharges a weapon obtained as a result of gross negligence resulting in the injury or death of the child or of another person, or uses it to commit a felony, such person may be charged with a class B felony.***

V. This section shall not apply whenever any of the following occurs:

(a) The child has completed firearm safety instructions by a certified firearms safety instructor or has successfully completed a certified hunter safety course.

(b) The child's parent or guardian has given written permission to a certified firearms instructor to supervise the child while attending a firearms instruction course.

(c) The firearm is kept secured in a locked box, gun safe, or other secure locked space, or in a location which a reasonable person would believe to be secure, or is secured with a trigger lock or similar device that prevents the firearm from discharging.

(d) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.

(e) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person.

(f) The person who keeps a loaded firearm on any premises which are under such person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(g) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner.

VI. A parent or guardian of a child who is injured or who dies of an accidental shooting shall be prosecuted under this section only in those instances in which the parent or guardian behaved in a grossly negligent manner.

VII. Licensees shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: "IT IS IMPORTANT THAT THE OWNER OF A FIREARM SEEK FIREARM SAFETY INSTRUCTIONS FROM A CERTIFIED FIREARMS INSTRUCTOR AND KEEP FIREARMS SECURED FROM UNAUTHORIZED USE." A licensee failing to display this warning to the purchaser of a firearm shall be guilty of a violation.

3 Effective Date. This act shall take effect January 1, 2024.

2023-0592h

AMENDED ANALYSIS

This bill expands the criminal penalties for negligent storage of firearms.

REGULAR CALENDAR

February 17, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 351-FN,

AN ACT relative to the negligent storage of firearms and relative to firearm safety devices. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. David Meuse

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**Criminal Justice and Public Safety**
Bill Number:	**HB 351-FN**
Title:	**relative to the negligent storage of firearms and relative to firearm safety devices.**
Date:	**February 17, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2023-0592**

STATEMENT OF INTENT

There are few tragedies greater than the negligent death or injury of a child as a result of a firearm being left unattended. Currently, incidents involving firearms are estimated to be the third-leading cause of injury-related death among American children 17 and under. The Centers for Disease Control and Prevention reports that each day in America, 8 children and teens are injured or killed in shootings involving an improperly stored or misused gun found in the home. Under existing New Hampshire law, a negligent person who leaves an unsecured firearm in a place where a child gains access to it can only be charged with an offense if the child threatens another person with the weapon, uses it to commit a crime, or discharges it recklessly. This bill would strengthen the current policy by broadening the circumstances constituting an offense to also include displaying the weapon to other children or bringing it into a public place, such as a school. The bill would also strengthen the penalty from a violation to a misdemeanor, or in cases where a child discharges the weapon resulting in the injury or death of the child or another person, the penalty may elevate to a class B felony.

Vote 10-9.

Rep. David Meuse
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 351-FN, relative to the negligent storage of firearms and relative to firearm safety devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the **Majority** of Criminal Justice and Public Safety. There are few tragedies greater than the negligent death or injury of a child as a result of a firearm being left unattended. Currently, incidents involving firearms are estimated to be the third-leading cause of injury-related death among American children 17 and under. The Centers for Disease Control and Prevention reports that each day in America, 8 children and teens are injured or killed in shootings involving an improperly stored or misused gun found in the home. Under existing New Hampshire law, a negligent person who leaves an unsecured firearm in a place where a child gains access to it can only be charged with an offense if the child threatens another person with the weapon, uses it to commit a crime, or discharges it recklessly. This bill would strengthen the current policy by broadening the circumstances constituting an offense to also include displaying the weapon to other children or bringing it into a public place, such as a school. The bill would also strengthen the penalty from a violation to a misdemeanor, or in cases where a child discharges the weapon resulting in the injury or death of the child or another person, the penalty may elevate to a class B felony. **Vote 10-9.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

February 24, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 351-FN,

AN ACT relative to the negligent storage of firearms and relative to firearm safety devices. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Jonathan Stone

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**Criminal Justice and Public Safety**
Bill Number:	**HB 351-FN**
Title:	**relative to the negligent storage of firearms and relative to firearm safety devices.**
Date:	**February 24, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The minority of the committee, after hearing testimony, decided that there was no compelling government interest provided by the sponsor or any other witness, for upgrading the penalty from a violation to a misdemeanor for the negligent storage of firearms. Federal law has required federal firearm licensees to sell every handgun with a secure gun storage or safety device since 2005. This bill seeks to micro-manage decisions by citizens about how they choose to store their firearms and ammunition. New Hampshire is routinely determined to be one of, it not the, safest states in the country. New Hampshire citizens know how to safely store their firearms and be prepared to defend their homes at the same time without the government telling them how to. No one from New Hampshire law enforcement asked for this bill or any change in the current law.

Rep. Jonathan Stone
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 351-FN, relative to the negligent storage of firearms and relative to firearm safety devices. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Stone for the **Minority** of Criminal Justice and Public Safety. The minority of the committee, after hearing testimony, decided that there was no compelling government interest provided by the sponsor or any other witness, for upgrading the penalty from a violation to a misdemeanor for the negligent storage of firearms. Federal law has required federal firearm licensees to sell every handgun with a secure gun storage or safety device since 2005. This bill seeks to micro-manage decisions by citizens about how they choose to store their firearms and ammunition. New Hampshire is routinely determined to be one of, it not the, safest states in the country. New Hampshire citizens know how to safely store their firearms and be prepared to defend their homes at the same time without the government telling them how to. No one from New Hampshire law enforcement asked for this bill or any change in the current law.

