HR 8 - AS INTRODUCED

2023 SESSION

23-0018
04/07

HOUSE RESOLUTION *8*

A RESOLUTION urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices.

SPONSORS: Rep. Ames, Ches. 13; Rep. Bradley, Hills. 41; Rep. Shurtleff, Merr. 15; Rep. Cote, Hills. 3; Rep. Wallner, Merr. 19; Rep. Harriott-Gathright, Hills. 10; Rep. Vail, Hills. 6; Rep. Meuse, Rock. 37; Rep. M. Smith, Straf. 10; Rep. Fellows, Graf. 8

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This resolution urges Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices.

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HR 8 - AS INTRODUCED

23-0018
04/07

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

A RESOLUTION urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices.

Whereas, the safety and welfare of the people of New Hampshire is at extreme risk due to the absence of federal rules setting and providing for the enforcement of reasonable limits on the manufacture, sale, ownership and use in the United States of semiautomatic assault weapons and large capacity ammunition feeding devices; and

Whereas, the extreme threat to the public safety posed by insufficient federal regulation of semiautomatic assault weapons and large capacity ammunition feed devices extends beyond the boundaries and legal authority of any single state and, therefore, requires uniform nationwide laws and enforcement; now, therefore, be it

Resolved by the House of Representatives:

That all members of Congress are hereby urgently requested to work together for the earliest possible enactment of legislation providing for federal regulation of semiautomatic assault weapons and large capacity ammunition feeding devices, including therein reasonable definitions, bans based on extreme risk of harm of certain defined semiautomatic assault weapons and feeding devices, appropriate legacy provisions and exceptions, and sufficient funding to enable timely and responsible nationwide implementation; and

That the house clerk forward official copies of this resolution to the President of the United States, the Speaker and the Minority Leader of the United States House of Representatives, the Majority Leader and the Minority Leader of the United States Senate, and to all members of the New Hampshire congressional delegation.

REGULAR CALENDAR

February 3, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on State-Federal Relations and Veterans Affairs to which was referred HR 8,

AN ACT urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Tom Mannion

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**State-Federal Relations and Veterans Affairs**
Bill Number:	**HR 8**
Title:	**urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices.**
Date:	**February 3, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This resolution would urge Congress to implement an assault weapons ban, which is in violation of the 2nd Amendment to the US Constitution and, more importantly, Article 2a of the New Hampshire Constitution. The riots of the summer of 2020 serve as an example of an armed populace being capable of keeping the peace, as our cities did not burn unlike those in states with active assault weapons bans. At all levels, courts have consistently ruled that law enforcement is under no obligation to risk their lives to save ours, so it is up to each of us to be armed to defend our families, businesses, communities, and homes. Despite the authors of the federal bill referring to common semi-automatic rifles as "weapons of war" and "only useful for mass murder," their ban contains carve-outs allowing the Department of Education, the Internal Revenue Service, US Department of Agriculture, and other federal agencies to continue to purchase them, which is troubling.

Vote 10-8.

Rep. Tom Mannion
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

State-Federal Relations and Veterans Affairs

HR 8, urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tom Mannion for the **Majority** of State-Federal Relations and Veterans Affairs. This resolution would urge Congress to implement an assault weapons ban, which is in violation of the 2nd Amendment to the US Constitution and, more importantly, Article 2a of the New Hampshire Constitution. The riots of the summer of 2020 serve as an example of an armed populace being capable of keeping the peace, as our cities did not burn unlike those in states with active assault weapons bans. At all levels, courts have consistently ruled that law enforcement is under no obligation to risk their lives to save ours, so it is up to each of us to be armed to defend our families, businesses, communities, and homes. Despite the authors of the federal bill referring to common semi-automatic rifles as "weapons of war" and "only useful for mass murder," their ban contains carve-outs allowing the Department of Education, the Internal Revenue Service, US Department of Agriculture, and other federal agencies to continue to purchase them, which is troubling. **Vote 10-8.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

February 3, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on State-Federal Relations and Veterans Affairs to which was referred HR 8,

AN ACT urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Steve Shurtleff

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**State-Federal Relations and Veterans Affairs**
Bill Number:	**HR 8**
Title:	**urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices.**
Date:	**February 3, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

This bill would ask Congress to pass legislation banning assault weapons and large capacity magazine. For far too long, America has witnessed the mass killings in our nation caused by individuals armed with assault weapons. These shooters aren't sportsmen or responsible gun owners. They are demented individuals, whose only goal is to kill as many people as quickly as they possibly can, thereby causing death and terror in our schools, our churches, our synagogues, our stores, entertainment venues, and the list goes on. There are those who believe the 2nd amendment is sacrosanct text. That the passage of any gun safety regulations would be contrary to the intent of the drafters of the U.S. Constitution. We respect their beliefs, but adamantly disagree with them. The 2nd amendment was never an unrestricted right, because the constitution grants the right to bear arms in the context of a well-regulated militia. Our Constitution is a living document. We can see how our constitution has evolved over the centuries, especially with the passage of the 13th and 19th amendments. This resolution isn't about placing unnecessary restraints on gun ownership. This resolution is simply about saving lives.

Rep. Steve Shurtleff
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

State-Federal Relations and Veterans Affairs

HR 8, urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices. **OUGHT TO PASS.**

Rep. Steve Shurtleff for the **Minority** of State-Federal Relations and Veterans Affairs. This bill would ask Congress to pass legislation banning assault weapons and large capacity magazine. For far too long, America has witnessed the mass killings in our nation caused by individuals armed with assault weapons. These shooters aren't sportsmen or responsible gun owners. They are demented individuals, whose only goal is to kill as many people as quickly as they possibly can, thereby causing death and terror in our schools, our churches, our synagogues, our stores, entertainment venues, and the list goes on. There are those who believe the 2nd amendment is sacrosanct text. That the passage of any gun safety regulations would be contrary to the intent of the drafters of the U.S. Constitution. We respect their beliefs, but adamantly disagree with them. The 2nd amendment was never an unrestricted right, because the constitution grants the right to bear arms in the context of a well-regulated militia. Our Constitution is a living document. We can see how our constitution has evolved over the centuries, especially with the passage of the 13th and 19th amendments. This resolution isn't about placing unnecessary restraints on gun ownership. This resolution is simply about saving lives.

