

# Bill as Introduced

HB 1693 - AS INTRODUCED

2010 SESSION

10-2956

10/01

HOUSE BILL **1693**

AN ACT relative to the powers of the joint committee on legislative facilities.

SPONSORS: Rep. Chandler, Carr 1; Rep. Rodeschin, Sull 2; Rep. W. O'Brien, Hills 4; Rep. Packard, Rock 3; Rep. Coffey, Merr 6; Sen. Bradley, Dist 3; Sen. Letourneau, Dist 19; Sen. Carson, Dist 14

COMMITTEE: Legislative Administration

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ANALYSIS

This bill prohibits the legislative facilities committee from adopting a rule, policy, or procedure concerning the carrying of a firearm or dangerous or deadly weapon into the state house, legislative office building, or Upham Walker house which is different than the rules, policies, or procedures in effect prior to December 21, 2009. The prohibition is repealed December 31, 2011.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT relative to the powers of the joint committee on legislative facilities.

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

1 1 Legislative Facilities Committee; Powers; Carrying of Firearms. Amend RSA 17-E:5-a, VIII to  
2 read as follows:

3 VIII.(a) To establish policies regarding the use of the facilities under control of the  
4 legislature in the state house, the legislative office building, the Upham Walker house, parking  
5 garages and lots, and any future facility that may come under legislative management.

6 (b) *Notwithstanding subparagraph (a), the committee shall not adopt or*  
7 *implement any rule, policy, or procedure that prohibits or governs the carrying of a*  
8 *firearm or other dangerous or deadly weapon into the state house, legislative office*  
9 *building, or Upham Walker house, or the screening of members of the public entering the*  
10 *state house, legislative office building, or Upham Walker house, in any manner different*  
11 *than the rules, policies, and procedures in effect prior to December 21, 2009. All such rules,*  
12 *policies, and procedures adopted on or after December 21, 2009 are rescinded.*

13 2 Repeal. RSA 17-E:5-a, VIII(b), relative to the adoption by the legislative facilities committee  
14 of rules, policy, or procedure on carrying of firearms, is repealed.

15 3 Effective Date.

16 I. Section 2 of this act shall take effect December 31, 2011.

17 II. The remainder of this act shall take effect upon its passage.

# Amendments

Rep. Baldasaro, Rock. 3  
March 15, 2010  
2010-0983h  
10/04

Amendment to HB 1693

*Not Adopted*

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

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16

1 Legislative Facilities Committee; Powers; Carrying of Firearms. Amend RSA 17-E:5-a, VIII to read as follows:

VIII.(a) To establish policies regarding the use of the facilities under control of the legislature in the state house, the legislative office building, the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.

*(b) Notwithstanding subparagraph (a), the committee shall not adopt or implement any rule, policy, or procedure that prohibits or governs the carrying of firearms or other dangerous or deadly weapons into the state house, legislative office building, or Upham Walker house, or the screening of members of the public entering the state house, legislative office building, or Upham Walker house. All such rules, policies, and procedures adopted prior to the effective date of this subparagraph are rescinded.*

*(c) The committee shall not establish policies which proscribe or regulate otherwise lawful acts of members of the public.*

2 Effective Date. This act shall take effect upon its passage.

**Amendment to HB 1693**

**- Page 2 -**

2010-0983h

**AMENDED ANALYSIS**

This bill prohibits the legislative facilities committee from adopting a rule, policy, or procedure concerning the carrying of a firearm or dangerous or deadly weapon into the state house, legislative office building, or Upham Walker house. The bill rescinds any such current rule, policy, or procedure.

# Speakers

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1693 Date 3-8-10

Committee Regislative Administration

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

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep Lars I Christensen	18 Stonewood Lane Hudson NH	887-2488	Hill Dist 27		<input checked="" type="checkbox"/>
Sarah M. Brown	BELMONT, N.H.	524-6938	myself - NH-FREE	<input checked="" type="checkbox"/>	
HOWARD L. BROWN	BELMONT NH.	524-6938	self/coal	<input checked="" type="checkbox"/>	
STEVEN L. CUNNINGHAM	CROYDON, NH	763-4359	SELF	<input checked="" type="checkbox"/>	
Tony Stelick	31 Hoyt Rd Grafton		self	<input checked="" type="checkbox"/>	
Lisa Grauel	Manchester NH	603-880-1	self	<input checked="" type="checkbox"/>	
Penny Dean Council			Self 60NH	<input checked="" type="checkbox"/>	
Robert Silva	Milford		Tenth Amendment NH	<input checked="" type="checkbox"/>	
SE Hoek	New Hampshire		Coal		<input checked="" type="checkbox"/>
Mike P. Humboldt	Waver		Self	<input checked="" type="checkbox"/>	
Jason Sutherland	Chester		Self	<input checked="" type="checkbox"/>	
Nancy Stiles	Rochingham 10		Hampton	<input checked="" type="checkbox"/>	
Rep Mary E. Griffin	Rochingham		Wendham/Salem	<input checked="" type="checkbox"/>	
J. J. Bettencourt	Rockingham 4		Salem/Windham	<input checked="" type="checkbox"/>	
Lavan McRae	Goffstown NH		self	<input checked="" type="checkbox"/>	
Rep Shawn Doherty	Hillsborough 27		Hudson/Witchfield/Lebanon	<input checked="" type="checkbox"/>	
Quinn Murphy	Penacook 03303	753-0164	self	<input checked="" type="checkbox"/>	
Jana J. Andruscia	65 Trestle Brook Dr. Nash	918-2255	Nashua 91203	<input checked="" type="checkbox"/>	
RICHARD MCBURN	43 BRADY DERRY NH	5038	self	<input checked="" type="checkbox"/>	
				17	1



As written these are ISSUES, NHFC ASKS THAT A  
Amended version be passed out of COMTE

AK Hall  
NHFC

2

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1693 Date 3-8-10

Committee Regislative Administration

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

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Steven Mercier	Wakefield NH			X	
Kevin Bloom	Concord NH			X	
John Jeskevicius	Weare	529-4765	self	X	
Edmond GLORET	REPRESENTATIVE GRAPTON & LINCOLN	745-2240		X	
Laurel Redden	Salem NH				X
Fred Loring	Rosscook NH			X	
Rep. Ken Weyler				X	
REP JOHN J SEDENSKI			DIST #8	X	
Tammy Simmons	Manchester			X	
GARY FISHER	MILFORD			X	
Chris Leone	Epping			X	
Ken Hawkins	Belford		Hills 18	X	
Melissa Creem	Nashua NH			X	
John LEABAY	Deerfield			X	
Rep Carol McGuire	Merr 8			X	
Sarah Chaisson Warner	Concord, NH		NH Citizens Alliance		X
Sabrina Johnson	530 Beech St #3 Manchester NH		self		X
Joanne Morrill	Bridgewater, NH		self	X	
Doug Jaquith	" "	" "	self	X	
Doyle White	5085 Main Manchester NH		self		X
Daniel C. Ijse	20 Kelsey Dr Acorn		Rock Dist	X	
William Kestie	Graston NH		self	X	
PAMELA KAN	296 Pleasant St Concord		self	X	

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Bill # HB 1693 Date 3-8-10

Committee Registature Administration

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

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Bandy Foose	Merr. District #1				X
REP. VILHELM EUVE				✓	
Rep. John FLANDERS	Rock #8			X	
Rep. GUYE P. CHARBON	Rock 7			X	
SALVATORE P. COO	43 So. Jewett St. Manchester, NH	603 627 7748	SELF	X	
Ken Blewens	2 Valley Rd Brook, NH			X	
Gene Shannon	London Chany			X	
Rep Mary Stuart Coile					X
JEREMY OLSON	Gutten		NHC LIBERTY, NH	X	
Phung Lam	Wakefield NH			X	
William Lynch	Boscawen, NH			X	
Tim Lynch	Boscawen NH			X	
Carl Soderstrom	Concord, NH			X	
Wm. DOMENICO	MANCHESTER, NH		SELF	X	
Helen Maynard	Londonderry, NH			X	
Rep Jim HEAD	Rock 3			X	
John G. Stefani	Manchester NH		all "free" men	X	
Kyle J. Taster	Northwood NH			X	
William O'Brien	Hillsborough District 4		State Repres.	X	
Bob med	Hills 4		State Rep	X	
Marie bezita	57 High St Claremont			X	
Bill Allen	Deare		self	✓	
Clinton Bailey	Rock 3		State Rep	X	



# Hearing Minutes

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 1693

**BILL TITLE:** relative to the powers of the joint committee on legislative facilities.

**DATE:** March 8, 2010

**LOB ROOM:** 206/208      **Time Public Hearing Called to Order:** 2 pm

**Time Adjourned:** 4:40 pm

(please circle if present)

**Committee Members:** Reps. L. Weber, P. McMahon, Schuett, Lerandean, Shurtleff, Gottling, S. Nord, Pierce, D. Wheeler, Komi, Hunt, J. Flanders, Dowling, Patten, Millham, Kidder, Baldasaro and Haefner.

**Bill Sponsors:** Reps. Chandler, Rodeschin, W. O'Brien, Packard, Coffey and Sens. Bradley, Letourneau and Carson

TESTIMONY

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

**\*Rep. Gene Chandler, prime sponsor** – Introduced the bill and spoke in favor. State house and buildings belong to the people. Similar bans have been defeated by the House in the past. Submitted House Rule 63, which has been in place since 1971, should include gallery and I am not trying to repeal that. Previous ban in effect until 2006 was not vigorously enforced and that's why it was repealed.

**Q: Rep. Patricia McMahon -1996-2006 ban?** Was there a ban while you were Speaker? Was it troublesome?

**A:** Apparently it was. Again reference House Rule 63 in effect 39 years.

**Q:** As Speaker you weren't aware of rule; who was to enforce it?

**A:** No one, I guess.

**Q: Rep. Al Baldasaro** – The procedure for members to lock guns – is that the way it was when you were Speaker?

**A:** I believe so.

**Q:** Representatives can't be frisked?

**A:** ???

**Q:** Is system broke?

**A:** In my opinion the previous rule worked.

**Rep. Sherman Packard, co-sponsor** – In favor. We had no prior knowledge of rule and no procedures were put in place. They did handle the process wrong at legislative facilities.

**Rep. William O'Brien, co-sponsor** – My constituents feel the legislature does not understand the constitutional right to bear arms. This bill will give time to craft legislation if needed.

**Rep. Beverly Rodeschin, co-sponsor** – Spoke in favor; 13,766 4<sup>th</sup> graders, 17,270 other visitors to state house. There are six doors in the state house and 5 in the LOB. This would cost a lot of dollars to guard all. This has not been an issue in the 20 years I have been a member. Gov. Sheehan wanted to state house to be open to the public.

**Q: Rep. Baldasaro** – In your 20 years, have you ever felt unsafe?

**A:** No.

**Rep. Larry Gagne** – Supports bill. Feels citizens need to carry weapons for safety; former police officer.

**Rep. David Welch** – Supports bill. Wants the chance to vote on this to allow citizens access to state house. There was only one incident of someone carrying a weapon from 1996 to 2006. Public called 911 on (Ed Brown) in cafeteria; he was informed of rule and complied shortly.

**Q: Rep. Baldasaro**- In your 26 years do you feel unsafe?

**A:** In more recent years I have felt unsafe.

**Q: Chairman Lucy Weber** – If we pass this could Concord PD ask someone to leave cafeteria?

**A:** If creating a disturbance they could be asked to leave.

**Rep. Gary Richardson** – Opposes bill. I support right to carry. I have a permit to carry; does not feel it should be felony. If we look at policies and rules prior to date in this bill, this would be inconsistent with rules Rep. Chandler presented. Rule prior to 2006 did not address what would happen with a violation of rules. If March 2006 rule doesn't allow guns for representatives and public can carry guns, I am left unprotected and feel 2009 rule solves inconsistency. You can either say everyone can carry, or no one can carry, but makes no sense for public to have guns and legislators not. I feel no one should be able to carry; we deal with many passionate issues that make people angry. The HCR 6 incident makes me uncomfortable. It only takes one disturbed individual to create a bad incident. Military bases only allow weapons on bases for training. I don't think we should be asking other armed members of public to deal with emergencies in gallery. This bill only creates ambiguities and does not do what sponsors think it does.

**Q: Rep. Baldasaro** – Would you believe weapons on military bases are to protect facilities?

**A:?**

**Q:** Do you think a small committee should be able to go against overwhelming vote of house?

**A:** I do not agree with your characterization.

**Rep. Timothy Horrigan** – Opposes bill.

**Rep. Mary Stuart Gile** – Opposes bill. I chair Children & Family law; my priorities are to strengthen families. Our state house is visited by thousands including many children. Why would anyone want to bring a firearm or dangerous weapon here? I felt intimidated during the March '09 incident. Had I known there were guns held by those people I probably would have left.