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 351-FN Date: 2/8/23

Committee: Criminal Justice and Public Safety

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Jim McConnell	Swanzey		self		X
Ray Boulanger					X
Timothy Gilfoley					X
Robert Clegg	ProGun NH				X
Ken Paul Jr					X
MATTHEW TYSZKA, JR.					X
JOHN PROUT					X
Lauren LePage			NRA		X
Justin Davis			NRA		X
Elaine Kennedy MS			Pediatrics	X	
Rep Bean Gilford					X
Deborah Wyman	Newington		self		X
Dennis Wyman	Newington		self		X
Kevin Pratt	Raymond				X
Larry Cleveland	Rindge				X
Ralph Demicco			Self		X
Gary Violette	Bedford		Self		X
Paul Chauvin	Manchester				X
Carol Barski	S. Hampton		Self		X
Sally Hamel	E. Kingston				X
VINCENT CHESTNUT	E HAMPSTEAD		SELF		X
Marjorie Eden Beams	S Hampton		self	X	
Karina Maclean	Hollis NH		self	X	

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 351-FN

BILL TITLE: **relative to the negligent storage of firearms and relative to firearm safety devices.**

DATE: **February 8, 2023**

LOB ROOM: **202-204** **Time Public Hearing Called to Order:** **3:52 p.m.**

Time Adjourned: **<<End Time>>**

Committee Members: Reps. Roy, Rhodes, A. Murray, Pratt, Sytek, Proulx, Janvrin, D. Mannion, Reid, Stone, Tenczar, Harriott-Gathright, Meuse, Bouldin, Bradley, N. Murphy, R. Newman, Newell, Selig and Wheeler

Bill Sponsors:
Rep. Meuse **Rep. Heath** **Rep. Levesque**
Rep. M. Smith

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Representative David Meuse introduces his bill

- Multiple children have killed or injured their parents, teachers, friends, siblings and themselves across the country due to unsecured firearms.
- This bill would require any firearms sold to be accompanied by a locking safety device, and ensure safe storage once purchased. This doesn't take anyone's guns away but instead reminds the populace what a huge responsibility it is to own a firearm, especially if you live with children. This protects gun owners from risk and liability.

James Gaffney

- Opposes the bill
- This is broad brush legislation that attempts to fix a problem that doesn't exist

Kimberly Morin

- Opposes the bill
- Getting illegal guns off the street would actually make our children safer

William Rogers

- Opposes the bill
- You cannot legislate common sense, firearms already come with a lock

Dr Leonard Korn

- Supports the bill
- We are asked again and again to do something about mental health, and we try to and everyone says no. We make laws to ensure people drive their cars safely, we should to

the same with gun ownership. Car accidents used to be the leading cause of children dying but we passed laws to fix that, lets do the same with firearms.

Timothy Wolfe

- Opposes the bill
- Firearms already come with locks, and even if we forced the distribution of more, that doesn not mean people will actually use them. We already have the tools to do what this legislation intends - education for parents and children would go a lot farther in preventing these tragedies.

Representative Michael Granger

- Opposes the bill
- Shares the story of someone who's home was broken into and while trying to retrieve his unloaded gun from a locked safe in the dark, he was unable to save the life of his 1 year old daughter

Andrew Schueller

- Opposes the bill
- Infringes on the right to privacy

Dr. Joe Hannon

- Opposes the bill
- Gun locks are already widely distributed at gun stores, we can't really dictate what happens in a private sale. We have child access laws currently. This can put people at risk of false accusations of improper storage.

Representative Linda Haskins, Moms Demand Action

- Supports the bill
- This should be a bipartisan bill we can agree on. This gives us an opportunity to intervene and prevent unnecessary harm or death. My father was in law enforcement, and I never saw his gun unless he was in uniform. But this is 2023, there are a lot more guns around and we need to ensure they are stored properly.

Penny Dean

- Opposes the bill
- This is a back door effort to redefine commercial sales and outlaw private sales. This puts children in a place where they can't defend themselves or their families either.

Respectfully submitted,

Rep. Alissandra Murray, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB351 on 2023-

Support: 260 Oppose: 153 Neutral: 0 Total to Testify: 0

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Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane
Lemos, Chris	Freedom, NH mopar@nj@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No
Mercer, Jennifer	Loudon, NH jenannmercer@gmail.com	A Member of the Public	Myself	Oppose	No	No
L, Elizabeth	Lichfield, NH Lzvici@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Murphy, Kevin	Hampstead, NH kfmurphy76@gmail.com	A Member of the Public	Myself	Oppose	No	No
Strakalaitis, Judy	Derry, NH FREE-DERRY@COMCAST.NET	A Member of the Public	Myself	Support	No	No
LaPointe, Susan	Epping, NH suelap16@gmail.com	A Member of the Public	Myself	Oppose	No	No
Mooney, John	Northfield, NH shmushkapop@aol.com	A Member of the Public	Myself	Oppose	No	No
Saba, Robin	Candia, NH rbrooks230@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Tyszka, Matthew	Newport, NH mattcol@aol.com	A Member of the Public	Myself	Oppose	No	No
Guven, Taci	Windham, NH taci.guven@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Shanley, James	Portsmouth, NH james.shanley8@gmail.com	A Member of the Public	Myself	Support	No	No
McConnell, Liz	Brentwood, NH lizmc99@yahoo.com	A Member of the Public	Myself	Support	No	No
Cawthron, John	Nashua, NH johncaw@myfairpoint.net	A Member of the Public	Myself	Oppose	No	No
Robinson, Steven	Northwood, NH Nikkiandme@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Robinson, Karen	Northwood, NH Bdabng12@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Reed, Barbara	North Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Support	No	No
Tereshko, Kathleen	Nashua, NH krtereshko@gmail.com	A Member of the Public	Myself	Support	No	No
McConnell, James	Swanzey, NH mcc988@icloud.com	A Member of the Public	Myself	Oppose	No	No
Romero, Dena	Hanover, NH dena.romero@myfairpoint.net	A Member of the Public	Myself	Support	No	No
Sims, Julie	Newport, NH jpmom39@gmail.com	A Member of the Public	Myself	Oppose	No	No
St John, JoAnne	Nashua, NH joannestj@gmail.com	A Member of the Public	Myself	Support	No	No