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HR 8 Date: 1/27/23

Committee: State Federal Relations and Veterans Affairs

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

Name	Address	Phone	Representing	Pro	Con
Rep. Cyril Aures	Chichester NH	715-4580	Self		X
Rep. Joe Hall		Merrimack 27 & Mt FC			
Lauren LePage	Sanford, ME	2075095698	NRA		X
Rep Alicia Lekas		Merrimack 26			
Rep Linda Harriott-Gathright		6033804537	Hill 10	✓	
Rep Amy Bradley		6033151597		✓	
Rep. Timothy Horrigan		Stratford 10		✓	

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

PUBLIC HEARING ON HR 8

BILL TITLE: **urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices.**

DATE: **January 27, 2023**

LOB ROOM: **206-208** **Time Public Hearing Called to Order:** **9:30 am**

Time Adjourned: **10:25 am**

Committee Members: Reps. Seibert, Piemonte, Lundgren, Katsakiores, Jeudy, Shurtleff, Moffett, Carey, Massimilla, Gagne, Toll, Phinney, Mannion

Bill Sponsors:

Rep. Ames	**Rep. Bradley**	**Rep. Shurtleff**
Rep. Wallner	**Rep. Harriott-Gathright**	**Rep. Vail**
Rep. Meuse	**Rep. M. Smith**	**Rep. Fellows**

TESTIMONY

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

***Rep. Ames - Prime Sponsor**

- Spoke in Support of HR8 and provided written testimony and hand-out from Duke Law.
- Reviewed the assertions in the bill which lead to the resolution that all members of Congress work together on grandfathering provisions and limitations of all high capacity, semi-automatic feeding devices and weapons (205 named military assault weapons).
- Those in current possession may keep their existing weapons acquired before the enactment of this bill.
- Requires background check. Guns must be securely stored.
- This bill bans certain weapons and exempts 2200 guns for hunting, household defense or recreational use.
- 39 mass shootings in the pass year were cited.
- California has the lowest gun death rate due to state gun laws.
- Referred to his Duke Law hand-out regarding assault weapons ban.

Rep. Gagne

- Asked: For statistics on gun violence in NH?

Rep. Mannion

- Asked: About exemptions for law enforcement and federal officials?

Rep. Ames

- Has a list.

Rep. Mannion

- Asked: About law enforcement using military style weapons because they have more of a right to defend themselves.

Rep. Ames

- Says: They are in a different category than civilians.

Rep. Hoell

- Spoke on behalf of the NH Firearms Commission and his constituents
- Oppose bill
- Questioned referencing the state of California as an example.
- The country as a whole 5.0 death rate. New England as a whole has 3.3 death rate. 1.5 Maine, 2.4 NH.
- Believes New England has reasonable laws regarding guns.
- Believes the bill mischaracterizes modern guns.
- Requests indefinite postponement or to kill the bill.

Rep. Massimilla

- Differences between semi-automatic and automatic?

Rep. Hoell

- Responds: Most people have semi-automatic. Most automatic are very regulated.

Rep. Massimilla

- How do criminals know which homes have firearms?

Rep. Hoell

- Police Departments used to publish lists of how many permits were issued. His town had 20%. Criminals are deterred by knowledge that people own guns.

Rep. Mannion

- Asked: About defensive use of weapons statistics?

Rep. Ames

- Answered the Stats question - between 2-3 million times a year. He believes this legislation would cause the Ruger 22 (most popular gun) to be banned in his interpretation.
- Is concerned taking automatic weapons away will lead to taking away other types of weapons.
- Believes the problems of weapons will never stop. Taking away weapons from innocent people is not the answer.

Rep. Gagne

- Asked: About AR15 and the misconception of the public. This is a modern hunting rifle.

Rep. Phinney

- Would the passage of this legislation lead to loss of jobs in NH? Then weapons would be purchased from overseas.

Rep. Ames

- Agrees with this sentiment. Approximately 20 million weapons are sold each year in this country.

Rep. Phinney

- Cites the Constitution's wording and how the Second Amendment is not specific on the types of weapons.

Rep. Selig

- Testifies in Support of the bill
- Believes the goal of the bill is to prevent deaths b restricting the use of military style weapons.

Rep. Gagne

- Asks: About the difference in hunting weapons and AR15?

Rep. Mannion

- Asks: About weapons in Ukraine and civilians being armed?

Rep. Selig

- Folks in Ukraine are being trained. Should civilians have arms in Ukraine?

Rep. Toll

- Asked: About how Rep. Selig's constituents feel on the issue?
  They are in support of the Bill.

Rep. Phinney

- Stated there is no difference between an AR15 and hunting weapons.

Rep. Selig

- Does not agree

Zandra Rice Hawkins - Gun Sense NH

- Supports bill
- AR15 is the weapon of choice for mass shootings and she cited a list.
- AR15 are rooted in military design. 37% in shootings to 43% drop when restrictions are put in place.
- Asks the legislature to act.
- U-MASS is the source of her data.

Rep. Gagne

- Believes these shootings are the result of by-standers not being armed.

Ms. Hawkins

- Says in all these states people are allowed to be armed.

Rep. Moffett

- Asks: Is your concern based on events outside of NH?

Ms. Hawkins

- Responds: This resolution is for Congress. We have a high suicide rate by gun as well as a couple of school based events.

Rep. Toll

- Asks: If teachers would be in support of this bill as they work with her organization, "Granite State Progress."