**Q; Rep. Baldasaro** – The Supreme Court identified guns as not deadly weapons.

**A:** Could be bombs, anthrax.

**Q:** Should we get airport security?

**A:** I think this bill leaves it wide open.

**Q: Rep. Robert Haefner** - Would you define a pen-knife as a dangerous weapon?

**A:** Can you carry it on a plane?

**Rep. Frances Potter** – Opposes bill. I once had target training with a rifle and I was told accuracy of pistols is not as easy. Pointed out LOB often sees very agitated and distressed people at hearings and I have felt threatened by many. Feels they may threaten members of committee and another person carrying a weapon may move to prevent that act which could result in several people being wounded.

**Q: Rep. Baldasaro** – Do you feel threatened on street with these same people?

**A:** No, but those same people get irritated and upset when they come to testify.

**Chairman Weber** - Explained timing of bill due to clerical problem.

**Rep. Laura Pantelakos** – Opposes bill. This policy was in place for many years and then repealed.

**\*Seth Hipple of Concord representing self** – Supports bill with amendment. Feels people should be able to carry weapons to protect themselves. Objects to sunset provision. Current ban has dubious authority.

**\*Mark Warden, NH Liberty Alliance** – Supports bill. New Hampshire legislature members have taken oath to protect constitution. Enforcement of current rules consistently will cost a lot of money. Current rule sets two classes of people, legislators and everyone else. Also opposes December 2011 clause.

**Q: Rep. Baldasaro** - Do you think current rule is “feel good rule”?

**A:** Yes, don't know if this bill will fix that.

**\*Howard Wilson of Andover, NH representing self** – This ban is based on fear of object and individual. What you've had for past 30 years has worked well.

**Eugene Shannon of Londonderry representing self** – Supports bill; points already made.



**William Lynch of Boscawen, NH representing self** – Supports bill. State “other weapons” bombs, etc, are federally illegal, guns are not. I was here for previous bill and testimony was overwhelming but you still voted for it; doesn’t make sense. You work for the people, if people get angry, you should be used to that.

**R. Demicco** – Supports bill; points already made.

**\*Patrick Lozito of Claremont, NH representing self** – Comes from New York; has testified there. A councilman was killed there in 2003 by someone who did not go through security check. By banning legal guns you are guaranteeing someone with ill intent can carry out shooting unimpeded.

**Q: Rep. Baldasaro** – Do you believe the gun ban could ricochet to other buildings?

**A:** It could.

**Rep. D.J. Bettencourt** – Supports the bill. Objects to perception being testified to that people who advocate before committees are highly emotional and at any moment could start waving a gun. People who come here on a daily basis are not likely to do that. What gives you a bad perception is the process that produced this ban. The authority of this committee is not something I was aware of and I hope this committee will deal with the simple issues it was designed to.

**\*Carol Backus of Manchester representing self** – Opposes bill. You are in charge of regulating what goes on here.

**Q: Rep. Baldasaro** – Why would you bring children to a building without armed security?

**A:** I think children should be able to come to the state house.

**Lorna Andoscia, organizer Nashua 912** – Supports the bill. State house belongs to the people and the people have the right to be armed and protect their property. Asserts that armed citizens would protect others. Cited murders at Columbine and Ft. Hood.

**Honorable Bob Clegg** – Supports bill. Spent 14 years in legislature. Served on facilities committee, could not be found where committee voted on this policy. It just got posted. One female staffer had to brandish a weapon against a stalker. Had threat on my life but made it known that I carried a weapon. This is not perfect but does the job.

**Q: Rep. John Hunt** – While I was chairman I only had one incident; would you believe that was a trial lawyer?

**A:** Yes.

**Rich Angell of Grafton representing self** – Supports bill. Courts have ruled that police have no obligation to protect us. We have to protect ourselves.

**Chris Leone of Epping representing self** – Supports bill. People who come here and speak out does not mean they are threatening. They are the most model citizens. Children who come here will have constitutional right to carry weapons too. Feels rules adopted by this committee were done without public input. Bill needs to be amended, per Rep. Richardson.

**Tony Stelik of Grafton representing self** – Supports bill; points made.

**\*Lisa Gravel of Manchester representing 912 Project** – Supports bill; did not speak. See file for written testimony.

**Tammy Simmons of Manchester representing self** – Supports bill. Unable to protect self coming to state house to testify because she cannot carry. Feels members should be able to be armed. There is no history of valence here.

**Q: Rep. Baldasaro** – Do you have children?

**A:** No.

**Q:** Do you feel it is unsafe here?

**A:** No.

**Rep. Baldasaro** – Mentioned number of children Rep. Rodeschin stated visiting here.

**A:** Apparently seeing a firearm is frightening to children.

**Rep. Rodeschin** – Doesn't want school children to have to go through metal detectors.

**Robert Silva, Tenth Amendment NH** – Supports bill. Points already made.

**\*Steven Stefanik of Manchester, GONG** – Supports bill. Did not speak. See file for written testimony.

**\*John Teskevicius of Weare** – Supports bill. Did not speak; see file for written testimony.

**\*J.R. Hoel, NH Firearms Coalition** Opposes bill as written. Proposed amendment; see file for proposed language. Quoted constitution. Feels New Hampshire should pass laws, not small committee.

**Henry Ahern of Plymouth, representing self** – Supports bill. Former special police officer. I was in gallery during HCR 6. Person in gallery that was loudest only threatened re-election of members. Asserts troopers would not have had time to get to that individual. Also, nothing can prevent an ill-willed person from harming people if they choose to do so. I don't want this building to become as difficult to get into as federal buildings.

**\*Eugene E. Shannon** – Supports bill. Did not speak; see file for written testimony.

**\*Josiette White, NE Coalition to Prevent Gun Violence** – Opposes bill. Was in gallery during HCR6; there were threats of violence made, not just "your fired".

**Zandra Rice Hawkins, Granite State Progress** – Opposes bill. Feels weapons create a culture of intimidation. No matter how good a shot people are, if crossfire begins no one is safe. Committee should uphold policy as it exists.

**Evan Nappen of Concord, ProGun NH** – Supports bill. Why should the will of the legislature be thwarted by 8 members of a committee. Cited HB ??? and HB 1654.

**\*Pam Smith of Manchester** – Supports bill. Feels legislators should be able to take heat.

**Sarah M. Brown, NH For Republic Electorate Endeavor (FREE)** – Supports bill; most points made.

**Pamela Ean, of Concord representing self** - Former police officer, current teacher. Recently had a lock down in classroom. Feels members should be able to protect selves.

**Penney Dean, representing self & GONH, Inc.** – Supports bill with amendment. This bill will not do what it sets out to do. The sunset date leaves a gray area. Some military bases do allow personal firearms; it depends on commander. Also firearms can be carried on college campuses in New Hampshire. If this ban is continued legislature is liable to lawsuit for lack of protection of public. Should fall under RSA 159:26.

**Q: Rep. Hunt** – This does not do what sponsor wants. Doesn't it just take us back to three months ago?

**A:** No, it leaves gray area of '96 to '06 rule.

**Q:** This could go back 100 years?

**A:** Absolutely.

**Rep. Hunt** – Law of land is always the latest, on that date.

**A:** It says prior to.

**Q: Rep. Baldasaro** – Members have to store weapons. Are we liable if those weapons are stolen?

**A:** Yes, perhaps locked in car?

**Q: Rep. Dianne Schuett** – Is General Court liable if allow guns and shooting ensues?

**A:** No, another scenario perhaps, but not that.

**John Jeskevicius of Weare, representing self** – Supports the bill.

**\*Marie Lozito of Claremont representing self** – Supports bill. This bill is not perfect but better than before. See file for written testimony.

**Rich Angell** – Supports bill. Proposes even though imperfect, pass it, and then amend it.

**Rep. William O'Brien, co-sponsor** – NH Supreme Court reading of this language is not going to reach back any further than is intended in this bill.

**\*James R. Parker of Weare** – Supports bill. Did not speak; see file for written testimony.

Respectfully Submitted:

*Rep Dianne E. Schuett*

Dianne E. Schuett, Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 1693

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**Bill Sponsors:** Reps. Chandler, Rodeschin, W. O'Brien, Packard, Coffey and Sens. Bradley, Letourneau and Carson

TESTIMONY

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1

HB 1693

Rep. G. Chandler, sponsor, introduced bill and spoke in favor. State House and Bldgs belong to people. Similar bans have been defeated by House in past. submitted House Rule 63, which has been in place since 1971, should include gallery and I am not trying to repeal that. Previous ban in eff until 2006 was not rigorously enforced and that's why it was repealed.

? McMahon: No 2006 ban? Was there a ban while you were speaker? Was it troublesome? Ans - Apparently it was. ~~Also~~ Again ref. H. Rule 63 in eff 39 yrs.

? McMahon: As speaker you weren't aware of rule - who was to enforce it? Ans. - No one I guess.

? Baldasaro: The procedure for members to lock guns - is that the way it was when you were speaker? Ans - I believe so.

? Baldasaro: Guns can't be fired? Ans -

? Baldasaro: Is syst. broke? Ans - In my opinion the previous rule worked.

Rep Packard <sup>sponsor</sup> - In favor - we had no prior knowledge of rule and no procedures were put in place. They did handle the process wrong @ leg fac.

Rep Wm O'Brien <sup>sponsor</sup> - In favor - My const. feel the legislature does not understand the const. right to bear arms. This bill will give time to craft legislation if needed.

(2)

Rep Radeschinski <sup>co-mover</sup> - spoke in favor - 13,766 4<sup>th</sup> graders  
17,270 other visitors to St Hse. There are 6  
doors in St House and 5 in LOB. This would  
cost a lot of \$ to guard all. This has not  
been an issue in the 20 yrs I have been  
a member. Gov. Shaheen ~~did not~~ wanted  
the St Hse to be open to public

? Baldasaro: In your 20 yrs, have you ever felt unsafe  
Ans - No

Rep Gagne <sup>Hills 3</sup> - supports bill. Feels citizens need  
- to carry weapons for safety. Former Pol Officer - ~~did not~~  
~~know to use~~ ~~weapon~~ ~~in~~ ~~many~~ ~~years~~.

Rep Welch Rock. 8, supports bill. Wants the chance  
to vote on this to allow citizens access to St Hse.  
There was only one incident of someone carrying a  
weapon from '96 to '06. Public called 911 on  
(Ed Brown) in cafeteria - he was informed of rule  
and complied shortly.

? Baldasaro: In your 20 yrs do you feel unsafe? Ans - In  
more recent yrs I have felt unsafe

? Welher: If we pass this could Concord PD ask someone  
to leave cafeteria? Ans - If creating a disturbance  
they could be asked to leave.

Rep Richardson <sup>Wet</sup> - Opposes bill. ~~Do not~~  
I have a permit ~~to~~ carry. ~~Do not~~ feel I should be if I buy.  
If we look at policies  
and rules prior to date in this bill - This would be

(3) inconsistent of rules Rep Chandler presented.  
Rule prior to 2006 did not address what would  
happen with a violation of rules. If Mar. '06 rule  
doesn't allow guns, ~~that bill~~ <sup>for</sup> and public can carry guns  
I am left unprotected and feels 2009 rule solves  
inconsistently. if you can either say everyone can carry  
or no one can carry but makes no sense for public  
to have guns and legislators not.

I feel no one should be able to carry - we deal with  
many passionate issues that make people angry.  
The ~~THOR~~ incident made me uncomfortable.

It only takes one disturbed indiv to create a bad  
incident. ~~There is a reason that~~

Military bases only allow weapons on bases  
for training.

I don't think we should be asking other armed  
members of public to deal with emergencies in gallery.

This bill only creates ambiguities and does not  
do what sponsors think it does.

? Baldasaro: Would you believe weapons on mil bases are  
to protect ~~to~~ facilities? Ans -

? Baldasaro: Do you think a small comm should be able  
to go against overwhelming vote of house? Ans -  
Do not agree

Rep Hovrigan Staff 7, Opposes bill

Rep Mary Stuart Hile, Mar. 10, Opposes bill I chair  
Ch & Sam Law, my priorities are to strengthen families



(14) Our House is visited by 1000's including <sup>many</sup> children. Why would anyone want to bring a firearm or <sup>dangerous</sup> weapon here? I felt intimidated during the March 69 incident. Had I known there were guns held by those people I probably would have left.

? Baldasaro: Sup Ct identified guns as not deadly weapons.  
Ans - could be blanks, antitox.

? Rad : Should we get airport security? Ans - I think this bill leaves it wide open.

? Haefner : Would you define pen-knife as a dangerous weapon? Ans - Can you carry it on a plane?

Rep J. Patten, Mar 10, Opposes bill. I once had target training with a rifle and I was told accuracy of pistols is not as easy. Pointed out LOB of law sees very agitated and distressed people at hearings and I have felt threatened by many. Feels they may threaten members of committee and another person carrying a weapon may move to prevent that act which could result in several people being wounded.

? Baldasaro: Do you feel threatened on street with these same people? Ans - No but those <sup>same</sup> people get irritated and upset when they come to testify.

Rep Weber - explained timing of bill due to clerical problem.

