
Committee Report

REGULAR CALENDAR

February 21, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Criminal Justice and
Public Safety to which was referred HB 109-FN,**

**AN ACT requiring background checks for commercial
firearms sales. Having considered the same, report the
same with the recommendation that the bill OUGHT TO
PASS.**

Rep. David Meuse

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 109-FN
Title:	requiring background checks for commercial firearms sales.
Date:	February 21, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Background checks protect public safety by helping to keep firearms out of the hands of felons, domestic abusers, and the dangerously mentally ill. While by themselves universal background checks won't prevent all gun violence, the majority finds that they reduce the risk of gun violence by lowering the chance that a person who should not have access to a firearm can gain access to one. By voting to take this action and requiring all commercial firearms sales to be accompanied by a background check performed through a licensed firearms dealer, the majority feels this legislation prudently protects public safety without jeopardizing the 2nd Amendment rights of our citizens.

Vote 10-9.

Rep. David Meuse
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 109-FN, requiring background checks for commercial firearms sales. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the **Majority** of Criminal Justice and Public Safety. Background checks protect public safety by helping to keep firearms out of the hands of felons, domestic abusers, and the dangerously mentally ill. While by themselves universal background checks won't prevent all gun violence, the majority finds that they reduce the risk of gun violence by lowering the chance that a person who should not have access to a firearm can gain access to one. By voting to take this action and requiring all commercial firearms sales to be accompanied by a background check performed through a licensed firearms dealer, the majority feels this legislation prudently protects public safety without jeopardizing the 2nd Amendment rights of our citizens. **Vote 10-9.**

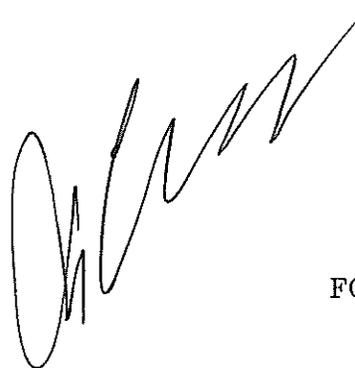
**MAJORITY
COMMITTEE REPORT**

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Bill Number:	HB 109-FN
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STATEMENT OF INTENT

Background checks protect public safety by helping to keep firearms out of the hands of felons, domestic abusers, and the dangerously mentally ill. While by themselves, universal background checks won't prevent all gun violence, majority finds that they reduce the risk of gun violence by lowering the chance that a person who should not have access to a firearm can gain access to one. By voting 10-9 to take this action and requiring all commercial firearms sales to be accompanied by a background check performed through a licensed firearms dealer, the majority feels this legislation prudently protects public safety without jeopardizing the 2nd Amendment rights of our citizens.

Vote 10-9.



Rep. David Meuse
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: CRIMINAL JUSTICE + PUBLIC SAFETY

BILL NUMBER: HB-109-FW

TITLE: REQUIRING BACKGROUND CHECKS FOR
COMMERCIAL ~~FOR~~ FIREARMS

DATE: 2/21/2019 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
 - OUGHT TO PASS W/ AMENDMENT
 - INEXPEDIENT TO LEGISLATE
 - INTERIM STUDY (Available only 2nd year of biennium)
- Amendment No.

STATEMENT OF INTENT:

BACKGROUND CHECKS PROTECT PUBLIC SAFETY BY HELPING
TO KEEP FIREARMS OUT OF THE HANDS OF FELONS, DOMESTIC
ABUSERS, AND THE DANGEROUSLY MENTALLY ILL. WHILE
BY THEMSELVES, ^{UNIVERSITY} ~~UNIVERSITY~~ BACKGROUND CHECKS WON'T PREVENT
ALL GUN VIOLENCE, THE NATIONAL FWD THAT THEY
REDUCE THE RISK OF GUN VIOLENCE BY LOWERING THE CHANCE
THAT A PERSON WHO SHOULD NOT HAVE ACCESS TO A FIREARM CAN
GAIN ACCESS TO ONE, BY USING 10-9 TO TAKE THIS ACTION AND
REQUIRING ALL COMMERCIAL FIREARM SALES TO BE ACCOMPANIED BY A
BACKGROUND CHECK PERFORMED THROUGH A LICENSED FIREARM DEALER,
THE NATIONAL BELIEVES THIS LEGISLATION PROPERLY PROTECTS
PUBLIC SAFETY WITHOUT JEOPARDIZING THE 2ND AMENDMENT RIGHTS OF
OUR CITIZEN