Ms. Hawkins

- Discusses public schools need to be locked due to prevention of gun violence.
  Yes teachers would be in support.

Rep. Piemonte

- Asks: If the issue is more Mental Health and less about weapons?

Ms. Hawkins

- Responded: NO

Rep. Seibert

- Asked: About the "good guy with a gun?"

Ms. Hawkins

- Related a personal story and feels this situation does not often happen.

Rep. Phinney

- Asked: If Columbine happened after the Federal Assault Weapons Ban?

Ms. Hawkins

- Said: Yes

Respectfully submitted,

Rep. Lorrie Carey, Clerk

House Remote Testify

State-Federal Relations and Veterans Affairs Committee Testify List for Bill HR8 on 2023-01-27

Support: 50 Oppose: 39 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2023 5:23 PM
Axelman, Alu	Hooksett, NH alu.axelman@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2023 1:55 PM
Weststrate, Nancy	Peterborough, NH usnancyjack@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2023 10:53 AM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	1/21/2023 11:53 AM
Berrio, Simon	Holderness, NH quahog319@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/21/2023 1:09 PM
Fuentes, Sebastian	Thornton, NH sebastian@radnh.org	A Lobbyist	Rights & Democracy NH	Support	No	No	1/21/2023 1:21 PM
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Support	No	No	1/21/2023 3:54 PM
Kudlik, Cindy	Grafton, NH CindyKudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	1/22/2023 3:59 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	1/22/2023 4:17 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 5:37 PM
Taylor, Gale	Concord, NH galeforcefacilitators@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 7:25 PM
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 8:37 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	1/22/2023 8:53 PM

Reed, Barbara	North Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 7:06 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:34 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:49 AM
Garland, Ann	Lebanon, NH annhgarland@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 10:03 AM
Ford, Sue	Easton, NH sueford06@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 10:34 AM
Sumner, Deborah	Jaffrey, NH dsumner@myfairpoint.net	A Member of the Public	Myself	Support	No	No	1/23/2023 11:03 AM
Willing, Maura	Concord, NH Maura.Willing@Comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 11:04 AM
Liberman, Sheryl	Merrimack, NH saml54@comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 12:15 PM
Itse, Daniel	Manchester, NH itsenh@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/23/2023 1:28 PM
Rettew, Ann	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 1:51 PM
Tentarelli, Liz	Newbury, NH LWVnewhampshire@gmail.com	A Member of the Public	League of Women Voters New Hampshire	Support	No	No	1/23/2023 2:23 PM
Benham, Linda	Greenland, NH benhamblab@outlook.com	A Member of the Public	Myself	Support	No	No	1/23/2023 3:12 PM
Davidson, Geri	Nashua, NH geridavidson15@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 4:42 PM
Gallagher, Virginia	Etna, NH ginny.gallagher4@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 4:57 PM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 5:03 PM
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 5:11 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 5:19 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 8:59 PM

Hennessey, Martha	Hanover, NH Msh4wt@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:25 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 6:33 AM
Spielman, Kathy Sue	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2023 8:19 AM
Rundell, Laura	Dover, NH laurarun45@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 8:30 AM
Lindpaintner, Lyn	Concord, NH lynlin@bluewin.ch	A Member of the Public	Myself	Support	No	No	1/24/2023 11:02 AM
Robinson, Sarah	Concord, NH sarah@granitestateprogress.org	A Lobbyist	Granite State Progress	Support	No	No	1/24/2023 11:16 AM
Wilke, Mary	CONCORD, NH wilke.mary@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 12:11 PM
Weston, Joyce	Plymouth, NH jweston14@roadrunner.com	A Member of the Public	Myself	Support	No	No	1/24/2023 3:29 PM
Carter, Lilian	Deering, NH lcarter0914@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 4:41 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2023 6:11 PM
Glassman, Barbara	Nashua, NH barbara.glassman@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2023 1:30 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/25/2023 1:27 PM
St.Martin, Tom	Candia, NH nomad@adaptivetechnology.biz	A Member of the Public	Myself	Support	No	No	1/25/2023 6:34 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2023 7:06 PM
Lamphier, Regan	Nashua, NH reganburkelamphier@gmail.com	An Elected Official	Myself	Support	No	No	1/25/2023 7:59 PM
MacGregor, Leslie	Grantham, NH lsmacgregor@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2023 8:32 PM
Cembalisty, Clara	Rochester, NH Cqsc43@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/25/2023 8:38 PM
Cembalisty, Richard	Rochester, NH taxmanrick@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/25/2023 8:39 PM

Wicks, Pam	Concord, NH pjmac228@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2023 11:50 AM
Robinson, Fred	Tilton, NH fgrobin@comcast.net	A Member of the Public	Myself	Support	No	No	1/26/2023 11:52 AM
Aron, Judy	South Acworth, NH judy.aron@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/26/2023 1:53 PM
Eaton, Sharon	Pembroke, NH sharon.eaton@unh.edu	A Member of the Public	Myself	Support	No	No	1/26/2023 2:15 PM
Desmarais, Doreen	Northwood, NH doreend@netzero.net	A Member of the Public	Myself	Support	No	No	1/26/2023 2:17 PM
Hudson, Tom	Washington, NH trhudson@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 2:20 PM
Fellows, Sallie	Holderness, NH sallie.fellows@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/26/2023 2:41 PM
Murphy, Kevin	Hampstead, NH kfmurphy76@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 3:07 PM
Joyce, Michele	Bath, NH mjdigspigs@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 3:51 PM
Daves, Stephen	Deerfield, NH stephen@stephendaves.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 4:02 PM
Elbahrawy, Joshua	Manchester, NH joshelbahrawy@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 4:13 PM
Faber, Shawn	Londonderry, NH slfaber@rocketmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 4:16 PM
Lemp, Alexander	Plymouth, NH lemp.ar@outlook.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 4:24 PM
Brock, Frederick	Hanover, NH fbrock@brockpllc.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 4:27 PM
LaPointe, Susan	Epping, NH suelap16@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 4:35 PM
Hebert, Tyler	Goffstown, NH Meripops.th@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 4:57 PM
Corbett, Michael	Loudon, NH michael_corbett@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/26/2023 5:08 PM
Mullin, Michael	Manchester, NH mickey@mullinator.org	A Member of the Public	Myself	Oppose	No	No	1/26/2023 5:22 PM