Rep Pantelapas, \* Opposes bill. This policy was in place for many years and then repealed.

(5) Seth Stipple - supports bill (with Am) feels people should be able to carry weapons to protect themselves. Objects to sunset provision. Current ban has dubious authority.

\* Mark Warden, NH Liberty Alliance - supports bill. NH<sup>leg</sup> members have taken oath to protect constitution. Enforcement of current rules consistently will cost a lot of money. Current rule sets 2 classes of people, legislators and everyone else. Also opposes Sec. 2011 clause.

T. Daldasaro: Do you think current rule is "feel good" rule?  
Ans - Yes, don't think this bill will fix that.

\* Howard Wilson, supports bill. This ban is based on fear of object and individual. What you've had for past 30 yrs has worked well.

Eugene Shannon, supports bill - points already made

William Lynch, supports bill - states "other weapons" - bombs, etc are federally illegal, guns are not. I was here for previous bill and testimony was overwhelming but you still voted for it - doesn't make sense. You work for the people - if people get angry, you should be used to that.

R. Demico, supports bill - points already made

\* Patrick Lojito, supports bill - came from NY, has testified there. A councilman was killed there in 2003 by someone who did not go thru security check. By banning legal guns you are guaranteeing someone will ill-intend

(6) can carry out shootings unimpeded.

? Baldasarro: ~~what's your experience~~ Do you believe the gun ban here could ricochet to other bldgs? Ans - it could

Rep. Bettercourt, Salem. Supports bill. Objects to perception being testified to that people who advocate before committees are highly emotional and at any moment could start waving a gun. People who come here on a daily basis are not likely to do that.

What gives a bad perception is the process that produced this ban. The auth of this committee is not something I was aware of and I hope this comm will deal with the simple issues it was designed to.

\* Carol Backus of Manchester. Opposes bill. you are in charge of regulating what goes on here.

? Baldasarro: why would you bring children to a bldg without armed security? Ans I think children should be able to come to St Hse.

Sara, Androsia, Organizer, Nashua 9/12's. Supports bill. St Hse belongs to the people and the people have the right to be armed and protect their property. Asserts that armed citizens would protect others. Cited murders at Columbine and Ft Hood.

Hon Bob Clegg. Supports bill. Spent 14 yrs in legislature. Served on facilities committee, could not be found where committee voted on <sup>this</sup> policy. <sup>It was a female</sup> (The staffer had to brandish a weapon against a stalker. Had threats on my life but made it known that I carried a weapon. This is not perfect but does the job.

? Hunt: while I was a chr I only had one incident - would you believe that was a trial lawyer? Ans - Yes

⑦ Rich Angell supports bill. Courts have ruled that police have no obligation to protect us. We have to protect ourselves.

Chris Stone, Epping. supports bill. \* People who come here and speak out does not mean they are threatening. They are the most model citizens. \* children who come here will have constit right to carry weapons too. ~~Self~~ rules adopted by this comm. were done without public input. Bill needs to be amended, per Rep Richardson.

Jany Stelik - supports bill - all points made

Jammy Simmons <sup>March</sup> supports bill. Unable to protect self coming to ~~it~~ ~~see~~ to testify because she cannot carry. Feels members should be able to be armed. There is no history of violence here.

? Salasano: Do you have children? Ans - No

" Do you feel it is unsafe here? Ans - No,

" ~~mention~~ ~~Rep Rodaschin~~ <sup>Rep Rodaschin's # of children visiting.</sup> ~~Ans - Apparently seeing a firearm is frightening to children.~~

Rep Rodaschin: I don't want school children to have to go through metal detectors.

Robt Silva <sup>1st Am NH</sup> supports bill, points already made.

J. R. Hall, NH Firearms Coalition. Opposes bill as written. Proposed Am. Quoted Constit. Feels ~~Gov~~ <sup>NH</sup> should pass laws, ~~not~~

Henry Aborn, Plymouth. supports bill. Former spec. Pol Offr. I was in gallery during HCR 6. Person in gallery that was loudest only threatened re-election of members. Asserts troops would not have had time to get to that indiv. Also, nothing can prevent

(8) an ill-willed person from harming people if they choose to do so. I don't want this bldg to become as difficult to get into as Fed Bldg.

\* Jorette White, rep New Eng Coalition to Prevent Gun Violence. Opposed bill. was in gallery during HCR6 - there were threats of violence made - not just "up the food."

Angela Rice Hawkins, Gr. St. Progress - Opposes bill. Feels weapons create a culture of intimidation. No matter how good a shot people are, if crossfire begins no one is safe.

Comm should uphold policy as it is.

Ewan Happer, Pro Gun NH. Supports bill. Why should the will of the legislature be thwarted by 8 members of a committee? ~~CR 113~~ #113 1654

Pam Smith, Manch. supports bill. Feels legislators should be able to take heat.

Sarah M. Brown, Belmont, NH For Republic & Dictatorate Endeavor. Supports bill - most points made.

Pamela Egan, Concord, Supports bill. Former police officer, current teacher. Recently had a lockdown in classroom. Feels ~~you~~ <sup>members</sup> should be able to protect selves.

Penny Dean <sup>Concy</sup>, Gun Owners of NH. Supports bill with Com. This bill will not do what it sets out to do. The sunset date leaves a gray area. Some mil bases do allow personal firearms - it depends on commander. Also firearms can be carried on college campuses in NH. If this ban is continued legislature is liable to lawsuit for lack of protection of public. Should fall under RSA 159:26.

? Hunt: This does not do what sponsor wants. Doesn't it just take us back to 3 mos. ago? Ans - NO it leaves gray area of '96 to '06 rule.

⑨ Hunt: This could go back 100 yrs? Ans - Absolutely.

Hunt: Law of land is always the latest - on that date. Ans - it says prior to.

? Baldasaro: Rules how to store weapons - Are we liable if those weapons are stolen? Ans - Yes, perhaps locked in car?

? Schmitt: Gen issue liability if allow guns and shooting ranges. Ans - NO, another scenario perhaps but not this.

John Jeskovic, W. Va., supports bill.

\* Marie Lojito, Clarendon. Supports bill. This bill is not perfect but better than before.

Rich Angell, supports bill. Proposes even though imperfect pass it, then amend it.

Rep Wm E Brien. NH Sup Court reading of this language is not ~~going~~ <sup>going</sup> to reach back any further than is intended in this bill.

~~at~~ Hearing closed @ 4:40 pm.

# Testimony

Rep. Chandler

## New Hampshire Union Leader

### Gun bans: Starbucks gets it

Sunday, Mar. 7, 2010

Starbucks, the Seattle-based coffee house chain, is in hot water with gun-control advocates for allowing patrons to openly carry firearms in its shops where local laws permit. The company issued a statement explaining that if it banned guns in its coffee shops "we would be forced to require our partners to ask law-abiding customers to leave our stores."

Meanwhile, 3,000 miles away in Concord, N.H., state lawmakers voted in January to ask law-abiding citizens to leave the State House. The vote upheld a recently reinstated ban on carrying weapons, including firearms, in the State House and some nearby government buildings.

A month after that vote, David McLaughlin, 24, of Wentworth, walked into the Barley House restaurant in Concord, directly across the street from the State House, with a fully loaded handgun and extra ammunition. He left without paying his bill, and when police caught him, he said he had planned to kill as many people as he could in the restaurant before killing himself.

Thankfully, McLaughlin didn't go through with his plan. But he easily could have. And the only thing that could have stopped him would have been another armed customer. Had he chosen the State House instead of the Barley House, he would have been able to kill indiscriminately until police arrived because no one else would have been armed.

Incredibly, the Brady Campaign to Prevent Gun Violence leads the protest against Starbucks less than four months after four police officers were murdered in a Lakewood, Wash., coffee shop. The armed officers hadn't enough time to react before being shot. A non-targeted patron might have been able to stop the shooter before all four officers were killed.

Last week, the U.S. Supreme Court heard a case challenging Chicago's gun ban. Otis McDonald, 76, has sued to overturn the ban. McDonald lives in a high-crime neighborhood. He says he fears for his life every night. But the City of Chicago won't allow him to protect himself, even though its gun ban doesn't work. According to the latest FBI data, Illinois had 530 homicides in 2008, and 510 of them happened in Chicago. Four-hundred-twenty-one of those homicides were with handguns.

Chicago criminals have guns. Only the law-abiding citizens don't.

Everywhere that is the case, it makes being a law-abiding citizen more dangerous. How many more innocent deaths will it take before the irrational anti-gun movement sees that?



HOUSE BILL **1693**- AN ACT relative to the powers of the joint committee on legislative facilities. -- COMMITTEE: Legislative Administration

Mark Warden, Chairman of **New Hampshire Liberty Alliance**, a non-partisan, nonprofit, all volunteer organization dedicated to pushing public policy in a pro-liberty direction. For your benefit we publish the **Gold Standard** "Liberty Watchlist" each Wednesday for the general session.

**We support this bill and urge ought to pass.**

1) We know that members of the General Court have sworn an oath to uphold and defend the state constitution, so we can go there for some direction in this matter.

Ref. NH Constitution, **Article 19 of Part 1, prohibits unreasonable searches and seizures... and, of course, Article 2a, which states that "All persons have the RIGHT to keep and bear arms...."** (notice it says "right," not privilege)

2) The rules as they exist can only be enforced arbitrarily at best. If you want consistent enforcement, you'd need 5 times the security staff and spend a hundred thousand dollars on invasive screening equipment. Do you want entering this building to be like going through the airport? Do you want TSA uniforms manning every entrance to the building? And we all know that some representatives continue to concealed-carry despite the current rule. Do you want to pat down every state rep and senator that walks through the door?

3) Lastly, the current rule says to the good people and taxpayers of New Hampshire, "we rulers in the legislature are more important than you." "We don't care if you carry implements of self defense in stores or at your business or on your property, but we are elected officials and thus are deserving of special protection." The rule sends a message to the people that there are 2 classes of men in New Hampshire: legislators and everyone else.

We at the NHLA urge Ought To Pass on this bill. As a post script, I'm generally in favor of **sunset clauses** on legislation, but an amendment in this case to strike the December 2011 expiration would certainly be acceptable if the sponsors are amenable.

Thank you.

[www.nhliberty.org](http://www.nhliberty.org)

Publications: weekly Gold Standard and annual Liberty Rating report card

Howard L. Wilson  
57 Agony Hill Road  
Andover, NH 03216  
[stoneanarch@tds.net](mailto:stoneanarch@tds.net)  
603-735-5427

205  
Legislative Administration Committee  
~~10~~ LOB March 8, 2010 2PM

Re: HB ~~1639~~ 1693

The generalized fear of an otherwise in-animate object, known as a firearm, deriving its powers from the conscious action of an individual, makes one wonder at the temerity of banning such device, without banning anyone with presumed violence attached to themselves, is a large measure of hypocrisy. And fear, based on technology.

Would those who fear any weapon, used as a defense, whether displayed alone, or brandished in hand, please leave? And, having done so, make notice to those remaining, that they are to be considered as more safe, with the fear-born, gone.

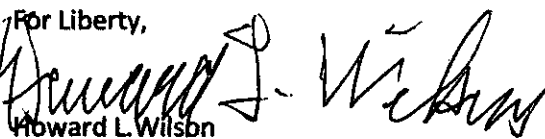
Strange, is it not, that a mature technology, mated to any immature individual, produces a degree of fear, by that same immature individual.

Sponsor's of the No-Firearms in the 3 buildings, would do more to be honest with themselves, by repealing Articles 2 & 2-a, first part, NH Constitution, and emulate Obama's fear, while seeking to void out the US Constitution, and the NH Constitution.

HB 1639 attempts to restore a Right, whereas ban co-sponsors, seem ready to void out any and all Rights, even if they themselves violate the practice they would forbid to those who fear their own Government's, such as co-sponsors of HB 1639 and all the people, speaking in favor of HB 1639, do.

Thus, HB 1639 should be found as Ought to Pass.

For Liberty,



Howard L. Wilson

Libertarian for US House, 2nd

NH House Committee on Legislative Administration  
HB 1693 Written Testimony  
8 March 2010

I SUPPORT the bill.

I OPPOSE the bill.

Name: PATRICK LOZITO

Address: 52 HIGH ST

CLAREMONT NH 03743

Phone: 603-542-5306

Representing: MYSELF

IT IS NOT WITHIN THE PERVIEW OF A  
COMMITTEE TO LEGISLATE. LAWS IN THIS COUNTRY  
ARE MADE BY THE CONSENT OF THE GOVERNED,  
NOT BY FIAT.

# House Legislative Administration Committee Hearing on **HB 1693**

**March 8, 2010**

**Testimony of Carol Backus**

**1318 Goffstown Road**

**Manchester, NH**

I retired in September of 2009 after serving since 1992 as communications director of NEA-New Hampshire, the teachers' union. I loved working for teachers, and I am proud of many achievements that I shared with the members and staff during my career.

I am especially proud of the Read Across America program that we developed in 1998 with the New Hampshire Senate and later expanded to include the governor's office and members of the House of Representatives. This program was developed when Republicans held the Senate presidency, and there was a ban on guns in the State House, instituted in 1996.