COMMITTEE VOTE: 10-9

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. DAVID MEUSE
For the Committee

REGULAR CALENDAR

February 21, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 109-FN,

AN ACT requiring background checks for commercial firearms sales. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. John Burt

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 109-FN
Title:	requiring background checks for commercial firearms sales.
Date:	February 21, 2019
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

There is no problem with illegal gun sales, use or possession in New Hampshire, yet this bill will create a ban on simple transfers of firearms between friends, family and neighbors. If enacted into law, this bill will place otherwise law abiding people at risk of arrest and prosecution. Then there will be a problem. This bill is so narrowly drafted that a literal interpretation of the language would prohibit an instructor from loaning a gun to a student or a friend borrowing another friend's hunting rifle for the weekend. And if these friends or instructors and students are willing to visit a licensed gun dealer to affect the transfer, there is no requirement that gun dealers actually do this work, and if they do there is no limit on the amount they can charge for the service. The process would need to be reversed after the course or hunting trip so that the original owner can resume possession of his firearm.

Rep. John Burt
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 109-FN, requiring background checks for commercial firearms sales. **INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. There is no problem with illegal gun sales, use or possession in New Hampshire, yet this bill will create a ban on simple transfers of firearms between friends, family and neighbors. If enacted into law, this bill will place otherwise law abiding people at risk of arrest and prosecution. Then there will be a problem. This bill is so narrowly drafted that a literal interpretation of the language would prohibit an instructor from loaning a gun to a student or a friend borrowing another friend's hunting rifle for the weekend. And if these friends or instructors and students are willing to visit a licensed gun dealer to affect the transfer, there is no requirement that gun dealers actually do this work, and if they do there is no limit on the amount they can charge for the service. The process would need to be reversed after the course or hunting trip so that the original owner can resume possession of his firearm.

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Rep. John Burt
FOR THE MINORITY

Karwocki, Karen

From: john@burtnh.com
Sent: Thursday, February 21, 2019 7:37 AM
To: Karwocki, Karen; Cushing, Renny; Cushing, Renny
Subject: Minority blurb for HB109

Hi Karen,

Below is my Minority blurb for HB109. I hope and pray I do not need it. If that is the case I will get you a Majority blurb. 

John Burt for the Minority of Criminal Justice.

There is no problem with illegal gun sales, use or possession in New Hampshire yet HB 109 will create a ban on simple transfers of firearms between friends, family and neighbors. IF enacted into law, HB 109 will place otherwise law abiding people at risk of arrest and prosecution. Then there will be a problem. HB 109 is so narrowly drafted that a literal interpretation of the language would prohibit an instructor from loaning a gun to a student or a friend borrowing another friend's hunting rifle for the weekend. And if these friends or instructors and students are willing to visit a licensed gun dealer to affect the transfer, there is no requirement that gun dealers actually do this work and if they do there is no limit on the amount they can charge for the service. The process would need to be reversed after the course or hunting trip so that the original owner can resume possession of his firearm.

John A. Burt [NH State Representative](#)
Goffstown, Weare and Deering, NH District 39
7 Bay Street, Goffstown, NH 03045
Tel: 603-624-5084 Cell: 603-289-0792
john@burtnh.com www.burtnh.com

Criminal Justice and Public Safety Committee
LOB Building Room 204

FaceBook, [John A Burt](#)
Click on my name.

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 109-FN

BILL TITLE: requiring background checks for commercial firearms sales.

DATE: February 21, 2019

LOB ROOM: 204

MOTIONS: OUGHT TO PASS

Moved by Rep. Meuse

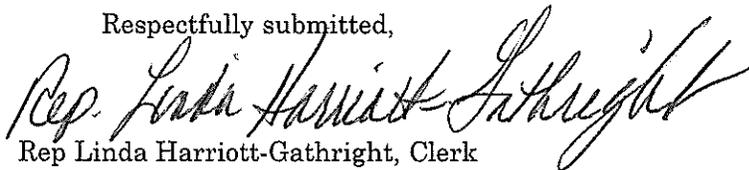
Seconded by Rep. Swinburne

Vote: 10-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

A handwritten signature in black ink, reading "Rep. Linda Harriott-Gathright". The signature is written in a cursive style and is positioned above the printed name of the signatory.