Thompson, Steve	Hampton, NH steve@life-elevated.com	A Member of the Public	Myself	Oppose	No	Yes	1/26/2023 6:41 PM
Lapointe, Gary	Epping, NH Copperguy@hotmail.com	A Member of the Public	Myself	Oppose	No	Yes	1/26/2023 6:51 PM
M Potucek, Representative John	Derry-Rockingham Dist. 13, NH potucek1@comcast.net	An Elected Official	Myself	Oppose	No	No	1/26/2023 7:37 PM
Warnock, Laurie	Hampstead, NH Lwarnock62@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2023 8:15 PM
Domenico, William	Manchester, NH bill@resunltd4u.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 8:25 PM
Hunt, Randall	Amherst, NH propertyfast@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/26/2023 8:45 PM
Lozito, Patrick	Claremont, NH patlozito@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 9:02 PM
Lozito, Viola Marie	Claremont, NH vmarielozito@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 9:03 PM
Wood, Zephan	Pembroke, NH zephanw@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 9:11 PM
Galvan De La Riva, Gaby	Pembroke, NH zntepicvids@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 9:13 PM
Axelman, Kate	Hooksett, NH katebalani@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2023 10:19 PM
Lemos, Chris	Freedom, NH mopar@nj@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/27/2023 5:16 AM
Symanowicz, Maryann	Portsmouth, NH maryannsymanowicz@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/27/2023 8:23 AM
Warriner, Daniel	Ossipee, NH dkledz@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/27/2023 8:27 AM
Hannon, Joe	Lee, NH, NH joehannon4nh@gmail.com	A Member of the Public	Gun Owners of New Hampshire	Oppose	No	No	1/27/2023 8:34 AM
Steel, Sandy	PLAINFIELD, NH selizabethsteel@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2023 8:40 AM
Berrien, Frederick	Exeter, NH fberrien@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2023 9:31 AM
Chase, Karen	Hanover, NH kpchase@verizon.net	A Member of the Public	Myself	Support	No	No	1/27/2023 9:44 AM

Richardson, Diane	Georges mills, NH Workingclasscanine@msn.com	A Member of the Public	Myself	Oppose	No	No	1/27/2023 9:49 AM
Sims, Julie	Guild, NH jpmom39@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/27/2023 10:38 AM
Hiland, Rick	Albany, NH rhiland@myfairpoint.net	A Member of the Public	Myself	Oppose	No	No	1/27/2023 2:38 PM
Cushman, Lyn	Orford, NH lyn.t.cushman@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/27/2023 4:05 PM

HR8 A RESOLUTION urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices.

Honorable Members of the House of Representatives Committee on State and Federal Relations,

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 this Resolution.

HR8 contains the undefined term assault weapon. The House should never approve legislation with undefined terms. Currently, the term generally envisions "scary guns" which is entirely subjective. If I were to hazard a real definition, it would be a weapon with which a contemporary military would arm its infantry. Since no contemporary military would arm its infantry with a semiautomatic firearm, the concept of a semiautomatic assault weapon is an oxymoron.

It should not be lost you that, at the time the second amendment was added to the Constitution for the United States of America, the muzzle loaded rifle equipped with a bayonet was the "assault" weapon of the day. In fact every generation of firearm, muzzle loader, breach loader, bolt and lever action, and semiautomatic have been the preferred infantry weapon of their day, today they are not. Furthermore, at time the second amendment was adopted, State law in New Hampshire required that every male, age 16 to 60, was required to own a muzzle loaded rifle equipped with a bayonet, and to maintain 10 cartouches of ammunition (rather like a shotgun shell, the equivalent of a high capacity magazine of the day).

House Resolution 8 is thoroughly un-American, and ought to be judged inexpedient to legislate.

Hon. Daniel C. Itse
Tyranny is government in defiance of reality.
(603) 702-0381

Dear Representatives on the **House State-Federal Relations & Veterans Affairs Committee** ,

I am reaching out to you today to urge you to OPPOSE House Resolution 8.

House Resolution 8 urges the U.S. Congress to pass a so-called “assault weapons” ban. First, the bill fails to identify any specific firearm or equipment bans. Often, these bans include standard equipment and commonly owned firearms that many Americans legally and effectively use for an entire range of legitimate purposes, such as self-defense or competition.

This bill does nothing to stop violent criminals from obtaining these items and does not advance public safety. A 2004 study done on the 1994 Federal Assault Weapons Ban concluded that there was really very, very, little evidence--almost none--that gun violence was becoming any less lethal or injurious during the time the law was in effect.

This legislation does nothing to reduce violent crime and only burdens the rights of law-abiding Granite Staters. I respectfully request that you OPPOSE House Resolution 8.

Sincerely,

Rick Hiland - a Voter and law abiding American/NH Citizen

Albany NH

Alu Axelman

No, we should not urge Congress to violate our natural rights to property and violate our self-defense rights. This is a terrible idea for liberty.

Simon Berrio

This resolution serves no purpose other than exposing the sponsors' desire to reduce the rights of millions of law abiding American citizens. Not only the rights affirmed under the 2nd Amendment of the US & 2-a of the NH Constitution, but also simple property rights as most government solutions will require turning in or destruction of already purchased property. There are recent federal and state examples which make that perfectly clear.
This resolution's other purpose is the waste air and printer toner. This is not a New Hampshire issue. Please stick to NH and let our four elected representatives and senators in D.C. deal with federal issues.