Each year we brought two students from each Senate district to the State House to read with their senators in celebration of Dr. Seuss's birthday (March 3). This program continues, and was celebrated again just last week. We brought hundreds of children to the State House over the years. But thousands of schoolchildren visit the State House every year. Many of these are fourth-graders — ten-year-olds — because that is the grade in which students are introduced to New Hampshire history and government. According to the State House Visitor's Center, 17,200 schoolchildren visited the State House in 2009.

I was unaware that the gun ban was repealed in 2006. I understand that this was for a technical reason, and I applaud the Facilities Committee's efforts to reinstitute the ban. While they are at school, students are protected by a federal law banning guns within 1000 feet of school property. I would like to have a comparable, strong assurance of safety in the State House. With 17,000 children coming here as part of their education, the State House is an extension of their school experience.

Both the United States Supreme Court and the New Hampshire Supreme Court have ruled that gun ownership rights under the second amendment are not absolute rights. They can be regulated, and they should be regulated to make the seat of state government safe for students, elected officials and the public.

Last year's incident, when gun-carrying people in the House Gallery shouted insults at the members of that body, was clear indication that it is past time to reinstitute the ban. I am glad it did not happen on a day when I was responsible for students in the building.

Keeping the State House safe should be your primary concern, and I urge you to vote down HB 1693.



NH House Committee on Legislative Administration  
HB 1693 Written Testimony  
8 March 2010

I SUPPORT the bill.

DID NOT SPEAK

I OPPOSE the bill.

Name: Steven A. Stefanik

Address: 161 S. Hall Street  
Manchester, NH 03103

Phone: (603) 627-6291

Representing: GO-NH, myself, and all "Free men"

"Those who would give up liberty for security, deserve neither, and will lose both." Benjamin Franklin

"Free men" do not ask permission to bear arms" Thomas Jefferson

NH House Committee on Legislative Administration  
HB 1693 Written Testimony  
8 March 2010

X I SUPPORT the bill.

       I OPPOSE the bill.

DID NOT SPEAK

Name: John A. Jeskevicius

Address: PO Box 204

Weare, NH 03281-0204

Phone: 603-529-4765

Representing: Thomas Jefferson, et al

Any elected official who endorses any  
expansion of government control is  
by definition a Progressive Socialist,  
NAZI sympathising Commie Pinko,  
maggot infested vermin.

John A. Jeskevicius

Proposed by J. R. Hoell  
HB 1693

### Proposed Language\*\*

1. Right to Carry. RSA 159:26 is repealed and reenacted to read as follows:

159:26 Firearms and Ammunition; Authority of the State. –

I. The Legislature of the State of New Hampshire shall have exclusive authority and jurisdiction by statute over the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Notwithstanding any other provision of law to the contrary, all delegations of the legislative authority shall be by statute and must delegate explicitly the extent and limit of the jurisdiction or authority delegated. Except as otherwise specifically provided by statute, no ordinance, regulation, rule or policy of an agency, political subdivision, committee, or other governmental unit, or agent thereof may regulate the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state.

II. Upon the effective date of this section, all ordinances, regulations, rules, and policies not authorized under paragraph I relative to the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearm components, ammunition, or firearms supplies shall be null and void.

2. Effective Date: This act shall become effective on passage.

### Contact Information

Please feel free to contact me with any questions. ~~My phone number is 603-724-8747. My e-mail is SJHipple@NHLegalServices.com. My address is 45 Concord Street, Concord, NH 03301.~~ JR Hoell NHFC  
603-315-9002

\*\* I did not draft this language, although I support it. Credit for this language belongs to the Board of Directors for the New Hampshire Firearms Coalition.



NH House Committee on Legislative Administration  
HB 1693 Written Testimony  
8 March 2010

I SUPPORT the bill.

DID NOT SPEAK

I OPPOSE the bill.

Name: EUGENE E SHANNON

Address: 12 MALLARD LN  
LOWELLERY 03053

Phone: 603 - 434-4198

Representing: Self

I would ask this Committee to Support  
HB 1693 - Our Constitution is continually  
under attack. Bills that chip away at  
our Constitutional Rights ARE DANGEROUS  
and can only lead to the loss of our  
Liberty - Again I URGE you to vote  
for this Bill

E E Shannon



# **New England Coalition to Prevent Gun Violence**

*Josette White*

March 8, 2010

## **Testimony in Opposition to HB 1693 An Act Relative to the Powers of the Joint Committee on Legislative Facilities**

Chairwoman Weber, Vice Chairwoman McMahon and members of the House Legislative Administration Committee this testimony in opposition to HB 1693 is offered on behalf of New England Coalition to Prevent Gun Violence.

HB 1693 seeks to repeal a ban on weapons at the State House put in place in December 2009 by the Legislative Facilities Committee, it would also prohibit the Committee from adopting any future policies regarding weapons in the State House.

### **Guns do not belong in the State House**

It is vital that this committee protect the ban on guns and other dangerous weapons. Controversial, emotional issues are often discussed at public hearings and legislative debates. Guns introduce an element of intimidation that is contrary to this open exchange of debate on controversial topics.

Last year legislators saw first hand what can happen when guns are introduced into a heated debate. In March, during a House debate on state sovereignty, a group of gun extremists sat in the gallery with their firearms openly displayed and yelled comments like "bastards" and "drop dead" at the legislators below. That is not democracy, but rather intimidation, harassment, and bullying.

### **More guns creates risks for gun accidents and gun thefts**

Unintentional firearm discharges and shootings are not uncommon events. Even highly trained police officials are not immune from gun accidents. In December 2008, a New Hampshire State Police trooper accidentally fired a gun while taking a bank robbery suspect into custody in Portsmouth. In August 2008, a Merrimack District Court bailiff was wounded by his own weapon when the gun accidentally discharged sending a bullet through his heel and into the courthouse floor. And in May 2008, a Concord police officer accidentally shot another police officer inside a local bank. Fortunately, body armor protected the police officer who was shot in the chest.

### **A suicide gunman would not be deterred by the presence of guns**

Proponents of allowing weapons in the State House decried the number of mass shootings in this country that have taken place in so-called "gun-free zones". But they neglected to point out the number of mass shootings that have taken place in what could be called "gun-full zones", shootings that specifically target police and other armed security guards. In November, four police officers were shot and killed in a coffee shop in Washington state. Sadly, the fact that they were all armed neither frightened the

**P.O. Box 221 \* Westbrook, Maine 04098 \* Phone: 207-318-0771  
necpgv@gmail.com \* www.necpgv.org**



## **New England Coalition to Prevent Gun Violence**

gunman nor saved the lives of the police officers. Last week a man opened fire at the Pentagon, again, undaunted by the number of armed guards.

Just like a suicide bomber, a suicide gunman goes into the situation prepared to die. These people are not put off by the knowledge that there might be other armed people out there. An armed confrontation is not a deterrent – it is the point.

### **A concealed weapons permit is no guarantee that someone is law abiding or has safe judgment**

Armed visitors to the State House would be accountable to no one. By allowing ordinary citizens to carry guns into the State House everyone is forced to rely on the judgment of these armed citizens to decide when and where to use a gun. There is no special training required to obtain a New Hampshire license to carry a loaded gun in public. There is no requirement to demonstrate marksmanship, gun safety, or an understanding of the proper application of the rules of deadly force.

The president of the New Hampshire Association of Chiefs of Police has criticized the current system for issuing concealed weapons permits saying, “There’s literally no definition of what’s a suitable standard to hand out a permit.” The Lebanon Police Chief has complained, “It’s one of the things I find most disturbing about my job, because I don’t feel I have any choice but to sign a permit.” The chief had denied a permit to a Lebanon resident he knew to be a member of a criminal gang. The man was able to successfully appeal the denial to a local district court and has since received a concealed weapons permit.

New Hampshire has reciprocity agreements with twenty other states and allows residents of those states to carry concealed weapons when visiting New Hampshire. One of these states is Florida. A 2007 investigation by the Florida Sun-Sentinel found that the Florida permit system had granted concealed weapons permits to more than 1,400 individuals who pled guilty or no contest to a felony, 206 individuals with outstanding warrants, 128 individuals with active domestic violence restraining orders, and six registered sex offenders.

A study conducted by the Violence Policy Center has found that since May 2007, one hundred and thirty-nine people have been murdered by concealed weapons permit holders in the United States. This disturbing number includes nine police officers killed in the line of duty by citizens with concealed weapons permits.

### **Ordinary citizens lack the training to deal with explosive situations**

Police officers receive extensive, and constant, training in how to safely handle a firearm, how to react in stressful situations, how to overcome the body’s natural reactions to adrenaline flow, and when to demonstrate discretion in using lethal force. Ordinary citizens receive none of this training.

The idea that an ordinary citizen is going to make prudent decisions about when to discharge firearms in the State House is dubious at best, as is the notion that these individuals would successfully take down an active shooter while avoiding collateral



## **New England Coalition to Prevent Gun Violence**

damage in a highly stressful and chaotic situation. Law enforcement responding to such an emergency would also face the enormous difficulty of trying to figure out who is the target and who is the ordinary citizen stepping in to assist.

**The policy of banning guns and other weapons from the State House in no way infringes on anyone's constitutional rights.**

In the 2008 Heller ruling, the U.S. Supreme Court ruled, "like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." The decision went on to state "the Court's opinion should not be taken to cast doubt on....laws forbidding the carrying of firearms in sensitive places such as schools and government buildings."

And in 2007, the New Hampshire Court ruled that the right to bear arms "is not absolute and may be subject to restriction and regulation."

The safest policy is to allow trained law enforcement officers to provide for State House security. I urge you to protect the State House weapons ban that is in place and vote Inexpedient to Legislate on HB 1693.

Thank you,

Cathie Whittenburg  
Director  
New England Coalition to Prevent Gun Violence

NH House Committee on Legislative Administration  
HB 1693 Written Testimony  
8 March 2010

I SUPPORT the bill.

I OPPOSE the bill.

Name: Pam Smith

Address: 103 Springdale Rd  
Manchester NH 03103

Phone: 232-3534

Representing: The NH 912 Project

Any Rep who votes to keep the ban  
in place will be replaced in Nov. 2010

The govt has NO RIGHT TO INTERFERE

NH House Committee on Legislative Administration  
HB 1693 Written Testimony  
8 March 2010

I SUPPORT the bill.

I OPPOSE the bill.

Name: Marie Kozita

Address: 52 Hill St  
Claremont, NH 03743

Phone: (603) 542-5306

Representing: Myself

I Oppose The Restriction Imposed  
On Legal Ownership & Carrying Of  
Firearms That The Committee Imposed  
On Us In December '09. I Believe  
Responsible Firearms Owners Make All  
Of Us Safer. The 2<sup>nd</sup> Amendment  
Permits Us To Have (That Includes Carry)  
Firearms.

I Support Bill HB 1693!

NH House Committee on Legislative Administration  
HB 1693 Written Testimony  
8 March 2010

DID NOT SPEAK

I SUPPORT the bill.

I OPPOSE the bill.

Name: James B. Parker

Address: 16 Reynwood La. #10  
Weare, NH 03281

Phone: (316) 260-0824

Representing: NH Liberty Alliance

I support the bill because the installation of  
a number of security checkpoints inhibits public  
access. <sup>Also, it</sup> ~~and~~ is costly, ~~at~~ leading to a result  
of a "gun free zone", which in reality means a  
"victim rich zone" as our experience, nationally,  
has shown.



# State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

Testimony for HB 1693

To the Members of House Legislative Administration;

We are sorry that we are unable to attend today's hearing on HB 1693.

We would like to state that we are both in support of the decision made by the Joint Facilities Committee to prohibit guns in the State House and recommend an ITL on HB 1693.

Parents and children believe that when they come to visit their State House and observe legislation being made for and against any particular issue, they should feel that they are safe in doing so.

What happened last session with HCR 6 proved to us that their safety is at risk.

Sincerely,

Representatives Trinkka and Joe Russell, Rockingham Dist. 13



March 13, 2010

Chairman Legislative Administration Committee  
Lucy Webber and Members of the Committee  
Chairman Justice and Public Safety  
Stephen Shurtleff and Members of the Committee

Regarding HB 1693

On March 4<sup>th</sup>, 2009 the House voted to ITL HCR 6 – Affirming State’s rights based on Jeffersonian principles.” The gallery was full and this vote caused an outbreak of shouting, name calling and swearing from the gallery directed at the representatives until this demonstration was eventually quelled by the State Trooper on duty that day. As a first term representative I was quite surprised by the viciousness of this demonstration and I was more than a little concerned.

A few days later I learned that there were 15 guns in the gallery on March 4th and I was appalled. I couldn’t believe that people are allowed to bring guns into the State House and into the gallery overlooking the chamber. I am not against gun ownership; I have guns in my household. **However, there was a house rule (Rule 63) which reads as follows “no person including members of the house, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in possession any deadly weapons as defined in RSA 625:11, V while in the house chamber, anteroom, cloakrooms or any portion of the state house adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House under Rule 61 has the right to stop and search a member of the House on the premises of the house....”** Obviously Rule 63 was meant to stop that but it has no real meaning since securities officers in the house have no right to stop and search a House Member or anyone else.