Cevasco, Karin	Milford, NH Karin.cevasco@gmail.com	A Member of the Public	Myself	Support	No	No
Douville, Raye Ellen	Gilford, NH rayeellen@comcast.net	A Member of the Public	Myself	Oppose	No	No
McLeod, Martha	Franconia, NH mmcleod823@gmail.com	A Member of the Public	Myself	Support	No	No
Demers, Haley	Portsmouth, NH hmdemers@comcast.net	A Member of the Public	Myself	Support	No	No
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No
Smith, Hayden	Hanover, NH hasmith1520@gmail.com	A Member of the Public	Myself	Support	No	No
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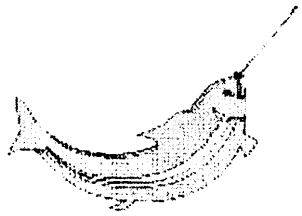
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JAY EDWARD SIMKIN
SPORTING GOODS & POLICE SUPPLIES
FEDERALLY-LICENSED FIREARMS DEALER

Testimony

HB32-FN (9 a.m.), HB59-FN (9:45 a.m.), HB76 (10:30 a.m.), HB351-FN (1:45 p.m.) and HB444-FN (2:30 p.m.)

House Criminal Justice and Public Safety Committee

8 February 2023

House Bills 32-FN, 59-FN, 76, 351-FN and 444-FN – if enacted – will embitter the lives of New Hampshire's law-abiding firearm-owners. To enact these bills is deeply wrong. These bills should be deemed "inexpedient to legislate".

New Hampshire – for all but one of the past 20 years (2001-20, inclusive) – has been among one of the three-safest states, measured by the incidence of violent crime per 100,000 residents (FBI, *Crime in the United States*, 2001-20, usually Table 4). **These data make it quite clear that New Hampshire needs "gun control" as little as Muslims need bacon.**

As of 2018, New Hampshire became the second-safest state and remains so. Massachusetts, with many nasty and repressive firearms laws – *over the past 20 years* – always has had an incidence of violent crime at least twice that of New Hampshire. Where's the evidence that more "gun control" measures would do other than burden the vast, law-abiding majority?

Further, at end-2020, there were some 454,000,000 firearms in the U.S. (U.S. Department of Justice, *Firearms Commerce in the United States*, 2000 and 5 May 2022; military-owned items excluded). Relative to the number of evil-doers (criminals), the supply of firearms is infinitely large. **It is absurd to posit that purchase restrictions will keep an evil-doer from getting a firearm.**

School Zones (HB32-FN). As published, HB32's author defines "school zones" so imprecisely that the intent must be to ensnare the law-abiding. A first-time visitor to a town or neighborhood, could enter a "school zone" unaware s/he had done so. A small town could be made totally off-limits to a law-abiding person. So to do bespeaks a degree of viciousness alien to New Hampshire. This alone is good and sufficient reason to deem HB32 "inexpedient to legislate".

Background checks (HB59-FN). Such checks are a consumer fraud. The Feds rarely prosecute those who – being "prohibited" – still try to acquire a firearm from a Federally-licensed dealer.

The attempt violates 18 U.S. Code § 922 (a)(6). This felony is punishable by up to 10 years is prison and/or a fine up to $250,000.

Only 62 Federal prosecutions followed 76,142 denials (in 2010) of purchase applicants. For the data see, Regional Justice Information Service, *Enforcement of the Brady Act, 2010*, 2012, p. 7 https://www.ncjrs.gov/pdffiles1/bjs/grants/239272.pdf .

A Government Accountability Office (GAO) Report (No. 18-440, Sept., 2018) shows that of 112,090 denials by FBI screeners, only 12,710 were sent for "investigation". Of that number only 12 resulted in prosecutions: *only one in one thousand*!! Plainly, far more than 12 denials were fully justified. **So few prosecutions show that Federal authorities do little to stop those, who seek to abuse firearms.**

Were even half of those properly denied in 2018 to have been prosecuted by U.S. Attorneys, they would have had little time to prosecute other Federal crimes, e.g., espionage, securities fraud, drug trafficking, etc. See: U.S. Department of Justice, *U.S. Attorneys' Annual Statistical Report - Fiscal Year 2019*, p. 4. I doubt much has changed since then.

Waiting Period (HB76). In New Hampshire, murders are so infrequent, that all are prosecuted by the Attorney General. County attorneys do not see enough such cases to be adept at such prosecutions. That's as it should be! Imposition of a waiting period will cost firearm-owners much wasted time and fuel, for no gain in public safety. This should be obvious. As firearms are ubiquitous, an evil-doer can readily get as many firearms as he wishes, without EVER going to a *bona fide* dealer.

Secure Storage (HB351-FN). Where's the evidence that New Hampshire residents do not take care to secure their firearms? Absent such evidence, this bill – if enacted – simply provides a basis for false accusations, defense against which will bankrupt most or force the innocent to take a "plea deal". No rational person should want to inflict such damage on the law-abiding.

Polling places (HB444-FN). As the data I provided show New Hampshire's residents to be among the most law-abiding in the U.S., it is absurd to suggest there's any benefit from banning firearms from polling places, or from any other public spaces.

These bills reflect a deep disregard for reality, as reflected in the data I cite, which data are from public and published sources, easily- and freely-available to anyone, moved to learn. Disregarding reality suggests some sort of mental incapacity, which should be addressed.

Thank You, Mr. Chairman and Members of the Committee, for hearing my testimony. I'll be happy to answer any questions related to my testimony.