I oppose this resolution.

Cindy Kudlik

I oppose this bill and think every single sponsor should be removed from office for violating their oath to defend and uphold the Constitutions of this country (2nd Amendment) and our state (Article 2-a).

Maura Willing

The current administration's ideas regarding what should be taught and not taught is unacceptable. As a former teacher I firmly believe ideas, even unpleasant ones, are the basis of a strong society.

Laura Rundell

No law abiding citizen needs to carry an automatic weapon. These weapons are killing our children and need to be banned.

Patricia Anastasia

I support HR8 for the following reasons: The Second Amendment was intended to protect the right of militias to own guns, not the right of individuals, and it is not an unlimited right to own guns. More gun control laws would reduce gun deaths. High-capacity magazines should be banned because they too often turn murder into mass murder. Guns are rarely used in self-defense. Countries with restrictive gun control laws have lower gun homicide and suicide rates than the United States. Civilians, including hunters, should not own military-grade firearms or firearm accessories.

Judy Aron

This Resolution bill is a direct assault against my constitutionally-protected rights, and, as a House Resolution regarding a federal matter, a waste of time.
Firearms that gun control supporters call “assault weapons” and ammunition magazines that they call “large” are among the arms protected by the Second Amendment. Because they’re among the arms that are most useful for the entire range of defensive purposes, they’re “in common use” for defensive purposes, a standard articulated by the Supreme Court in District of Columbia v. Heller (2008). This is true, regardless of which of gun control supporters’ ever-expanding definitions of “assault weapons” one uses. In 2015, Heller decision author Justice Antonin Scalia reiterated that the Second Amendment and Heller preclude “assault weapons” bans when he signed onto a dissent from the denial of certiorari in Friedman v. Highland Park.
Furthermore, AR-15s and other semi-automatic rifles are not the fully-automatic, military-grade firearms they are often claimed to be by gun control supporters and the media.

In closing, The congressionally-mandated study of the federal “assault weapon ban” of 1994-2004 found that the ban had no impact on crime, in part because “the banned guns were never used in more than a modest fraction of gun murders.” (Urban Institute) Rifles of any type are used in only two percent of murders. (FBI) Subsequent research conducted by the RAND Corporation found no conclusive evidence that banning “assault weapons” or “large” capacity magazines has an effect on mass shootings or violent crime.
Vote ITL on this resolution.

Sharon Eaton

I heartily support this bill and urge our elected officials to take an even stronger than on semi automatic weapons, weapons designed for war and destruction not personal protection.

Tom Hudson

Firearms are not the issue. People need increased access to mental health. Funding was taken away in the early 80s and was never brought back (it was taken away due to the horror that was happening in institutions in the 70s.

Sallie Fellows

Normal 0 false false false EN-US X-NONE X-NONE

/* Style Definitions */
table.MsoNormalTable{mso-style-name:"Table Normal";mso-tstyle-rowband-size:0;mso-tstyle-colband-size:0;mso-style-noshow:yes;mso-style-priority:99;mso-style-parent:"";mso-padding-alt:0in 5.4pt 0in 5.4pt;mso-para-margin-top:0in;mso-para-margin-right:0in;mso-para-margin-bottom:8.0pt;mso-para-margin-left:0in;line-height:107%;mso-pagination:widow-orphan;font-size:12.0pt;font-family:"Times New Roman",serif;}As an Army veteran, I know that semi-automatic weapons and largecapacity magazines are designed for just one purpose, to kill many people as quicklyas possible. Sadly, we have now reachedthe point where these weapons are being used every day for just thatpurpose against innocent children and adults. There is nothing that makes New Hampshireimmune to this escalating violence. Someday, it will happen here in New Hampshire.The best way to stop random murders is to appropriately regulateaccess to non-sporting firearms, and to be effective this must happen at thefederal level.I urge you to support House Resolution 8Sincerely,State Representative Sallie Fellows

Stephen Daves

I strongly oppose this bill. All sponsors should be removed from office for violating their oath of office to defend and uphold the Constitution of the USA (2nd Amendment) and NH (Article 2a)

Joshua Elbahrawy

The safety and welfare of the people of NH are not at risk because of semiautomatic weapons and so-called "assault weapons". In fact, the people of NH enjoy impeccable safety due in no small part to their right to own the same weapons that criminals use, and to defend themselves with said weaponry. This bill is trying to leverage emotion to steal our constitutionally enshrined rights from us, and I reject it wholeheartedly. If you truly care about our safety, you will also reject this bill.

Alexander Lemp

I vehemently oppose this bill. The 2nd amendment shall not be infringed, end of discussion.

Frederick Brock

An assault weapons ban and ban on standard capacity magazines (30) for such

Tyler Hebert

Please stop violating the 2nd amendment. Good guys use these weapons for self defense because they are efficient. Laws won't stop criminals.

Michael Corbett

I in no way support HR8, there was already an "assault weapon" ban back in 1994 and it proved to have little to no impact. This is also a direct violation the second amendment.

Michael Mullin

This bill runs contrary to New Hampshire's own state constitution supporting the right to arms, rendering it at best an empty resolution. It would also urge the U.S. Congress to pass an illegal law to infringe upon Americans' protected Second Amendment right. Also, the bill uses the nebulous term "assault weapons" which could conceivably be applied to any item that is capable of committing assault, opening the door to any number of further limitations and transgressions against every individual's right to self defense. Finally, the very idea behind the resolution flies in the face of decades of evidence that ever-stricter gun control measures do not correlate to lower incidence of gun violence. It in effect proposes prohibiting the best means of defense from law-abiding citizens without actually addressing any true causes of violence, leaving people more vulnerable than they would be without such ill-advised measures.

Representative John M Potucek

This IS a Second Amendment violation!!