Rep Linda Harriott-Gathright, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 109-FN

BILL TITLE: requiring background checks for commercial firearms sales.

DATE:

LOB ROOM: 204

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. Mense Seconded by Rep. Swinburne Vote: 10/9

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ___ YES ___ NO

Minority Report? ___ Yes ___ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Rep Linda Harriott-Gathright
Rep Linda Harriott-Gathright, Clerk

OFFICE OF THE HOUSE CLERK



1/14/2019 3:15:39 PM
Roll Call Committee Registers
Report

2019 SESSION

Criminal Justice and Public Safety

Bill #: HD109-FW Motion: OTP AM #: 12pm Exec Session Date: 2/21/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Cushing, Robert Renny Chairman	✓		
Rodd, Beth Vice Chairman		✓	
Pantelakos, Laura C.	✓		
O'Hearne, Andrew S.	✓		
Harriott-Gathright, Linda C. Clerk	✓		
Opderbecke, Linn	✓		
Bordenet, John	✓		
Meuse, David	✓		
Murphy, Nancy A.	✓		
Newman, Ray E.	✓		
Radhakrishnan, Julie	<i>abs</i>		
Swinburne, Sandy L.	✓		
Welch, David A.		✓	
Fields, Dennis H.		✓	
Burt, John A.		✓	
Green, Dennis E.		✓	
McNally, Jody L.		✓	
Testerman, Dave		✓	
Wallace, Scott		✓	
Abbas, Daryl A.		✓	
TOTAL VOTE:	10	9	

Hearing Minutes

trunk of car, gun show.

Anthony Nino- Amherst. - represents self, wife and kids. I will look for my testimony and email to clerk.

Julie Norris, Nashua - supports - Mattea Citarella Seacoast school of technology.

Rep. Testerman - hiding in closet (?)

Rep. Wallace - drills in the line of emergency

James Gaffney - opposed - bad bill

Rep. Gary Hopper, Weare/Deering - Encroaches on article 10 of constitution.

Rep. Mary Jane Mulligan - evade the law by private transaction. Hanover, Lyme, 19 states and district.

* Malena Chastain - Self, Daughters of Liberty. Wants to be able to exchange fire arms with 4 daughters. Crack in foundation of our rights.

* Cindy White, Hopkinson - supports. Great Statistics.

* Hon. Dan Itse, Milford NHFC. - opposed

* Eileen Flockhart, Exeter - supports - believes everyone wants the best of public safety.

*Michael Johns, Pembroke NH - opposed. small step infringe on my rights.

* Nick Perensevint, MD. American college of Surgeons - supports. NRA told Dr. to stay in their lanes. In the group 18 out of 22 are gun owners.

Jay Simkin, self arms dealer Nashua - opposed. Says nothing we can do to stop killings

Tracy Hahn-Buckett, Bow Kent St Coalition. Safeguard the rights of all. working group on gun violence. When public safety is needed we have a right. will mail testimony,

*Jason Major, Epsom - opposed

*Zandra Rene Hawkins, Granite state progress.-supports - Responsible gun owners should not have guns in the hands of those they don't know. It will keep guns out of the hands of criminals and sames lines.

AG Woodard - opposed - says background check won't stop violence

*Lauren LePage, NRA - opposed

*Sidney Spreadbury, Rochester - opposed.

Dr. Michael Layen - Self, Opposed - Bio Med 30 years - crazy moms

Scott Smith - opposed. ITL

Hon. Dr. Joe Hannon for Nicole Fortune - Gun owners of NH- opposed - Broadly define commercial sales.

Rema Woods - Self - support - DCYF understaff to go homes to pick up on guns. 95% of guns in Mexico. Nothing is perfect, we need to continue to work on it.

Hon. Ann Copp, opposed - says testimony is the email.

Margaret Kris, Self. infringe on rights - how to get around hipa laws.

Allan Rice, Bedford. Gun owners of America. - opposed. Only a licensed dealer can receive on the internet.