Jay Edward Simkin
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Testimony: House Bills (8 February 2023)

Violent Crime	**2021**	**2020**	**2019**	**2018**	**2017**	**2016**	**2015**	**2014**	**2013**	**2012**	**2011**	**2010**	**2009**	**2008**	**2007**	**2006**	**2005**	**2004**	**2003**	**2002**	**2001**
Connecticut	n.a	181.6	184.6	209.6	229.2	227.7	221.4	238.5	262.2	283.5	275.7	282.0	300.9	306.5	256.0	280.8	272.6	289.0	316.8	311.1	334.6
Maine	n.a	108.6	116.1	112.0	120.6	124.0	129.8	127.6	132.5	122.4	123.3	122.1	119.9	119.1	118.0	115.5	112.5	103.7	108.6	107.8	111.7
Massachusetts	**n.a**	**308.8**	**328.7**	**340.3**	**354.3**	**380.7**	**389.9**	**395.1**	**406.4**	**407.0**	**427.3**	**468.9**	**462.6**	**456.8**	**431.5**	**447.0**	**460.8**	**460.2**	**473.1**	**484.4**	**477.8**
New Hampshire	**n.a**	**146.4**	**158.1**	**177.6**	**195.7**	**199.8**	**202.4**	**197.7**	**223.2**	**215.0**	**217.3**	**167.4**	**160.4**	**160.9**	**137.3**	**138.7**	**134.8**	**169.5**	**150.3**	**161.2**	**170.2**
Rhode Island	n.a	230.8	222.7	219.8	234.2	239.1	243.0	219.9	257.3	253.0	246.1	257.4	254.3	252.1	227.3	227.5	252.4	247.5	285.7	285.3	309.3
Vermont	n.a	173.4	202.2	185.0	173.3	136.5	119.3	102.6	123.6	142.3	147.6	131.0	134.6	137.5	124.3	136.6	125.6	114.8	114.2	106.7	105.1
Virginia	n.a	208.7	209.4	208.0	210.4	219.8	199.6														

Data: Incidence per 100,000 residents.

Notes: Only in 2015, did Virginia replace New Hampshire as the third-safest State.

n.a. = no data available.

Source: Federal Bureau of Investigation, Crime in the United States, 2001-2020, Table 4.

I oppose making the changes included in HB351.

The proposed section 159:12-a insertion adds yet another requirement to a specific type of transaction that is not commonly required by other transactions. If it passes, dealers and buyers will use the cheapest available option to comply with the law, which in most cases is also one of the least effective safety options. I believe this part of the legislation will be ineffectual in keeping children safe.

For the amendments to 650-C:1, the inclusion of "an unloaded firearm with unsecured compatible ammunition in such a manner that it is available to a child" is extremely ambiguous. How close does the ammunition have to be? In the same box? In the same room? In the same building? In any building or vehicle owned by the person? I believe this to be too broad of wording, especially considering that an unloaded firearm is equivalent in danger to a hammer or some other metal, wood, or plastic object.

While the intent of the bill is good, I don't think it will have much positive impact if it is passed as is. This is because it does nothing **to prevent** harm to children via firearms. I believe we would be better served by an education-based approach:

1. educate firearms owners about the responsibilities that come with owning a firearm (safe storage and handling)
2. educate the public in general about the issue in a manner that calls people to take the initiative to properly store firearms
3. educate children in firearm safety

Many might think that last point is crazy, but I know from my own personal experience of learning about firearm safety from a young age that it works. Once I learned about the seriousness of firearms, I was properly cautious around them. As I got older and received additional instruction, I became confident in being able to safely handle a firearm so as not to cause harm to myself or others. And now today, I practice safe firearm storage with or without a law in place.

Respectfully submitted,

Matthew Johnson

Kevin Murphy

Shall Not Be Infringed.

Susan LaPointe

This is another gun control measure to solve a non-existent problem. Increasing penalties to an existing law solves nothing.
"The right of the people to keep and bear Arms shall not be infringed."

John Mooney

Once again we have a bill that's sponsored for the safety of "the children" that does not improve legislation any more than what is already on the books. In fact it is quite burdensome to NH citizens. Do we in NH have a sudden rash of children getting their hands on guns and causing harm to themselves or others? I have not seen or heard anything about that.This isn't just about safety. It gets restrictively involved with the sale and purchase of firearms and will add costs to each of them.
It interferes with my right to buy and sell a legal item in a private transaction between adults.
It encroaches on the rights of people to keep their homes as they see fit.When will it be legislated that the government has the ability to come check the temperature in my fridge and because I'm overweight keep it locked outside of meal times..for my safety?This isn't about safety. It's about more restriction. It's another nudge closer to the Government of NH destroying and taking away their citizen's 2nd Amendment rights. It's the same for all the bills but for HB 474 and HB 512 that are before this committee on 2/8/23
Do the right thing and stop weakening and destroying both the NH and U.S. constitutions!

Matthew Tyszka

There is no need to add provisions to the current laws dealing with children having access to firearms. Storage of firearms where children may access them has never been a problem in this state. This bill is an attempt to criminalize more gun owners and thereby prevent them from purchasing and carrying firearms in the future. Please ITL this bill.

James Shanley

As we have seen with the recent shooting of a teacher by a 6 year old who managed to get ahold of a firearm, we should be doing more to insure that firearms are properly stored.

Kathleen Tereshko

We have proper storage laws for food, healthcare products, dangerous chemicals, etc. It seems unreasonable to me to not have safe storage and handling requirements for guns which are inherently potentially lethal.