Randall Hunt

Commonly owned firearms and extremely few are used in crimes.

Kate Axelman

Criminals don't follow the laws. you're only hurting the law abiding citizens.

Daniel Warriner

I am reaching out to you today to urge you to OPPOSE House Resolution 8. House Resolution 8 urges Congress to pass a so-called “assault weapons” ban. First, the bill fails to identify any specific firearm or equipment bans. Often, these bans include standard equipment and commonly-owned firearms that many Americans legally and effectively use for an entire range of legitimate purposes, such as self-defense or competition. This bill does nothing to stop violent criminals from obtaining these items and does not advance public safety. A 2004 study done on the 1994 Federal Assault Weapons Ban concluded that there was really very, very, little evidence--almost none--that gun violence was becoming any less lethal or injurious during the time the law was in effect. This legislation does nothing to reduce violent crime and only burdens the rights of law-abiding Granite Staters. I respectfully request that you OPPOSE House Resolution 8.

Support legislation aimed at removing these killing machines from the streets and from the hands of killers.

HR 8

Rep. Dick Ames – Statement in Support of HR 8 – Jan 27, 2023

Good morning. I am here to introduce and speak in support of HR 8, a proposed New Hampshire House Resolution asking the United States Congress "to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices."

What is in this Resolution?

HR 8 begins with two preliminary statements. Together, they provide important context for the proposed resolution. I wrote these preliminary "whereas" statements last summer, shortly after the Uvalde and Buffalo mass shootings but well in advance of the more recent mass shootings.

You will see that the first of these contextual statements asserts that

> "the safety and welfare of the people of New Hampshire is at extreme risk due to the absence of federal rules setting and providing for the enforcement of reasonable limits on the manufacture, sale, ownership and use in the United States of semiautomatic assault weapons and large capacity ammunition feeding devices" and

The second contextual statements further asserts that

> "the extreme threat to the public safety posed by insufficient federal regulation of semiautomatic assault weapons and large capacity ammunition feed devices extends beyond the boundaries and legal authority of any single state and, therefore, requires uniform nationwide laws and enforcement."

It is in this context that the proposed HR 8 Resolution "urgently" requests

> "all members of Congress … to work together for the earliest possible enactment of legislation providing for federal regulation of semiautomatic assault weapons and large capacity ammunition feeding devices, including therein reasonable definitions, bans based on extreme risk of harm of certain defined semiautomatic assault weapons and feeding devices, appropriate legacy provisions and exceptions, and sufficient funding to enable timely and responsible nationwide implementation.

Action is now pending in Congress

A US Senate Bill has been filed. It was introduced on January 23, 2023, by Senator Feinstein and others with the stated goal of protecting communities from military-style assault weapons. It is a 126 page bill. It

- Bans the sale, manufacture, transfer and importation of 205 military-style assault weapons by name. Owners may keep existing weapons.

- Bans any assault weapon with the capacity to utilize a magazine that is not a fixed ammunition magazine and has one or more military characteristics including a pistol grip, a forward grip, a barrel shroud, a threaded barrel or a folding or telescoping stock. Owners may keep existing weapons.
- Bans magazines and other ammunition feeding devices that hold more than 10 rounds of ammunition, which allow shooters to quickly fire many rounds without needing to reload. Again, owners may keep existing magazines.
- Requires a background check on any future sale, trade or gifting of an assault weapon covered by the bill.
- Requires that grandfathered (legacy) assault weapons are stored using a secure gun storage or safety device like a trigger lock.
- Prohibits the transfer of high-capacity ammunition magazines.
- Bans bump-fire stocks and other devices that allow semi-automatic weapons to fire at fully automatic rates.
- Includes Exemptions:
    - The bill exempts by name more than 2,200 guns for hunting, household defense or recreational purposes.
    - The bill includes a grandfather (legacy) clause that exempts all weapons lawfully possessed at the date of enactment.

<u>Statements in Support of the new Senate bill:</u>

Senator Blumenthal issued this statement in support of this new proposed congressional ban on assault weapons:

> "As used by the Lunar New Year's shooter only days ago in Monterey Park, assault weapons have only one practical purpose – to kill or injure human beings. These military-style combat weapons – built for the battlefield and designed to maximize death and destruction – have brought bloodshed and carnage to our streets and continue to be the weapon of choice in countless mass shootings. Guns don't respect state boundaries, which is why we need a national solution to restricting the ownership and use of assault weapons. Now is the time to honor gun violence victims and survivors with this common sense action."

Sandy Hook Promise, a national nonprofit organization founded and led by several family members whose loved ones were killed at Sandy Hook Elementary School on December 14, 2012, issued this statement in support of the new Senate bill:

> "Assault weapons are military-style firearms designed to fire multiple rounds in quick succession – killing people quickly with little effort. That's why they've been used in our country's deadliest mass shootings, from Sandy Hook and Uvalde to tragic shootings in recent days.

"We cannot accept another moment of inaction. In the first three weeks of 2023 alone, there have already been 39 mass shootings – including a wave of shootings across California and in Louisiana just this week. Sadly, another school shooting also happened in Des Moines, Iowa on the heels of a deadly weekend of mass shootings.

Every minute lawmakers fail to stop the sale of these weapons of war, children's lives are at risk."

Why California gun laws aren't completely preventing mass and other shooting of people in California (partial excerpt from ABC news article):

"There are too many guns in the U.S. to completely prevent gun violence in any given state, the experts said. Gun violence is continuing to affect a large number of Californians, but at much lower rates than other states.

"While 3,449 people died from gun violence in California in 2020, the state still has one of the lowest gun death rates in the country at 8.5 deaths per 100,000 people -- about 37% lower than the national average, according to data compiled by the Centers for Disease Control and Prevention.

"Gun homicides in California, at a rate of 3.9 per 100,000 people, is much lower than Texas' rate of 6.1 per 100,000 people, figures from Everytown shows.