**Chapter 625:11 – V “Deadly Weapon” means any firearm, knife or other substance or thing which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of producing death or serious bodily injury.**

There have been many mass shootings in our country such as the following:

- Virginia Tech shooting in April 2007 in which 32 people were fatally shot,
- Binghamton, NY shooting April 2009 in 12 people were fatally shot,
- the Fort Hood shooting in November 2009 Killing 13 people and wounding 30 others
- And the shooting deaths of four police officers in Lakewood, Washington on Nov 29th.

All these shootings were carried out by a single individual who had little or no personal knowledge of his victims. These are just a few examples of gun violence that is so prominent in the United States today. In light of these and other recent shootings I was somewhat relieved when the Joint Legislative Facilities Committee enacted RSA 644.2 "Disorderly Conduct" on December 21, 2009 to keep guns out of the State House, the Legislative Office Building and the Upham Walker House or any of the underground tunnels connecting these buildings. However, I do not believe that this RSA goes far enough to keep guns out of the State House as it holds no force of law or anyway of detecting weapons coming into these Government Buildings. It is well known that House Members carried concealed weapons into the House Chamber even when Rule 63 was enforced. What is going to stop them now?

**Workplace violence is a serious safety and health issue. "Its most extreme form, homicide, is the fourth-leading cause of fatal occupational injury in the United States. According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (CFOI, there were 564 workplace homicides in 2005 in the United States, out of a total of 5,702 fatal work injuries." \***

**Facts you ought to know while considering HB 1639. 21,572 people have been shot this year-272 people have been shot on this date 3/13/2010 and the number is still going up.**

**"In one year on average, more than 100,000 people in America are shot or killed with a gun.**

- **30,896 people died from gun violence.**
  - **12,791 people murdered.**
  - **16,883 people killed themselves.**
  - **642 people killed accidentally.**
  - **360 killed by police intervention.**
  - **42 died but intent was not known.**
- **78,622 people survived gun injuries.**
  - **56,626 people injured in an attack.**
  - **3,797 people injured in a suicide attempt.**
  - **17,215 people shot accidentally.**
  - **984 people shot in a police intervention.**

**In one year on average, more than 20,000 American children and teens, ages 0-19, are shot or killed with a gun.**

- **3,218 children died from gun violence.**
  - **2,225 children and teens murdered.**
  - **763 children and teens kill themselves.**
  - **154 children and teens killed accidentally.**

- 34 killed by police intervention.
- 42 died but intent was not known.
- 20,702 kids survived gun injuries.
  - 16,187 injured in an attack.
  - 411 injured in a suicide attempt.
  - 3,997 people shot accidentally.
  - 106 shot in a police intervention.

On average, every day:

- 300 people in America are shot or killed with a gun.
  - 85 people die from gun violence, 35 of them murdered.
  - 215 people are shot, but survive their gun injuries.
- 67 children and teens are shot or killed with a gun.
  - 9 children and teens die from gun violence.
  - 57 children and teens are shot, but survive their gun injuries.”\*\*

In retrospect we the House Members are responsible for the safety of those who work at and visit the State House and the LOB if we do nothing to protect these people and we have an incident such as ones I mentioned earlier we will be held responsible for the deaths and injuries because we did nothing to improve security. I do not want to carry a burden of such a tragedy knowing that I could have done something to stop it, Do you? Please vote Inexpedient to Legislate

\* Information above is taken for United States Department of Labor – Occupational Safety & Health Administration

\*\* CDC National center for Injury Prevention and Control, Web-based injury Statistics Query and Reporting System (2006 (deaths) and 2008 (injuries)). [www.cdc.gov/ncipc/wisqars/](http://www.cdc.gov/ncipc/wisqars/). Calculations by Brady Center to Prevent Gun Violence. Numbers may not add to 100% because of rounding.

*Representative Valerie S. Hardy*

Representative Valerie S. Hardy  
 District 27, Hudson, Litchfield and Pelham  
 8 Old Stage Road  
 Litchfield, NH 03052

**Stapler, Carol**

---

**From:** Lucy McVitty Weber [lwmcv@comcast.net]  
**Sent:** Monday, March 08, 2010 7:21 PM  
**To:** Stapler, Carol  
**Subject:** FW: HB 1693

Carol,

Would you please print out a copy of this email for inclusion in the HB 1693 file?

Thank you,  
Lucy

Rep. Lucy McVitty Weber  
217 Old Keene Road  
Walpole NH 03608  
603-756-4338  
[lwmcv@comcast.net](mailto:lwmcv@comcast.net)

----- Forwarded Message

**From:** tom ploszaj <[tom.ploszaj@gmail.com](mailto:tom.ploszaj@gmail.com)>  
**Date:** Mon, 8 Mar 2010 12:32:37 -0500  
**To:** <[~HouseLegislativeAdministration@leg.state.nh.us](mailto:~HouseLegislativeAdministration@leg.state.nh.us)>, <[HouseLegislativeAdministration@leg.state.nh.us](mailto:HouseLegislativeAdministration@leg.state.nh.us)>  
**Subject:** HB 1693

March 8, 2010

Representative Lucy Weber, Members of the House Legislative Administration  
Chairperson House Legislative Administration

Dear Representative Weber, Members of the House Legislative Administration

I am in support of HB 1693.

Due to lateness of the posting of HB 1693 on the General Court bill status web site I may not be able to arrive in Concord time to attend the public hearing.

I am attempting to have a copy of this letter presented today on my behalf to the House Legislative Administration. If you or another committee member could please read my letter below into the record for me. I will attempt to make my cell phone (860-416-2099) accessible today for your confirmation of my email.

" Dear Chairperson, Members of the House Legislative Administration .

Thank you for taking the time and allowing this letter on my behalf in Support of HB 1693. Due to the lateness of reading HB 1693 I may not make this hearing in time and apologize.

3/9/2010

I was dismayed when I first heard of the legislative facilities committee weapons prohibition months ago. There is another bill, HB 1635, which was ITL. which would nullify my right to defend myself and family on any property controlled by the state of NH. I am now seeing the legislative facilities committee weapons ruling as a possible attempt by the NH legislature to nullify my right to defend myself and family starting at the NH state house as a precedent for similar bills like HB 1635 at every location controlled by the State of NH and not for the publicized reason of security . Addition documentation of this is the posted notice Public Conduct within the State House RSA 644:1 I am now am witnessing the beginning of the segregation of NH citizens who are allowed to enter the State House, the "People's House"! They must now either under duress give up there NH Constitutional rights or be banned from today the state house, tomorrow???

As a life long registered Democrat I have noticed that my party is beginning to consistently push to disarm NH citizens of which I apologize and will attempt to again make my wishes known both in person and by ballot. I am sadden that I have noticed once again that HB 1693 before you has no Democrat supporters listed and I fear that the House Legislative Administration decisions will be party driven with little concern of my NH constitutional rights as a NH citizen.

Again, thank you for the time and opportunity to voice my support HB 1693 and similar legislation which appears to now be needed to prevent this constant threat to whittle away at this and other NH citizen's rights in the future.

Respectfully yours.

Thomas Ploszaj  
32 Church Rd  
Grafton, NH 03240

603-632-4502  
[tom.ploszaj@gmail.com](mailto:tom.ploszaj@gmail.com)

----- End of Forwarded Message

**Subject:** FW: House Bill 1693  
**Date:** Wednesday, March 10, 2010 9:51 PM  
**From:** Hardy, Valerie <Valerie.Hardy@leg.state.nh.us>  
**To:** Lucy McVitty Weber <lwmcv@comcast.net>  
**Priority:** Highest

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**From:** Hardy, Valerie  
**Sent:** Wed 3/10/2010 9:08 PM  
**To:** lucy.weber@leg.state.nh.us  
**Subject:** House Bill 1693

Dear Representative Weber,

I was very distressed because I wasn't informed that this bill was being heard on Monday, March 8th. I was in Concord on that day and would have come to testify against guns in the state house. Several of the other Representatives would have been there also. Since I was the sponsor of Security in the State House and I had several Co-Sponsors it would have been courteous to inform us that this bill would be heard that day. As you know I am against guns in the State House. Please let me know when this bill will be in executive session. We were also told that there would be signs made up that stated no guns allowed. As yet I have not seen those signs. Do you know if the committee leaning toward ought to pass? Please let me know if I can submit written testimony at this time. Thank you for your consideration in this matter.

Respectfully,

Representative Valerie Hardy

**Subject: letter regarding HB1693**

**Date:** Friday, March 12, 2010 4:18 PM

**From:** Judith Day <jed1226@earthlink.net>

**To:** Lucy McVitty Weber <lwmcv@comcast.net>

3/12/10

Dear Chair Weber and Members of the Legislative Administration Committee,

I write this letter in opposition to HB1693, which will be exec'd on Tuesday March 16th. . The purpose of the bill, as you all know, is to change the powers of *the Joint Committee on Legislative Facilities* by prohibiting the committee's right to "adopt or implement any rule, policy, or procedure that prohibits or governs the carrying of a firearm or dangerous weapon" into certain buildings associated with the state house complex.

I have learned the following from my research into this topic: 1) In 1996 the *Joint Committee on Legislative Facilities*, put into place a policy related to the prohibition of weapons in the buildings associated with the NH State House. 2) In 2005 the policy was reaffirmed by *the Joint Committee on Legislative Facilities*, and 3) in 2006 the committee amended the same policy. Therefore, it is clear that for well over ten years there has been a history of the Joint Committee acting on this particular topic/policy. Therefore, this area of facilities management, is a very important and relevant area of rule and policy that **should** be under the auspices of the Joint Committee on Legislative Facilities not only because history clearly places it in the venue of this committee, but also because the environment of the legislative facilities is certainly impacted by many policies, including those related to the presence, or absence, of weapons. Not only are members of the General Court impacted by policies related to weapons, but so, also, are the facility's employees, and the public. Why would we feel it to be in the best interest of the State to eliminate this committee power that is related to the health, safety, and welfare of those working at or visiting the State House Complex? I see no reason that would be positive.

Thank you for your consideration of this letter and position.

Sincerely,

Rep Judy Day, North Hampton

## Testimony Against HB1693

Rep. Timothy Horrigan (D-Durham); March 8, 2010

I wish to express my opposition to HB1693.

This bill was introduced at the last minute— past the last minute, actually. It seems designed to cause maximum confusion. As far as I can tell, it was delayed merely to bring it as close as possible to the fall elections. This bill forbids the next General Court's joint facilities committee from reconsidering weapons rules next year. That is, in my opinion, a violation of both the state constitution and of House and Senate rules. It's also bad policy, since we don't know what might happen between now and December 31, 2011.

During the debate over HB1693 and related bills, we will be treated to lots of platitudes about “criminals” and “law abiding citizens.” We will be told that we need to put weapons in the hands of untrained but law-abiding citizens so they can brandish them when they see a criminal.

Unfortunately, there is no fundamental difference between a criminal and a law-abiding citizen. A criminal is just an ordinary person who for whatever reason commits a crime. Criminals have no magic powers, nor is there any magical way of stopping them. When you brandish a weapon at a criminal, he reacts the same way you would when someone pulls a gun on you. In other words, he might not just meekly cease and desist. When you fire at a criminal, you might not stop him right away and you might miss him altogether. You might even hit an innocent bystander. (I might add, by the way, that police officers rarely fire or even brandish their guns, even though everyone knows they are armed. The gun is not a cop's first option.)

Five years ago, in September 2005, there was a famous Second Amendment case here in New Hampshire. A young man from my district, Bryan Gaedtke from Lee, was shot by a homeowner in Rochester. The homeowner, Geoffrey Hamann, was a Second Amendment activist, as seen by a famous “Gun Control Means Using Both Hands” bumper sticker on his pickup truck. Hamann brandished his weapon repeatedly and Gaedtke refused to submit, and in the end Hamann fired his weapon and hit his target. Gaedtke paid the “ultimate price.”

Hamann was not charged with any crime, in large part because there is a law which expressly allowed him to use deadly force. Yes, Bryan Gaedtke was a criminal: he had a police record and he had no business breaking into the Hamann residence. He also behaved bizarrely before and after entering the house. He was a criminal, but it is not a good thing that he died: he was loved by a family who would much prefer to be visiting him in prison than visiting his gravesite. And it is not clear that Hamann made the right decision by waving his weapon around and threatening the intruder in his house, apparently for quite some time. Certainly, brandishing a weapon did not magically stop that particular criminal (who was unarmed except for, rather oddly, a tube of industrial lubricant.)

I think allowing citizens— even law-abiding ones— to brandish weapons in the State House is a policy which will cause more problems than it solves. Speaking of problems, there is a major problem with the perceived safety of the Storrs Garage. State representatives legitimately feel threatened while walking over there from the State House, even though the drive home is vastly more dangerous. Something needs to be done about the Storrs Garage problem; but repealing the current weapons ban is not a solution to that problem.