Dena Romero

When my grandson was invited to play with a classmate after school, my son always called first and politely asked if there was a gun in the home. The fear of a child obtaining a parent's weapon and using it as a toy is real given the number of children who have been killed in exactly this situation. Young children don't understand that a firearm is a lethal weapon. We are the adults in the room, and as adults it is in our job description to do what is in our power to protect children. HB351 is an effort to do just that. It is a sad commentary on us if we can't take this step to keep our children safe.

Stephanie Johnson

Secure storage of firearms is necessary to prevent tragic accidents, and is common sense. Please vote in favor of this bill.

Robert FEDER

New Hampshire cannot exclude itself from following the laws of the United States of America.

Jim Mastro

The first words of the Declaration of Independence are: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

The first words of the US Constitution are: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

It is clear from both of these documents that the founders placed the rights to life, liberty, and the pursuit of happiness above all else, and that those rights were to be ensured by laws promoting domestic tranquility, common defense, and the general welfare. Current firearm laws, which contribute to the prevalence of firearm deaths in this country (greater than in any other country except those in a state of war) fly in the face of those rights. Slavish adherence to a tortured interpretation of the Second Amendment (which ignores the requirement of a well-regulated militia as a prerequisite to firearm ownership) is the primary reason this condition exists. This same tortured interpretation also conveniently ignores the fact that when the amendment was written the only weapons available to anyone were muskets.

The Second Amendment was, at the time of its writing (and still is), clearly secondary to the primary rights noted above. The current interpretation of that amendment is contrary to those primary rights. One cannot count on life, the pursuit of happiness, domestic tranquility or general welfare when one is in constant fear of being shot at places that should be -- and historically have been until recently -- safe: schools, movie theaters, supermarkets, places of worship, and dance halls.

It is therefore incumbent on political leaders to pass laws (such as the one currently in review) that honor those primary rights and reduce to the greatest extent possible the harm to those rights caused by firearms.

Alan Zuckerman

I'm not against gun rights, but hate to see this become a purely political issue in which ANY limitations are considered a sacrilege. Let's protect our citizens by providing rational limits. Why not require a locking device, especially to protect against accidental tragedies, especially at the hands of our children?

Daniel Richardson

Celebrate NH sovereignty from federal tyranny.

John O'Blenis

Please support Bill HB 539 and keep vaccines out of schools. Parents, Grandparents, Guardians ect. have enough to worry about this day in age just sending their children to public schools, we don't need the stress, and fear of our children being vaccinated against the parents and child will. especially with the experimental Covid Jab.

Richard DiPentima

Dear Committee Members:

I strongly support HB 351. This is a common sense bill that any responsible gun owner should also support. Having a weapon locked will prevent any unauthorized person, including a child from being able to discharge a weapon and cause serious harm or death. I also protects the gun owner from potential liability if the weapon is stolen or otherwise used to harm someone because it was not properly secured. This requirement in no way would impact a persons Second Amendment rights. if the owner quickly needs to access their weapon, the time to unlock it would not interfere with any self defense actions. We lock our cars, homes, and other valuable property, gun owners should insure that their weapons are protected and secured from unauthorized use.

Thank you.

Rich DiPentima. LTC, USAFR, Ret.

I

Leonard Korn

HB 351-FN, relative to the negligent storage of firearms. In the US we have seen so many examples of children accessing firearms and harming or killing themselves or others. Indeed, we now know that guns kill more children, adolescents and young adults than any other means including more deaths than cancer or auto accidents. How can we let this tragedy continue unabated in our land!

Judy Aron

Hb351 is another bill that is a solution to a non existent problem. Yet again, a bill is presented in the name of "safety for the children" which does not improve on what we already have as a state law. This kind of bill is just more burdensome and costly regulation for the legal NH firearms owner. We don't have a problem with negligent gun owners in NH, rather we have a problem with people who wish to restrict the sale, purchase and ownership of firearms..

This totally encroaches on the rights of people to keep firearms in their homes as they see fit, and it is pretty much unenforceable unless the government periodically inspects and monitors your home. That's absurd. Will you be checking to see if I am using my gas stove properly too? Or if I am watching too much TV? ITL HB351.

Zephan Wood

Dear Members of the Committee:

I am an NH citizen and a proponent of individual rights and therefore OPPOSE this bill for the following reasons:

*This is unconstitutional because all people have the right under the NH constitution to keep and bear arms whether they own another thing or not.

*This bill also seeks to amend RSA 650-C:1 to include two more reasons that a gun owner could be charged for another human being committing an act with their gun without their permission. ((d) The firearm is exhibited or displayed to others; (e) The firearm is brought onto the grounds of any building or facility, public or private, accessible to members of the public where other people are present.)

*Those two new circumstances are not like (a) (b) or (c) from that part of the statute because they are victimless actions which didn't harm another person.

*This bill also seeks to change the punishment in RSA 650-C:1 for gun owners whose guns are taken without their permission and used in certain ways by a "child" from a $1,000 fine to a misdemeanor if the "child" only committed a misdemeanor or less. A felony if the "child" committed a felony with the gun owner's gun without permission of the gun owner.

Thank you for your time and consideration and I strongly urge you to recommend ITL for this bill.

Zephan Wood

Simon Berrio

Not all firearms come with a lock and the locks that do come with firearms are a useless check the block measure anyways. I am not going to buy a lock just so I can sell a firearm. This bill wants to fine private sellers who don't go out and buy a lock to hand over with the firearm. This is a yet another absurd attack on firearm owners in NH. I am opposed to the entirety of HB351 for this reason.

Gregory Davis

Please vote OTP on HB351. This common sense legislation has broad spectrum support. Thank you.

Sara Smith

,,,,,,

Deborah Mayo

I oppose this bill.

Laura Rundell

A six year old recently shot a teacher in front of his classmates because his parents had failed to secure a weapon in their home and he was able to take a loaded gun into his school. If weapons are in the home, they should be fully secured so this kind of episode does not repeat itself.