Constitutional Law – Assault Weapons Bans After US Supreme Court decision in *NY Rifle & Pistol Assn v Bruen*. Before the June 2022 *Bruen* decision, assault weapons bans had been upheld in four US Appeals Court decisions. The Court in *Bruen* did not speak directly to the assault weapons issue, but it is apparent that reviewing courts will now need to apply a complex two-step and multi-pronged analysis to determine the constitutionality of any proposed or existing assault weapons ban. It appears that the bill proposing an assault weapon ban that is now pending in the US Senate has been carefully crafted to pass this new *Bruen* test. For a detailed explanation of this new *Bruen* test, see the article by Duke Center for Firearms Law titled "Assault Weapons Bans after *Bruen*", available today as a handout and online at https://firearmslaw.duke.edu.

I urge you to vote Ought To Pass on HR 8. Thank you.

" />

HR 8

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Assault Weapons Bans after Bruen

By Andrew Willinger (https://firearmslaw.duke.edu/author/amw79duke-edu/) on August 22, 2022 Categories: Second Amendment (https://firearmslaw.duke.edu/secondamendment/), Supreme Court (https://firearmslaw.duke.edu/supreme-court/)

Assault weapons bans are certain to receive a great deal of attention post-*Bruen*. Already, a federal judge in Colorado granted an emergency TRO application and enjoined the assault weapons ban (https://firearmslaw.duke.edu/2022/08/history-in-practice-how-have-lower-courts-applied-bruen-so-far/) in Superior, Colorado until November (https://denvergazette.com/news/gun-rights-activists-sue-to-stop-enforcement-of-colorado-s-2013-large-capacity-magazine-ban/article_db705c92-12eb-11ed-97c0-27618678ef95.html)—albeit without argument from the town. The House also passed a federal assault weapons ban (https://www.congress.gov/bill/117th-congress/house-bill/1808/text) earlier this month, although the bill is unlikely to make progress in the Senate.

Seven states and the District of Columbia (https://giffords.org/lawcenter/gun-laws/policy-areas/hardware-ammunition/assault-weapons/) have assault weapons bans in place, as do a number of towns and cities across the country (including, notably, Highland Park and Highwood, IL). As we can expect to see challenges to many of these bans after *Bruen*, it's worth reviewing the two-step analysis that will now apply. The first step for a court is to determine whether the banned weapons are covered by the text of the Second Amendment, which covers only those weapons that are "in common use" for lawful purposes (*Bruen* affirmed this test from *Heller*). If a court decides that a ban applies only to weapons *not* in common use by law-abiding citizens for self-defense—like, presumably, a machine gun ban—that is the end of the inquiry, and the prohibition is lawful. If the ban covers at least some weapons in common use for self-defense, then the government must come forward with analogous historical laws showing that the ban is consistent with America's historical tradition of firearms

regulation. There's not even a *possibility* of finding a historical "twin" in these cases, because assault weapons were not commonly commercially available until relatively recently. Rather, one would expect governments to analogize to historical bans on especially dangerous or novel categories of weapons.

Courts that considered assault weapons bans under the old two-step framework often punted the first step of the analysis. Because they found that the bans met intermediate scrutiny, appellate courts frequently assumed (without deciding) that the weapons were covered by the Second Amendment. For example, in *Heller II* (https://www.cadc.uscourts.gov/internet/opinions.nsf/deca496973477c748525791f004d84f9/%24file/10-7036-1333156.pdf), a D.C. Circuit panel noted that semi-automatic weapons and guns with large magazines were almost certainly "in common use," but that it was not clear "whether these weapons . . . are useful specifically for self-defense or hunting." The court didn't need to resolve that question, though, because it assumed that the guns were used for lawful purposes and upheld D.C.'s ban under intermediate scrutiny (over a dissent from then-Judge Kavanaugh). Similarly, in *NYSRPA v. Cuomo* (https://law.justia.com/cases/federal/appellate-courts/ca2/14-36/14-36-2015-10-19.html), *Worman v. Healey* (https://law.justia.com/cases/federal/appellate-courts/ca1/18-1545/18-1545-2019-04-26.html), and *Fyock v. Sunnyvale* (http://cdn.ca9.uscourts.gov/datastore/opinions/2015/03/04/14-15408.pdf), appellate courts ultimately assumed the "common use" prong and upheld bans under intermediate scrutiny.[1]

The Seventh and Fourth Circuits took slightly different approaches. In *Kolbe v. Hagan* (https://law.justia.com/cases/federal/appellate-courts/ca4/14-1945/14-1945-2017-02-21.html), Judge King of the Fourth Circuit—writing for an en banc majority—decided the case at step one, finding that "the banned assault weapons and large-capacity magazines are clearly most useful in military service" and therefore "are not constitutionally protected." But Judge King went on to do the intermediate scrutiny analysis anyway, in the alternative.[2] In *Friedman v. City of Highland Park* (https://law.justia.com/cases/federal/appellate-courts/ca7/14-3091/14-3091-2015-04-27.html), Judge Easterbrook (writing for a divided Seventh Circuit panel) applied a slightly different test: he asked "whether [the] regulation bans weapons that were common at the time of ratification or those that have 'some reasonable relationship to the preservation or efficiency of a well regulated militia,' and whether law-abiding citizens retain adequate means of self-defense." Judge Easterbrook's analysis is ultimately not all that different from the approach of assuming coverage and then upholding under means-ends scrutiny. He conceded that assault weapons "can be beneficial for self-defense" and then relied on statistical and empirical evidence of the law's benefits to uphold it (which looks a lot like intermediate scrutiny).