House Rule 63. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in possession any deadly weapon as defined in RSA 625:11, V while in the House Chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House under Rule 61 has the right to stop and search a member of the House on the premises of the House. With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting and/or receiving devices nor shall any member operate a video camera or a camera utilizing flash bulbs on the floor of the House, while the House is in session.

This language (minus the last sentence regarding hearing impairments) was adopted in 1971.

HB 1354 – AS INTRODUCED (ITL: 279-19)

2008 SESSION

HOUSE BILL 1354

AN ACT relative to security in the state house and legislative office building.

SPONSORS: Rep. Kjellman, Merr 5

COMMITTEE: Legislative Administration

ANALYSIS

This bill prohibits a person, other than a law enforcement officer, from carrying a firearm or any other weapon in the state house or legislative office building.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eight*

AN ACT relative to security in the state house and legislative office building.

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

1 New Section; Legislative Officers and Proceedings; State House Security. Amend RSA 14 by inserting after section 14-c the following new section:

14:14-d State House Security.

I. No person shall knowingly carry a loaded or unloaded pistol, revolver, or firearm or any other deadly weapon as defined in RSA 625:11, V, whether open or concealed or whether licensed or unlicensed, upon the person or within any of the person's possessions owned or within the person's control in the state house or legislative office building.

II. Firearms may be secured at the entrance to the state house or legislative office building by legislative security officers.

III. The provisions of this section shall not apply to marshals, sheriffs, deputy sheriffs, police, or other duly appointed or elected law enforcement officers.

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1654-FN – AS INTRODUCED (ITL: 300-35)**

2010 SESSION

HOUSE BILL *1654-FN*

AN ACT relative to state house security.

SPONSORS: Rep. Hardy, Hills 27; Rep. J. Day, Rock 13; Rep. Kepner, Rock 15; Rep. Moody, Rock 12

COMMITTEE: Legislative Administration

ANALYSIS

This bill prohibits the carrying of firearms or other deadly weapons into the state house or legislative office building. Violations are a class B felony.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT relative to state house security.

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

1 New Section; Legislative Officers and Proceedings; State House Security. Amend RSA 14 by inserting after section 14-c the following new section:

14:14-d State House Security.

I. No person shall knowingly carry a loaded or unloaded pistol, revolver, or firearm or any other deadly weapon as defined in RSA 625:11, V, whether open or concealed or whether licensed or unlicensed, upon the person or within any of the person's possessions owned or within the person's control in the state house or legislative office building. Whoever violates the provisions of this paragraph shall be guilty of a class B felony.

II. Firearms may be secured at the entrance to the state house or legislative office building by legislative security officers.

III. The provisions of this section shall not apply to marshals, sheriffs, deputy sheriffs, police, or other duly appointed or elected law enforcement officers.

IV. The joint committee on legislative facilities shall authorize the installation and maintenance of metal detectors at appropriate entrances to the state house and legislative office building.

2 Effective Date. This act shall take effect January 1, 2011.

HB 1635-FN – AS INTRODUCED (Comm Report: ITL 13-2)

2010 SESSION

HOUSE BILL 1635-FN

AN ACT prohibiting the open carrying of a firearm in a public building.

SPONSORS: Rep. Burrige, Ches 3; Rep. Robertson, Ches 3; Rep. Osborne, Merr 12

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits the open carrying of a pistol, revolver, firearm, or other deadly weapon in a public building.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT prohibiting the open carrying of a firearm in a public building.

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

1 New Section; Pistols and Revolvers; Firearms in Public Buildings. Amend RSA 159 by inserting after section 19-a the following new section:

159:19-b Firearms in Public Buildings Prohibited.

I. No person shall knowingly and openly carry a loaded or unloaded pistol, revolver, or firearm or any other deadly weapon as defined in RSA 625:11, V, whether such person has a license under RSA 159:6 or is unlicensed, upon the person or within any of the person's possessions owned or within the person's control while inside a public building. Whoever violates the provisions of this paragraph shall be guilty of a class B felony.

II. A notice of the provisions of paragraph I may be conspicuously posted at each public entrance to a public building.

III. In this section, "public building" means any building, structure, or place owned or operated by the state or one of its political subdivisions, and shall include the university system of New Hampshire and the community college system of New Hampshire.

2 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

159:5 Exceptions. The provisions of RSA 159:3 [~~and 4~~], ***RSA 159:4***, and ***RSA 159:19-b*** shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

3 Effective Date. This act shall take effect 60 days after its passage.



Department of Justice

**DOJ > News Releases**

DOJ Home
Department Index
Publications
Cold Case Unit
Consumer Protection
Cold Case Unit
Elder Abuse and Financial
Exploitation Unit
Charitable Trust
Victims' Assistance
Commission
Victim Services
Grants
Medicaid Fraud Unit
Career Opportunities
Internships
Mission Statement

RELEASED BY: Kelly A. Ayotte, Attorney General  
 SUBJECT: September 15, 2005, Shooting Death in Rochester, New Hampshire  
 DATE: September 23, 2005  
 RELEASE TIME: Immediate  
 CONTACT: Jeffery A. Strelzin, Senior Assistant Attorney General  
 Karen A. Gorham, Assistant Attorney General  
 New Hampshire Attorney General's Office (603)  
 271-3671

Attorney General Kelly A. Ayotte and Rochester Police Chief David Dubois announce that following their investigation, the Attorney General's Office has determined that the homeowner-involved fatal shooting that occurred in Rochester on September 15, 2005, was a justified use of deadly force by the home's resident.

At approximately 1:45 a.m. on September 15th, 2005, the married couple that resided at 80 Pine Street with their two children (ages 5 and 1½) was awakened by noises in their backyard. The husband, Geoffrey T. Hamann (DOB: 05/05/1977), looked out his bedroom window and saw a lone man, later identified as Bryan Gaedtke (DOB: 04/16/1984), climbing onto the roof of the small entranceway below the Hamann's bedroom window. Mr. Hamann verbally warned Mr. Gaedtke to get away. Mr. Hamann then displayed his unloaded handgun as a further warning to Mr. Gaedtke to leave the premises. However, Mr. Gaedtke did not heed the warnings and continued climbing up onto the roof. As Mr. Gaedtke climbed toward Mr. Hamann, Mr. Gaedtke yelled repeatedly, "I'm coming in to get you."

Mr. Hamann then loaded his handgun with ammunition, which he kept in a separate location, and left the master bedroom. His wife, who was panicking and in fear for her safety and that of her children, had already left the master bedroom, and gone into the youngest child's bedroom. At the same time, Mr. Hamann went down the hall to make sure his 5-year-old child had gone downstairs to safety.

In the meantime, Mr. Gaedtke disregarded Mr. Hamann's warnings and continued climbing up the roof. He approached the master bedroom windows and then broke through one of the window's screens. Once the screen was broken, Mr. Gaedtke climbed through the window and into the bedroom. Mr. Gaedtke did not stay in the master bedroom long. Instead, he walked out of the bedroom and into the hallway, which put him in close proximity to the youngest child's bedroom, where Mrs. Hamann was located with her 1½-year-old child.

As Mr. Gaedtke left the master bedroom and moved into the hallway, Mr. Hamann was at the opposite end of the hallway, trying to get back to his wife and child. However, Mr. Gaedtke was standing in the hallway, between Mr. Hamann and his

wife and child. As Mr. Gaedtke continued to advance down the hallway saying things, he turned in the direction of the child's bedroom. Mr. Hamann could see that his wife and child were still in the bedroom and so he was scared for his family. Mr. Hamann then fired a single gunshot at Mr. Gaedtke. That shot hit Mr. Gaedtke in the chest and proved to be fatal. At the time Mr. Gaedtke was shot, he was naked and carrying a tube of mechanical lubricant in his hand. Mr. Hamann subsequently retreated to the porch, put his weapon down, and awaited arrival of the police who had been summoned by his wife.

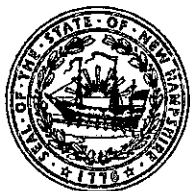
Mr. and Mrs. Hamann have been fully cooperative with the police during the investigation. There is no evidence indicating that any other individual or individuals were acting with Mr. Gaedtke on the night of the shooting. There is also no evidence of a connection between Mr. Gaedtke and the residents at 80 Pine Street.

The investigation has revealed evidence of at least two other intrusions or attempted intrusions into nearby homes shortly before the shooting. It is believed that Mr. Gaedtke was the intruder in both of those cases. The investigation has also uncovered evidence that Mr. Gaedtke was likely impaired by alcohol and possibly other substances at the time of the incident.

Under RSA 627:4, II, a homeowner is justified in using deadly force where: (a) the homeowner reasonably believes that another person is about to use unlawful deadly force against the homeowner or a third person; (b) the homeowner reasonably believes that another person is likely to use any unlawful force against him or anyone else who is present while that other person is committing or attempting to commit a burglary; or (c) the homeowner reasonably believes that another person is likely to use any unlawful force against him while in the commission of a felony within the homeowner's dwelling or its curtilage. In certain circumstances, RSA 627:4, III (a) requires a person to retreat from the encounter before using deadly force. However, there is no such requirement if that person is within his dwelling or its curtilage during the encounter with the intruder.

Based on the investigation, which has included interviews with Mr. and Mrs. Hamann, interviews with neighbors, interviews with Mr. Gaedtke's acquaintances, a review of the scene, analysis of the physical evidence at the scene, and an autopsy conducted on Mr. Gaedtke's remains, the Attorney General's Office has concluded that Mr. Hamann was legally justified in using deadly force against Mr. Gaedtke during the unlawful intrusion into the Hamann's dwelling.





## HOUSE COMMITTEE RESEARCH OFFICE

New Hampshire House of Representatives

4<sup>th</sup> Floor, Legislative Office Building

Concord, NH 03301

Tel: (603) 271-3600

Fax: (603) 271-6689

*Pam Smarling, Committee Researcher*  
(603) 271-3387; [Pam.Smarling@leg.state.nh.us](mailto:Pam.Smarling@leg.state.nh.us)

To: Rep. Lucy Weber, Chairman, House Legislative Administration Committee

From: Pam Smarling, Committee Researcher  
House Committee Research

A handwritten signature in black ink, appearing to be "PS", written over the name "Pam Smarling" in the "From:" field.

Date: March 8, 2010

RE: Recent History of the Joint Legislative Facilities Committee 'Policy on Public Conduct' as it relates to Security and the Possession of Weapons in the State House Complex

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You asked for a compilation of former policies adopted by the Joint Legislative Facilities Committee relative to the possession of weapons in the State House.

### SUMMARY

According to the readily accessible records of the Joint Legislative Facilities Committee, a weapons ban was in place for the State House complex at some time prior to September 11, 1996 until March 28, 2006. The ban was reinstated on December 21, 2009. The weapons ban provision adopted in 2009, differed from the earlier ban by listing the specific buildings and areas within which it applied. It also eliminated a sentence banning weapons in the legislative chambers, galleries or anterooms.

Current House Rule 63 prohibits any person, including members of the House, and excluding law enforcement officers while actively engaged in their duties, from carrying a deadly weapon in the House chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of these areas. This rule expressly does not grant security personnel the right to search a member of the House on House premises. It has been in place in a substantially similar form since 1971.

This memorandum provides the text of each revision to the Security section of the 'Policy on Public Conduct' adopted since September 11, 1996. New language appears in bold italics and deleted language is struckthrough.

## Current Policy – adopted December 21, 2009

### SECURITY

- 1) Security and control of the complex are the joint responsibility of Legislative Security and the State Police under the authority vested in them by the President of the Senate and the Speaker of the House.
- 2) No person, except for law enforcement personnel on active duty, shall carry a firearm or other dangerous or deadly weapon or an explosive, openly or concealed, while inside the State House, the Legislative Office Building, the Upham Walker House or any of the underground tunnels connected to these buildings. Law enforcement personnel, when requested by State House security staff, must produce sufficient identification establishing their status as law enforcement personnel.
- 3) All persons entering the State House or Legislative Office Building are deemed to have consented to security screening of their person and property for weapons. Members of the public may leave the building rather than submit to the screening.
- 4) The presiding officers shall have general supervision over their respective chambers, and in the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in the chamber, a gallery or a lobby, may order the appropriate Sergeant-at-Arms to clear the area. In the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in a committee or hearing room, the Chair may order Legislative Security to clear the room.

### House Rule 63, 2009-2010 Legislative Session relative to weapons in the House Chamber

63. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in possession any deadly weapon as defined in RSA 625:11, V while in the House Chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House under Rule 61 has the right to stop and search a member of the House on the premises of the House. With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting and/or receiving devices nor shall any member operate a video camera or a camera utilizing flash bulbs on the floor of the House, while the House is in session.