Carter Judkins

Please support this bill. Thank you.

Margery Phillips

I support this bill

Robert Beaulieu

Catharine Farkas

COMMON SENSE!

Seriously!

Stephen Karney

New Hampshire is one of the safest places in the world, no need to add restrictions to the natural rights of it's citizens

Stephen Daves

[Art.] 2-a. [The Bearing of Arms.] All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state.

anthony holtz

County Commissioners have county-wide responsibilities. Those responsibilities, and the public obligations they include, are best represented -- and best elected - on a county-wide basis. Having separate districts in a county makes no sense, provides no benefit to the electorate, and would further fragment government to no purpose. Leave the representation and the elections county-wide.

walter kirsch

Shall not be infringed !

Susan Richman

The delay of even one day between the impulse to buy a gun and actually having it in hand could prevent countless suicides. No doubt it would also cool other hot tempers and allow people to reflect, rather than to act in the heat of the moment.

Lyn Marshall

We know from scientific research that young adults' frontal cortex that helps with good judgement and decision making is still developing into their 20s. Age restrictions make sense as a way to protect young people from gun violence and suicide. Please support this bill.

Kim Marie Fudge

Paul Skudlarek

I Strongly support this bill.

Suzanne Butcher

,,,,,,

Mollie Allen

I support HB 351 in regard to general and particular care when combined with firearm safety. Requiring safety device with firearm sales is a small adjustment reduce risk, err on the side of more safety. An increasing penalty for "negligent storage", seems like a logical out come for negligent firearm owners.

Deanna Pilkenton

I am writing to voice my support of HB 351 regarding secure storage of firearms. Unauthorized access to guns contributes to child and adolescent accidents and injuries, suicides, and mass shootings. As you know, firearms are now the leading cause of death amongst our children, which is a public health crisis for our nation. It is the responsibility of adults to keep firearms secured and separate from ammunition. Including locking devices and/or safes with all gun sales is a strategic way to make all of our children (and all of us) safer, and to hold adults accountable for unauthorized access. Every day children die from gun related accidents, or intentional self-inflicted gunshots because they have unauthorized access to a firearm. Gun owners and the general public are overwhelmingly in support of safe storage laws. As a healthcare provider I support this bill and urge this committee to further explore how safe storage laws will positively impact us all in New Hampshire.

Ann Hotchkiss

Between 89% and 91% of all gun-related deaths in the state of New Hampshire are suicides. Suicide deaths have increased by 25% in the past ten years in New Hampshire suggesting that gun-related suicides are on the rise. Suicidal thoughts are often transitory and the vast majority of those who survive their attempts to kill themselves are grateful that they did not die. I believe that age restrictions will help decrease impulse gun buys by suicidal young people and those with violent intent toward others. I support this bill as a clinical psychologist, a faithful member of the Community Church of Durham and the granddaughter of someone who died by gunshot suicide.

Daniel Itse

Honorable Members of the House Committee on Criminal Justice and Public Safety,
For the record, I am Daniel C. Itse. I represented the town of Fremont from 2001 to 2018. I served as Chairman of Constitutional Review and Statutory Recodification in 2011/2012, and I rise in opposition to HB32, HB59, HB76, HB78, HB106, HB351, & HB444. I am speaking to you on all of these Bills in one communication because though they vary in their specifics, they all odious for principally the same reason. Though HB106 does rise above the others in its repugnancy to the Constitution of the State of New Hampshire.

The fundamental purpose of government is to promote the general good (N.H. Constitution, Bill of Rights, Article 1) also phrased the common benefit (N.H. Constitution, Bill of Rights, Article 10). When this was put into our Constitution it was understood to mean that the government must enforce natural law, protect the life, liberty and property of the people better than they could on their own, if there were no government. This gives us the fundament of crime, harming another person in their life, liberty or property. If no one has been harmed, there has been no crime.

You are hearing a number of Bills that at their core seek to stop crime before it occurs. There is a fundamental flaw in this. No law ever stopped a crime. The only people who can be trusted to obey those laws, are people who would never commit the crime they intend to stop. The people who might commit the crime intended to be stopped (felonies to capital crimes) will not be deterred by misdemeanors. The only rational purpose of a law is to punish those who have committed a crime after they have been convicted of the crime pursuant to due process. The laws proposed by these Bills patently violate N.H. Constitution, Bill of Rights, Article 18, there having been no actual harm, and some violate N.H. Constitution, Bill of Rights, Article 15 by denying due process.

Fundamentally, these Bills seek to restrict the people from the right of self-defense, as enshrined in N.H. Constitution, Bill of Rights, Article 2-a. This is a relatively recent amendment, having been adopted in 1982, there is no question of the intent of the amendment.

HB106 is particularly troubling with the terms of section IV. on temporary orders which allow the taking of pursuant to an ex parte hearing which the respondent need not be apprised of. There is a federal Supreme Court case (Caniglia V. Strom) which identifies these types of laws as repugnant to the Fourth Amendment to the Constitution for the United States of America for denial of due process. If they are contrary to the Fourth Amendment, they are certainly contrary to N.H. Constitution, Bill of Rights, Articles 15 & 19, which are far broader and more strict. It is also particularly noxious because it does not require the preservation of the property seized, its value to be guaranteed, or its return if the allegations are determined unfounded. Remember the fundamental principal that a person is innocent until proven guilty. If the allegations are not proven, then all property must be returned without qualification and undamaged.

I remind you of The House of Representatives Rules of the House 45 (d): No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of any article of the Constitution of New Hampshire or the Constitution of the United States of America or

grant broad rulemaking authority to an agency or department. The
vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

Dan Itse
Hon. Daniel C. Itse
Tyranny is Government in Defiance of Reality.
603-702-0381

Representative John M Potucek

IT IS A VIOLATION OF MY SECOND AMENDMENT RIGHTS!!
LIVE FREE OR DIE!!