What will happen when additional challenges to state and local assault weapons bans start to arrive in court, or when existing challenges are reevaluated under *Bruen*? There are likely four possible outcomes. At *Bruen* "step one," a court might (1) decide that banned assault weapons are not actually in common use because—although the absolute number of guns owned is high—the ownership is concentrated and is a small percentage of the total U.S. adult population; or (2) decide that banned assault weapons are in common use but *not* for lawful purposes, as the Fourth Circuit did in *Kolbe*. At *Bruen* "step two," a court might (3) uphold the ban because it finds that historical laws prohibiting certain categories of weapons establish a tradition of analogous regulation; or (4) strike down the ban because there is no historical tradition of similar regulation.

One thing is for certain: while courts frequently sidestepped the coverage analysis previously by assuming coverage and applying intermediate scrutiny, that is no longer an option. Even though "reliable empirical evidence of lawful possession for lawful purposes [may be] elusive, beyond ownership statistics" (as the Second Circuit noted in *Cuomo*), we can expect courts to grapple in much more depth with this part of the inquiry. If "in common use" requires more than a cursory examination of absolute sales data, it might mean looking at the number of people who actually own such weapons. But, under any analysis, some assault weapons are likely to be in "common use." More likely, courts will examine in closer detail whether these weapons are used for "lawful purposes." The Fourth Circuit held that "AR-15-type rifles" were "unquestionably most useful in military service . . . whatever their other potential uses." Even though they are commonly owned, Judge King found them beyond the scope of the Second Amendment.

Going forward, we are likely to see courts develop this analysis further: How do people use assault weapons in practice? Is the relevant inquiry whether people buy these weapons *intending* to use them for self-defense, or whether they are *actually useful* for self-defense? How many recorded instances are there of such weapons being used successfully in a self-defense scenario?[3] And in what specific ways are they similar or different from "weapons that are most useful in military service—M–16 rifles and the like"? Another outstanding question is whether a weapon can be commonly used for self-defense in some contexts, but not others. Consider that an assault weapon may be useful for self-defense in the home but not outside of it—it is relatively difficult to conceal, and may be unwieldy to actually use in the event of an attack. If armed self-defense is the core of the Second Amendment right, the amendment may only protect the right to have such a gun in the home for self-defense and *not* the right to carry it outside of the home other than for purposes such as hunting. General public carry of such rifles may be "dangerous and unusual," while keeping them at home may not.

Moving on to step two, the best guide we have for how this analysis might look in practice is likely a passage from Judge Benitez's 2021 decision in *Miller v. Bonta* (https://casetext.com/case/miller-v-bonta)—which, as Jake previously described (https://firearmslaw.duke.edu/2021/06/miller-v-bonta-and-californias-assault-weapons-ban/), struck down California's assault weapons ban and also made some unusual observations about the relevance of modern citizen-militias. At step one, *Miller* briefly considered whether there was a historical tradition of banning guns such as semiautomatic weapons and rejected several historical laws put forward by the state as possible analogues, including "firing-capacity regulations from the 1920's and 1930's." The opinion also considered a 1932 D.C. law that restricts possession of any "firearm that shoots automatically or semiautomatically more than twelve shots without reloading." Given *Bruen*'s rejection of 20th century history, what other analogues might state and local governments rely upon at this step? Modern-day machine guns and assault weapons became commercially available on a broad scale only recently; but, of course, *Bruen* is clear that a "twin" or "dead ringer" is not necessary. Consider historical bans (https://firearmslaw.duke.edu/laws/1875-mich-pub-acts-136-an-act-to-prevent-the-setting-of-guns-and-other-dangerous-devices-%c2%a7-1/) on spring guns (https://firearmslaw.duke.edu/laws/the-statutes-at-large-of-the-state-of-minnesota-comprising-the-general-statutes-of-1866-as-amended-by-subsequent-legislation-to-the-close-of-the-session-of-1873-together-with-all-laws-of-a-general-n/), which were passed in the early and mid-19th century. If the justification for banning this class of weapons was comparable to the justification for modern assault weapons bans, this may be one way to argue that today's bans (or certain portions thereof) are grounded in historical tradition.

[1] Note that some of these decisions expressed serious doubts about whether the subject weapons were in common use *for lawful purposes such as self-defense*, but found it unnecessary to resolve that issue because the case could be decided under intermediate scrutiny.

[2] *Rupp v. Becerra* (a district court decision vacated by the Ninth Circuit after *Bruen*) took a similar tack.

[3] In *Kolbe*, the majority opinion noted that the plaintiffs had failed to submit evidence that the banned weapons had ever "been used in self-defense in Maryland, as opposed to being possessed for self-defense."

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HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on HR 8

BILL TITLE: urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices.

DATE: February 3, 2023

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. T. Mannion Seconded by Rep. Phinney Vote: 10-8

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Lorrie Carey, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:54:27 AM
Roll Call Committee Registers Report

2023 SESSION

State-Federal Relations and Veterans Affairs

Bill #: HR8 Motion: ITL AM #: _____ Exec Session Date: 02-03-23

Members	YEAS	Nays	NV
Moffett, Michael I Chairman	✓		
Rollins, Skip A. Vice Chairman	✓		
Lundgren, David C.	✓		
~~Katsakiores, Phyllis M.~~ Wayne Oulette	✓		
~~Leavitt, John A.~~ Aiden Ankarberg	✓		
~~Harley, Tina L.~~ Wayne MacDonald	✓		
Gagne, Larry G.	✓		
Piemonte, Tony	✓		
Phinney, Brandon	✓		
Mannion, Tom D	✓		
Shurtleff, Steve J.		✓	
Massimilla, Linda A.		✓	
Booras, Efstathia C.			
Carey, Lorrie J. Clerk		✓	
~~Menear, Hoy Robert~~ Jennifer Morton		✓	
Toll, Amanda Elizabeth			
~~Jeudy, Jean L.~~ Marjorie Smith		✓	
~~Lloyd, Christal~~ Jessica LaMontagne		✓	
O'Neil, Candice M		✓	
Seibert, Christine		✓	
TOTAL VOTE:	10	8	