### Changes to the Security section of the 'Policy on Public Conduct' since 1996

#### Policy prior to September 11, 1996:

### SECURITY

- 1) Security and control of the complex are the sole responsibility of the Sergeant-at-Arms and the State Police under the authority vested in them by the President of the Senate and the Speaker of the House.



2) No person, except for law enforcement personnel, while in the State House complex shall carry a firearm or other dangerous or deadly weapon or an explosive, openly or concealed. Such law enforcement personnel, when requested by State House Security staff, must produce sufficient identification establishing their status as law enforcement personnel. No person shall carry a firearm or other dangerous or deadly weapon or an explosive, while in Legislative Chambers or their galleries and ante-rooms.

3) All persons entering the State House or Legislative Office Building are deemed to have consented to security screening of their person and property for weapons. Members of the public may leave the building rather than submit to the screening.

4) The presiding officers shall have general supervision over their respective chambers, and in the case of a disturbance or disorderly conduct in the chamber, a gallery or a lobby, may order the Sergeant-at-Arms to clear the area. In the case of a disturbance or disorderly conduct in a committee or hearing room, the Chair may order the Sergeant-at-Arms to clear the room.

### Changes adopted September 11, 1996

Minimal changes were adopted to the security portion of the policy in 1996. The phrase "or other actions which disrupt governmental" was added in two places in the fourth paragraph.

The minutes of this meetings reveal that this policy, along with the provisions on general conduct and demonstrations, was posted in the elevators at the time.

#### SECURITY

1) Security and control of the complex are the sole responsibility of the Sergeant-at-Arms and the State Police under the authority vested in them by the President of the Senate and the Speaker of the House.

2) No person, except for law enforcement personnel, while in the State House complex shall carry a firearm or other dangerous or deadly weapon or an explosive, openly or concealed. Such law enforcement personnel, when requested by State House Security staff, must produce sufficient identification establishing their status as law enforcement personnel. No person shall carry a firearm or other dangerous or deadly weapon or an explosive, while in Legislative Chambers or their galleries and ante-rooms.

3) All persons entering the State House or Legislative Office Building are deemed to have consented to security screening of their person and property for weapons. Members of the public may leave the building rather than submit to the screening.

4) The presiding officers shall have general supervision over their respective chambers, and in the case of a disturbance, ~~or~~ disorderly conduct *or other actions which disrupt governmental operations* in the chamber, a gallery or a lobby, may order the Sergeant-at-Arms to clear the area. In the case of a disturbance, ~~or~~ disorderly conduct *or other actions which disrupt governmental operations* in a committee or hearing room, the Chair may order the Sergeant-at-Arms to clear the room.

**Changes adopted April 19, 2005**

The 2005 changes to the Security section of the Public Conduct notice centered on adding references to Legislative Security, reflecting the recent establishment of this office.

The minutes of the meeting in which these changes were adopted reference the fact that the public policy notice was posted in the elevators.

**SECURITY**

- 1) Security and control of the complex are the sole *joint* responsibility of the ~~Sergeant-at-Arms~~ *Legislative Security* and the State Police under the authority vested in them by the President of the Senate and the Speaker of the House.
- 2) No person, except for law enforcement personnel, while in the State House complex shall carry a firearm or other dangerous or deadly weapon or an explosive, openly or concealed. Such law enforcement personnel, when requested by ~~State House Security staff~~ *Legislative Security*, must produce sufficient identification establishing their status as law enforcement personnel. No person shall carry a firearm or other dangerous or deadly weapon or an explosive, while in Legislative Chambers or their galleries and ante-rooms.
- 3) All persons entering the State House or Legislative Office Building are deemed to have consented to security screening of their person and property for weapons. Members of the public may leave the building rather than submit to the screening.
- 4) The presiding officers shall have general supervision over their respective chambers, and in the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in the chamber, a gallery or a lobby, may order the *appropriate* Sergeant-at-Arms to clear the area. In the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in a committee or hearing room, the Chair may order ~~the Sergeant-at-Arms~~ *Legislative Security* to clear the room.

***Changes adopted March 28, 2006:***

A proposal to replace the second paragraph of the Security section of the Public Conduct Policy was discussed at the January 23, 2006 meeting of the Joint Legislative Facilities Committee and ultimately tabled. The proposed language delineated the jurisdictions of the Sergeants-at-Arms and Security Services by asserting that the Sergeants-at-Arms of each chamber of the legislature have the primary responsibility for security in the House and Senate chambers and that the Chief of Security Services has security responsibility for all other areas of the State House complex.

During the discussion of this proposal, it was noted that, as drafted, it would replace the ban on the possession of weapons in the State House complex. The discontinuance of the weapons ban was discussed. Committee member comments were primarily focused on the appropriateness of prohibiting the possession of weapons in places such as the public ways between the State House and the Legislative Office Building. The opinion was also expressed that such a weapons ban should be addressed in legislation rather than in a policy adopted by the Joint Legislative Facilities

Committee. There was discussion about the definition of the phrase “State House complex” and the need to ensure that persons without a license to carry a firearm were addressed in the policy.

After the proposal was tabled on January 23, it was discussed again at the March 28, 2006 meeting and adopted. Members noted that a House rule addresses the possession of weapons in the House chamber and that the Senate could adopt a similar rule if it so chose. A committee member noted that the new language gave the Chief of Security and the State Police the express authority to enforce any laws or rules in the State House complex and that this, in conjunction with the authority to screen for weapons, could address any person who may be carrying a weapon illegally.

#### SECURITY

1) Security and control of the complex are the joint responsibility of Legislative Security and the State Police under the authority vested in them by the President of the Senate and the Speaker of the House.

~~2) No person, except for law enforcement personnel, while in the State House complex shall carry a firearm or other dangerous or deadly weapon or an explosive, openly or concealed. Such law enforcement personnel, when requested by Legislative Security, must produce sufficient identification establishing their status as law enforcement personnel. No person shall carry a firearm or other dangerous or deadly weapon or an explosive, while in Legislative Chambers or their galleries or ante-rooms. The security and enforcement of laws and rules within the House and Senate Chambers, galleries and anterooms shall be the primary responsibility of the respective Sergeants-at-Arms. The responsibility of enforcement of laws and rules for all other areas of the State House complex shall be the primary responsibility of the Chief of Security Services and the State Police under the authority vested in them by the President of the Senate and the Speaker of the House.~~

3) All persons entering the State House or Legislative Office Building are deemed to have consented to security screening of their person and property for weapons. Members of the public may leave the building rather than submit to the screening.

4) The presiding officers shall have general supervision over their respective chambers, and in the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in the chamber, a gallery or a lobby, may order the appropriate Sergeant-at-Arms to clear the area. In the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in a committee or hearing room, the Chair may order Legislative Security to clear the room.

#### ***Changes adopted December 21, 2009***

#### SECURITY

1) Security and control of the complex are the joint responsibility of Legislative Security and the State Police under the authority vested in them by the President of the Senate and the Speaker of the House.

~~2) The security and enforcement of laws and rules within the House and Senate Chambers, galleries and anterooms shall be the primary responsibility of the respective Sergeants-at-Arms. The responsibility of enforcement of laws and rules for all other areas of the State House complex~~

shall be the primary responsibility of the Chief of Security Services and the State Police under the authority vested in them by the President of the Senate and the Speaker of the House.

*Note: the paragraph below was all new in 2009. The underlining and strikethrough show the differences between the 2009 language and the weapons ban in place until 3/28/06.*

*No person, except for law enforcement personnel on active duty, ~~while in the State House complex~~ shall carry a firearm or other dangerous or deadly weapon or an explosive, openly or concealed, while inside the State House, the Legislative Office Building, the Upham Walker House, or any of the underground tunnels connected to these buildings. ~~Such Law enforcement personnel, when requested by Legislative State House Security staff, must produce sufficient identification establishing their status as law enforcement personnel. No person shall carry a firearm or other dangerous or deadly weapon or an explosive, while in Legislative Chambers or their galleries or ante rooms.~~*

3) All persons entering the State House or Legislative Office Building are deemed to have consented to security screening of their person and property for weapons. Members of the public may leave the building rather than submit to the screening.

4) The presiding officers shall have general supervision over their respective chambers, and in the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in the chamber, a gallery or a lobby, may order the appropriate Sergeant-at-Arms to clear the area. In the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in a committee or hearing room, the Chair may order Legislative Security to clear the room.

If I can provide further information on this, please let me know.

**NOTICE**  
**PUBLIC CONDUCT WITHIN THE STATE HOUSE COMPLEX**  
**Reference RSA 644:2 "Disorderly Conduct"**

**GENERAL**

1. Persons in the State House complex shall refrain from:
  - Loud or unusual noise or profanity;
  - Running, crowding, pushing or shoving;
  - Any conduct which obstructs entrances, walks, corridors, elevators, offices, stairways or hearing rooms;
  - Any other conduct that creates a risk of harm to any person or which would disrupt essential governmental operations.
2. Pets are not allowed inside the State House complex buildings except for those to aid handicapped persons.
3. Food and beverages are allowed in the State House cafeteria and the Legislative Office Building basement lounge only.

**SECURITY**

4. Security and control of the complex are the sole responsibility of the Sergeant-at-Arms and the State police under the authority vested in them by the President of the Senate and the Speaker of the House.
5. No person, except for law enforcement personnel, while in the State House complex shall carry a firearm or other dangerous or deadly weapon or an explosive, openly or concealed. Such law enforcement personnel, when requested by State House Security staff, must produce sufficient identification establishing their status as law enforcement personnel. No person shall carry a firearm or other dangerous or deadly weapon or an explosive, while in Legislative Chambers or their galleries and ante-rooms.
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7. The presiding officers shall have general supervision over their respective Chambers and in the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in the Chamber, a gallery or a lobby, may order the Sergeant-at-Arms to clear the area. In the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in a committee or hearing room, the Chair may order the Sergeant-at-Arms to clear the room.

**DEMONSTRATIONS**

8. Demonstrations are permitted by permit only.
9. No sticks, rods or similar devices may be used to support a banner, sign or placard.
10. Banners, signs and placards may not be carried or held in such a way as to obstruct another's view or to endanger the safety of another.
11. Banners, signs and placards are prohibited in the House and Senate Chambers, galleries and in House and Senate committee rooms.

**NOTICE**  
**PUBLIC CONDUCT WITHIN THE STATE HOUSE COMPLEX**  
**Reference RSA 644:2 "Disorderly Conduct"**

APPROVED 4/19/05

**GENERAL**

- 1) Persons in the State House complex shall refrain from:
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**SECURITY**

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**NOTICE**  
**PUBLIC CONDUCT WITHIN THE STATE HOUSE COMPLEX**  
**Reference RSA 644:2 "Disorderly Conduct"**

**GENERAL**

APPROVED 3/28/06

- 1) Persons in the State House complex shall refrain from:
  - Loud or unusual noise or profanity;
  - Running, crowding, pushing or shoving;
  - Any conduct which obstructs entrances, walks, corridors, elevators, offices, stairways or hearing rooms;
  - Any other conduct that creates a risk of harm to any person or which would disrupt essential governmental operations.
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**NOTICE**  
**PUBLIC CONDUCT WITHIN THE STATE HOUSE COMPLEX**  
**Reference RSA 644:2 "Disorderly Conduct"**

APPROVED 12/21/09

**GENERAL**

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- 4) The presiding officers shall have general supervision over their respective chambers, and in the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in the chamber, a gallery or a lobby, may order the appropriate Sergeant-at-Arms to clear the area. In the case of a disturbance, disorderly conduct or other actions which disrupt governmental operations in a committee or hearing room, the Chair may order Legislative Security to clear the room.

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- 4) Banners, signs and placards are prohibited in the House and Senate Chambers, galleries and in House and Senate committee rooms.