Susan Taylor

Why would anyone be against the necessity to safely store guns?

Hon. Dawn Johnson

I remind you of The House of Representatives Rules of the House 45 (d): No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of any article of the Constitution of New Hampshire or the Constitution of the United States of America or grant broad rulemaking authority to an agency or department. The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

Michael Werner

Again and again, like rivets and cross beams being installed into a building. The proposed legislation is another piece to create and subvert the most basic RIGHTS we have. They are inalienable. Even the most logical explanations and excuses they give to attempt an erosion of our most precious rights. Understand that from my own observations, the majority of tax payers and voters I know reject this type of overreach especially since the last election. They reject it with great resolve!

This means nothing, enforcement would be impossible and no way to know if it was used... this is just a power grab...say no.

David Kiley

Dear Honorable Reps,

Please observe the right of individuals under the our Constitution, which you are bound to by oath. Our rights under Part I Article 2, 2a, and 2b are being warred upon by this bill.

-We have the right to acquire property
-We have the right to privacy free from any intrusion of government
-We have the right to bear arms

Infringement on these rights without due process of law is a violation of your oaths and grounds for you to remove yourself or be removed from your official capacity.

Kathleen Slover

I knew a young man who, as a teenager, unintentionally shot his friend. His friend was ok but the circumstances of the incident is shocking and stayed with me for years. My friend was at his friend's house, hanging out, and just casually playing around the friend's father's gun. He said, " I had never loaded or shot a gun, never even touched a gun- but, somehow I knew what I was doing, and I jokingly pointed the gun at my friend and shot at him." Even though his friend was fine, my friend was shocked how easy it was for him to figure out a gun and actually shoot it, with potential deadly results. Guns are made by humans, for humans. They are dangerously easy for humans to figure out. To keep our kids and teens safe, please support this bill.

Kathleen Washburn

Dear Committee Members,

My husband has been a hunter for 50 years, while raising 3 children, and it never entered our minds NOT to safely store his guns in a locked cabinet with ammunition stored in a separate place.

Irresponsible gun owners, who allow their children access to guns, should face prison sentences. They put their child's life at risk as well as members of the general public.

Please help stop children's lives from being taken or ruined by irresponsible gun owners.

Kathleen Washburn

Philip Bergen

The second amendment is very clear in its language. We do not trust the government not to take advantage of an unarmed public.

Eric Ives

I oppose this bill

jonathan gettier

Stop governmental overreach.

Amanda Maguire

On February 5th 2020, a student of mine walked into my office, took one shot at me, narrowly missed, walked into the hallway and on his way up the stairs to a classroom, shot himself in the head after I yelled his name and told him to stop. The bullet he fired at me skimmed the top of my desk and into the metal part of a clipboard in front of me. I was picking pieces of wood out of my hair all day. Half inch higher, the bullet would have hit me in the left side of my chest. This event was largely reported as a suicide but it was actually a school shooting attempt. This student was mentally disturbed but receiving numerous mental health interventions, and I was actually one of his favorite people. We do not know for certain why he did what he did (I believe he was unable to cope with his schedule change that had him home more of the day; he loved being at school), but we do know he had several severe mental health struggles and most likely was in a state that he did not truly realize what he was doing. Regardless, I (and others from the school) now suffer from PTSD and crippling fear in relation to unstable people, especially in regards to guns. I would be testifying at the hearing in person if I thought I could do so without having a panic attack. I also suffer additional trauma from the fact that the whole story was not reported by the police for almost six months. I have been accused of lying or embellishing what happened. I was nearly murdered and it feels like it is a secret for some reason I can't understand. I have had to endure constant sympathy for my would-be murderer and school shooter. While I don't think he really, fully knew what he was doing, and I feel guilt and further trauma for his suicide, his face and his gun pointed at me still haunt me. I can say without a doubt, this preventable tragedy has deeply affected my mental and physical health in irritable ways. Despite what happened to me, you might be surprised to read that I am not trying to take everyone's guns away, though I do feel there needs to be more regulation. Despite the fact that a 17 year old mentally ill boy tried to kill me and possibly planned to kill classmates, I still feel responsible gun owners are the norm. However, responsible gun ownership includes making sure that no one has access to your weapon that shouldn't. This student has severe mental health issues that were being treated by multiple organizations, people and medication. But he also had access to a gun. I still don't know where he got it (the police sealed the report for reasons not disclosed to me). It seems to me that there should be penalties for allowing an underage, deeply troubled person to get access to your weapon. There should be clear rules and regulations for the storing of guns. This should be something "responsible" gun owners do anyway but clearly those who are legally allowed to have a gun and those who are responsible do not always overlap. Like every right we have as Americans, nothing is absolute. One's rights do not get to supersede another's. I support this bill and would even like to see it stronger. It should include anyone not legally allowed to purchase a weapon, not just children under 16. It should require all firearms to be secured at all times when not "in use" (it wasn't clear to me if that last part was in the bill). While there are many COMMON SENSE gun control ideas and bills being proposed, I sincerely believe that this particular bill should be easy to pass. Any actual responsible gun owner should agree. If they don't, I don't consider them very responsible.

John Bowler

I support the bill

susan wiley

It is well known that brain development continues past the age of 21. Thankfully! Reckless behavior of those under the age of 25 is well documented by groups such as those selling automobile insurance. NS FM is inviting you to a scheduled Zoom meeting.

It was terribly sad when the third teen suicide occurred in the Town of Dover. An annual occurance for a high school class.. It is well known that there are many more guns in the homes of rural families than in the homes of those in NH's urbans area.