# Voting Sheets

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 1693

**BILL TITLE:** relative to the powers of the joint committee on legislative facilities.

**DATE:** 3-16-10

**LOB ROOM:** 104

**Amendments:**

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Shurtleff

Seconded by Rep. McMahan

Vote: 10-7 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. David A. Borden, Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 1693

**BILL TITLE:** relative to the powers of the joint committee on legislative facilities.

**DATE:** 3-16-10

**LOB ROOM:** 104

**Amendments:**

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Shurtleff*  
Seconded by Rep. *McMahon*

Vote: 10-7 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,  
Rep. Dianne E. Schuett, Clerk

*Min. - Hunt*

LEGISLATIVE ADMINISTRATION

Bill #: HB 11693 Title: re the powers of the joint committee on legislative facilities  
 PH Date: 3/8/2010 Exec Session Date: 3/16/10

Motion: ITL Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Weber, Lucy M, Chairman	10	
McMahon, Patricia M, V Chairman	1	
Lerandeau, Alfred C	2	
Shurtleff, Stephen J	3	
Gottling, Suzanne H	4	
Nord, Susi	5	
Pierce, David M	6	
Wheeler, Deborah	7	
Komi, Richard N	8	
Schuett, Dianne E, Clerk	9	
Hunt, John B		1
Flanders, John W		2
Dowling, Patricia A <i>absent</i>		
Patten, Betsey L		3
Millham, Alida I		4
Kidder, David H		5
Baldasaro, Alfred P		6
Haefner, Robert H		7
TOTAL VOTE:	10	7

# Committee Report

**REGULAR CALENDAR**

**March 24, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Majority of the Committee on LEGISLATIVE  
ADMINISTRATION to which was referred HB1693,

AN ACT relative to the powers of the joint committee on  
legislative facilities. Having considered the same,  
report the same with the following Resolution:

**RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. Stephen J Shurtleff**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee: **LEGISLATIVE ADMINISTRATION**  
Bill Number: **HB1693**  
Title: **relative to the powers of the joint committee on  
legislative facilities.**  
Date: **March 18, 2010**  
Consent Calendar: **NO**  
Recommendation: **INEXPEDIENT TO LEGISLATE**

**STATEMENT OF INTENT**

This bill would have overturned a decision of the Joint Legislative Facilities Committee that banned weapons in the State House complex. The right to bear arms has never been completely unrestricted. Historically, the decision to allow or not allow guns in the State House complex has always been left to the facilities committee. The committee policy banned weapons in the complex from September of 1996 until March of 2006. The committee lifted the ban on March 28, 2006, and reinstated it on December 21, 2009. Indeed, the committee had a policy in place banning guns in the State House complex while the sponsor of this bill was the Speaker of the New Hampshire House. Proponents argued that the facilities committee decision should be overturned because the House voted earlier this year to reject a bill that would have prohibited, by statute, the carrying of guns in the State House. However, the majority notes that that bill would also have made the carrying of a gun into the State House complex a Class B felony, and would have required the installation of metal detectors at great expense, measures the majority did not believe were advisable. The majority believes the balance struck by the facilities committee was the most appropriate one. Forty six other State Houses have gun bans. School children visiting the State House should not be confronted by firearms. Legislators should not have to fear intimidation from gun-carrying members of the public. Security personnel should have the ability to ask a person carrying a weapon in the complex to leave. Most importantly, the majority believes that this decision should remain where it has always belonged, with the Joint Committee on Legislative Facilities. We should not be using the legislative process to circumvent the facilities committee's rules.

Vote 10-7

Original: House Clerk  
Cc: Committee Bill File

**Rep. Stephen J Shurtleff  
FOR THE MAJORITY**

**Original: House Clerk  
Cc: Committee Bill File**



REGULAR CALENDAR

LEGISLATIVE ADMINISTRATION

**HB1693**, relative to the powers of the joint committee on legislative facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for the **Majority** of LEGISLATIVE ADMINISTRATION. This bill would have overturned a decision of the Joint Legislative Facilities Committee that banned weapons in the State House complex. The right to bear arms has never been completely unrestricted. Historically, the decision to allow or not allow guns in the State House complex has always been left to the facilities committee. The committee policy banned weapons in the complex from September of 1996 until March of 2006. The committee lifted the ban on March 28, 2006, and reinstated it on December 21, 2009. Indeed, the committee had a policy in place banning guns in the State House complex while the sponsor of this bill was the Speaker of the New Hampshire House. Proponents argued that the facilities committee decision should be overturned because the House voted earlier this year to reject a bill that would have prohibited, by statute, the carrying of guns in the State House. However, the majority notes that that bill would also have made the carrying of a gun into the State House complex a Class B felony, and would have required the installation of metal detectors at great expense, measures the majority did not believe were advisable. The majority believes the balance struck by the facilities committee was the most appropriate one. Forty six other State Houses have gun bans. School children visiting the State House should not be confronted by firearms. Legislators should not have to fear intimidation from gun-carrying members of the public. Security personnel should have the ability to ask a person carrying a weapon in the complex to leave. Most importantly, the majority believes that this decision should remain where it has always belonged, with the Joint Committee on Legislative Facilities. We should not be using the legislative process to circumvent the facilities committee's rules. **Vote 10-7.**

Original: House Clerk  
Cc: Committee Bill File

**Stapler, Carol**

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**From:** Lucy McVitty Weber [lwmcv@comcast.net]  
**Sent:** Thursday, March 18, 2010 7:43 AM  
**To:** Stapler, Carol  
**Subject:** FW: HB 1693--Majority Report.

Carol—Here is the majority report.  
Thanks,  
Lucy

Rep. Lucy McVitty Weber  
217 Old Keene Road  
Walpole NH 03608  
603-756-4338  
[lwmcv@comcast.net](mailto:lwmcv@comcast.net)

**Subject:** HB 1693--Majority Report.

This bill would have overturned a decision of the Joint Legislative Facilities Committee that banned weapons in the State House complex. The right to bear arms has never been completely unrestricted. Historically, the decision to allow or not allow guns in the State House complex has always been left to the Facilities Committee. The Committee policy banned weapons in the complex from September of 1996 until March of 2006. The Committee lifted the ban on March 28, 2006, and reinstated it on December 21, 2009. Indeed, the Committee had a policy in place banning guns in the State House complex while the sponsor of this bill was the Speaker of the New Hampshire House. Proponents argued that the facilities committee decision should be overturned because the House voted earlier this year to reject a bill that would have prohibited, by statute, the carrying of guns in the State House. However, the majority notes that that bill would also have made the carrying of a gun into the State House complex a Class B felony, and would have required the installation of metal detectors at great expense, measures the majority did not believe were advisable. The majority believes the balance struck by the Facilities Committee was the most appropriate one. Forty six other State Houses have gun bans. School children visiting the State House should not be confronted by firearms. Legislators should not have to fear intimidation from gun-carrying members of the public. Security personnel should have the ability to ask a person carrying a weapon in the complex to leave. Most importantly, the majority believes that this decision should remain where it has always belonged, with the Joint Committee on Legislative Facilities. We should not be using the legislative process to circumvent the Facilities Committee's rules.

ITL—10-7 Regular Calendar  
Stephen Shurtleff

Rep. Lucy McVitty Weber  
217 Old Keene Road  
Walpole NH 03608  
603-756-4338

3/18/2010

**REGULAR CALENDAR**

**March 24, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on LEGISLATIVE  
ADMINISTRATION to which was referred HB1693,**

**AN ACT relative to the powers of the joint committee on  
legislative facilities. Having considered the same, and  
being unable to agree with the Majority, report with the  
recommendation that the bill OUGHT TO PASS.**

**Rep. John B Hunt**

**FOR THE MINORITY OF THE COMMITTEE**

## **MINORITY COMMITTEE REPORT**

Committee: **LEGISLATIVE ADMINISTRATION**  
Bill Number: **HB1693**  
Title: **relative to the powers of the joint committee on  
legislative facilities.**  
Date: **March 18, 2010**  
Consent Calendar: **NO**  
Recommendation: **OUGHT TO PASS**

### **STATEMENT OF INTENT**

This piece of legislation is about one issue: the rights of the citizens of our state to bear arms. On December 21, 2009, eight members of the Joint Legislative Facilities Committee voted, without public notice or even announced on their agenda, to unilaterally remove the right of citizens to bear arms in the State House complex (the State House, the Upham Walker House and the Legislative Office Building). A request was made to the Rules committee to introduce legislation to deal with this issue; it was denied as the vote of the Facilities committee was up for reconsideration, which failed. Another request of the rules committee was made to introduce this legislation and this time the committee unanimously agreed to allow for late drafting and introduction. The language was given to OLS and signed off and apparently became lost in limbo for weeks before it was found again and scheduled on Thursday March 11 for a Monday March 15 hearing which was heavily attended. Members from the public testified in support of the bill along with members from Second Amendment advocacy groups. Gun Owners of New Hampshire advertised support of the bill on their website and one of their board members offered support in testimony and the NRA supported this legislation in an action alert. Opponents mentioned feeling unsafe during a contentious debate last year in which a few members of the public were said to be openly carrying firearms in the gallery of the House. House Rules prevent anyone from carrying firearms on the House floor, in the anterooms and in the gallery. This rule was NOT enforced that day, as it could have been, and this bill does not attempt to deal with that House rule which has been in effect since 1971 and would remain in effect upon passage of this bill. Nothing in this bill would allow the carrying of firearms or other weapons on the House floor or in the gallery. Had that rule been enforced, we are sure that many of the complaints addressed by the sponsors of the two bills banning weapons in all public buildings and installing metal detectors in the State House would not have been raised. This bill fundamentally restores the rights of people to carry weapons in the building they have bought, paid for and belongs to them.

Original: House Clerk  
Cc: Committee Bill File

**Rep. John B Hunt  
FOR THE MINORITY**

**Original: House Clerk  
Cc: Committee Bill File**

## REGULAR CALENDAR

### LEGISLATIVE ADMINISTRATION

**HB1693**, relative to the powers of the joint committee on legislative facilities. **OUGHT TO PASS.**

Rep. John B Hunt for the **Minority** of LEGISLATIVE ADMINISTRATION. This piece of legislation is about one issue: the rights of the citizens of our state to bear arms. On December 21, 2009, eight members of the Joint Legislative Facilities Committee voted, without public notice or even announced on their agenda, to unilaterally remove the right of citizens to bear arms in the State House complex (the State House, the Upham Walker House and the Legislative Office Building). A request was made to the Rules committee to introduce legislation to deal with this issue; it was denied as the vote of the Facilities committee was up for reconsideration, which failed. Another request of the rules committee was made to introduce this legislation and this time the committee unanimously agreed to allow for late drafting and introduction. The language was given to OLS and signed off and apparently became lost in limbo for weeks before it was found again and scheduled on Thursday March 11 for a Monday March 15 hearing which was heavily attended. Members from the public testified in support of the bill along with members from Second Amendment advocacy groups. Gun Owners of New Hampshire advertised support of the bill on their website and one of their board members offered support in testimony and the NRA supported this legislation in an action alert. Opponents mentioned feeling unsafe during a contentious debate last year in which a few members of the public were said to be openly carrying firearms in the gallery of the House. House Rules prevent anyone from carrying firearms on the House floor, in the anterooms and in the gallery. This rule was NOT enforced that day, as it could have been, and this bill does not attempt to deal with that House rule which has been in effect since 1971 and would remain in effect upon passage of this bill. Nothing in this bill would allow the carrying of firearms or other weapons on the House floor or in the gallery. Had that rule been enforced, we are sure that many of the complaints addressed by the sponsors of the two bills banning weapons in all public buildings and installing metal detectors in the State House would not have been raised. This bill fundamentally restores the rights of people to carry weapons in the building they have bought, paid for and belongs to them.

Original: House Clerk  
Cc: Committee Bill File

**Stapler, Carol**

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**From:** Lucy McVitty Weber [lwmcv@comcast.net]  
**Sent:** Thursday, March 18, 2010 7:46 AM  
**To:** Stapler, Carol  
**Subject:** Re: Minority HB ~~1207~~ 1693

Carol, okay to send both the majority and minority reports.  
Lucy

Rep. Lucy McVitty Weber  
217 Old Keene Road  
Walpole NH 03608  
603-756-4338  
[lwmcv@comcast.net](mailto:lwmcv@comcast.net)

---

**From:** "Stapler, Carol" <carol.stapler@leg.state.nh.us>  
**Date:** Wed, 17 Mar 2010 15:43:25 -0400  
**To:** Lucy McVitty Weber <[lwmcv@comcast.net](mailto:lwmcv@comcast.net)>  
**Subject:** Minority HB ~~1207~~ 1693

HB 1693 Minority Report, OTP

This piece of legislation is about one issue: the rights of the citizens of our state to bear arms. On December 21, 2009, eight members of the Joint Legislative Facilities Committee voted, without public notice or even announced on their agenda, to unilaterally remove the right of citizens to bear arms in the State House complex (the State House, the Upham Walker House and the Legislative Office Building).

A request was made to the Rules committee to introduce legislation to deal with this issue; it was denied as the vote of the Facilities committee was up for reconsideration, which failed. Another request of the rules committee was made to introduce this legislation and this time the committee unanimously agreed to allow for late drafting and introduction. The language was given to OLS and signed off and apparently became lost in limbo for weeks before it was found again and scheduled on Thursday March 11 for a Monday March 15 hearing which was heavily attended. Members from the public testified in support of the bill along with members from Second Amendment advocacy groups. Gun Owners of New Hampshire advertised support of the bill on their website and one of their board members offered support in testimony and the NRA supported this legislation in an action alert. Opponents mentioned feeling unsafe during a contentious debate last year in which a few members of the public were said to be openly carrying firearms in the gallery of the House. House Rules prevent anyone from carrying firearms on the House floor, in the anterooms and in the gallery. This rule was NOT enforced that day, as it could have been, and this bill does not attempt to deal with that House rule which has been in effect since 1971 and would remain in effect upon passage of this bill. Nothing in this bill would allow the carrying of firearms or other weapons on the House floor or in the gallery. Had that rule been enforced, we are sure that many of the complaints addressed by the sponsors of the two bills banning weapons in all public buildings and installing metal detectors in the State House would not have been raised. This bill fundamentally restores the rights of people to carry weapons in the building they have bought, paid for and belongs to them.

JBH

3/18/2010