It is also sad that the of the 20 Representatives on this Committee, 15 come from Concord south. The three rural counties, Coos, Carroll, and Grafton have no elected Representatives on this Committee. You are acting on our behalf and I thank you. Susan Wiley

Jessica LaMontagne

We should all be able to agree on common sense gun safety.

I, along other numerous law-abiding New Hampshire citizens, find these proposed laws egregious. They would do absolutely nothing to enhance public safety and politicians know this. These proposed laws are nothing more than Mike Bloomberg and other multi-billionaire elites pouring in their out-of-state money and propaganda to control our laws and further infringe on our freedoms as a free people. This is the “live free or die state.” Keep statism and Mike Bloomberg OUT!!!

Parker Shorten

I, along other numerous law-abiding New Hampshire citizens, find these proposed laws egregious. They would do absolutely nothing to enhance public safety and politicians know this. These proposed laws are nothing more than Mike Bloomberg and other multi-billionaire elites pouring in their out-of-state money and propaganda to control our laws and further infringe on our freedoms as a free people. This is the “live free or die state.” Keep statism and Mike Bloomberg OUT!!!

Jeffrey Smith

I support HB351, as should all responsible gun owners. If you own the gun, you own the responsibility. That includes securing guns properly against access by children, thieves, or anyone else without the owner's informed permission.

Katherine Shea

Infringement of the American citizen's rights and putting unnecessary limitations when we already have protections for poor actors under current law. OPPOSE.

Sarah Oxnard

MANY accidental murders are executed by folks who had a gun in the house, they had a fight with their neighbor, the gun was NOT stored safely, and someone was shot. STORE GUNS SAFELY at all times.

Janice Belmont

I strongly oppose this intrusive and unconstitutional effort outlined in HB351.

Jonathan Belmont

I strongly oppose this intrusive and unconstitutional effort outlined in HB351. The culture of safe firearm storage and use should be promoted and not imposed upon people.

Susan Gregory-Davis

As a voting NH resident, I am in favor of safer gun legislation to protect the public health and safety of our children, youth and adults. Let's do better by our citizens than we have in the past. NH deserves better.

Judson Belmont

My family and I support believe the intent and effects of this bill are, while possibly well intentioned, are in fact infringements on the protections that our US and state constitutions guarantee. We sincerely hope that our representative will not approve this bill. We do not support the infringement of the federal government on our freedoms. We have witnessed in recent years over reach of federal power to the detriment of our rights and protections.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 351-FN

BILL TITLE: relative to the negligent storage of firearms and relative to firearm safety devices.

DATE: February 17, 2023

LOB ROOM: 202-204

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Meuse | Seconded by Rep. Selig | AM Vote: 17-2

Amendment # 2023-0592h

Moved by Rep. Meuse | Seconded by Rep. N. Murphy | Vote: 10-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Alissandra Murray, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:55:43 AM
Roll Call Committee Registers Report

2023 SESSION

Criminal Justice and Public Safety recess

Bill #: HB 351 **Motion:** ~~Recommend~~ **AM #:** _____ **Exec Session Date:** 2.16.2023

Members	YEAS	Nays	NV
Roy, Terry Chairman			
Rhodes, Jennifer M. Vice Chairman			
Pratt, Kevin M.			
~~Sytek, John~~ Hall			
Proulx, Mark L.			
Janvrin, Jason A.			
Mannion, Dennis			
Reid, Karen A			
Stone, Jonathan F.			
Tenczar, Jeffrey			
Harriott-Gathright, Linda C.			
Meuse, David			
Bouldin, Amanda C.			
Bradley, Amy Clerk Sue Newman			
Murphy, Nancy A.			
Newman, Ray E.			
~~Murray, Alissandra~~ Rep Vail			
Newell, Jodi K			
Selig, Loren			
Wheeler, Jonah O			
TOTAL VOTE:			

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:55:43 AM
Roll Call Committee Registers Report

2023 SESSION

Criminal Justice and Public Safety

Bill #: 351 **Motion:** adoption **AM #:** 0592 **Exec Session Date:** 2/17/23

Members	YEAS	Nays	NV
Roy, Terry Chairman	17		
Rhodes, Jennifer M. Vice Chairman	1		
Pratt, Kevin M.		1	
Sytek, John			
Proulx, Mark L.	2		
Janvrin, Jason A.	3		
Mannion, Dennis	4		
Reid, Karen A	5		
Stone, Jonathan F.		2	
Tenczar, Jeffrey	6		
Harriott-Gathright, Linda C.	7		
Meuse, David	8		
Bouldin, Amanda C.	9		
Bradley, Amy Clerk	10		
Murphy, Nancy A.	11		
Newman, Ray E.	12		
Murray, Alissandra	13		
Newell, Jodi K	14		
Selig, Loren	15		
Wheeler, Jonah O	16		
TOTAL VOTE:	17	2	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:55:43 AM
Roll Call Committee Registers Report

2023 SESSION

Criminal Justice and Public Safety

Bill #: 351 Motion: OTP/A AM #: 0592 Exec Session Date: 2/17/23

Members	YEAS	Nays	NV
Roy, Terry Chairman		9	
Rhodes, Jennifer M. Vice Chairman		1	
Pratt, Kevin M.		2	
Sytek, John			
Proulx, Mark L.		3	
Janvrin, Jason A.		4	
Mannion, Dennis		5	
Reid, Karen A		6	
Stone, Jonathan F.		7	
Tenczar, Jeffrey		8	
Harriott-Gathright, Linda C.	1		
Meuse, David	2		
Bouldin, Amanda C.	3		
Bradley, Amy Clerk	4		
Murphy, Nancy A.	5		
Newman, Ray E.	6		
Murray, Alissandra	7		
Newell, Jodi K	8		
Selig, Loren	9		
Wheeler, Jonah O	10		
TOTAL VOTE:	10	9	