Hon. JR Hoell, NHFC, dunbarton - opposed

Atty. Dean Penny, Self. Defects in the draft of the bill

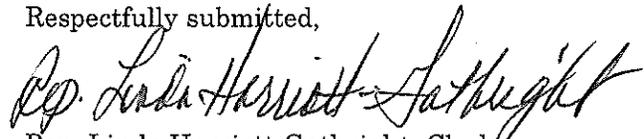
Kimberly Morin - opposed. - incorrect 250,000 deaths a year.

*Brian Barry, Salem - opposed

Frank Suarz, Concord NH - opposed

Walter Jennings, Chester NH - opposed

Respectfully submitted,



Rep. Linda Harriott-Gathright, Clerk

HB109

(1)

Support (1)

Rep Kallucci Koopes

Merr 28

Oppose (2)

Mike Harrington

Dist 3

Support (3)

Rep ^{David} Cousin

Northwood

Oppose

~~(4)~~

Rep Al Baldasara

Rockingham ^{Dist 5} Londonderry

Support

Rep Jatha Mangipudi

Hills 35

Choose to be responsible. Her safety is just as important and she is a law abiding citizen.

Oppose

Robert Clegg - Program NH

Susan Olsen - Women Defense League

Support (4)

Leonard Korn MD - Medical Society

Preventing non law abiding citizens
14,000+ Homicide 40,000 7 kids are killed every week. Gun shop project.

(5)

~~Rep~~ Judy Aron

Oppose

Rep Tim Harrigan

Stafford 6

Support

Aaron Cantara

Franklin Self

Oppose

Stop people from making legal transactions

Support

Rep David Hunt

Laconia Belnap 3

email for forward

(2)

* Anthony Niro Jr. - not here

oppose (6) Jake McFugan NSSF, firearms trade assoc
Newton CT. Fire Nix campaign - make sure
Wyomi + Montana + NH not submitting

support (7) Deb Howard MDA for G sin NH
14000 online no backgd laws
1/4 of America
internet, trunk of car, gun show

oppose Anthony Niro Anti NH self wife + kids
I will look for it - email to clerk

support (8) Julie Norris 32 ~~Edgewood~~ Nashua
Matta Citarella Seacoast school of
Testerman - hiding in closet technology
Palke - drills in time of emergency

oppose James Saffney - bad bill

oppose Rep. Gary Sapper Hills 2 Ueane
Deering
Approach on Article 10 of Constitution

support Mary Jane Mulligan Grayton #12
Evade the law by private transaction
19 States + District

(3)

oppose (9) Malena Chastain self - Daughters of Liberty
wants to be able to exchange fire arms w/ Pa & daughter
crack in foundation of our rights

support (10) Cindy White self Hepkinton
Great stats

oppose Hon Dan Itzel myself NHFC

support (11) Eileen Hockhart Exeter self
Believe everyone wants the best of public safety

oppose Michael Johns Penbrooke NH
small step infringe on my rights

support (12) Nick Perencevich MD self American College of Surgeons
NRA told Pa to stay in their lanes
Group 18 out of 22 are gun owners

oppose (13) Jay Dimkin self arms dealer - Nashua
say nothing ^{we can} do to stop killings
600 18-440

support Tracy Hahn - Buckett Bow Kent St Coalition
Safe guard the rights of all Working Group on Gun Violence
When public safety is needed Punenton
we have a right

will email testimony

(4)

oppose (14) Jason Major Epsom

support (15) Zandra Lise Hawkins Granite State Progress
Responsible gun owners should not have guns in the hands of those they don't know. It will keep guns out of the hands of criminals and ~~other~~ sane lines.

oppose AG Woodard self march
says background check won't stop violence

(16) Lauren Lehge NRA
oppose written testimony

(17) Sidney Spreadbury Rochester
oppose ~~testimony written~~ none

oppose Dr Michael Layton self Bio Med once says
Crazy monks

oppose Scott Smith Concord
ITL

oppose Nicole Fortune ^{store for} Dr Joe Hannon Gun Ownership
Broadly define commercial sales

support Rema Woods self
Doyle understaff to go home to pick up on guns
nothing is perfect we need to continue to work on it.
95% of guns in Mexico

oppose

Hon Ann Capp

says testimony in the email

Margaret Kuis self Bedford
Jennifer on Rights - How to get around
HIPAA Laws.

oppose

(17)

Allan Rice Bedford

Gun Owners of America

Only a license dealer can receive over the internet

oppose

Jo Hoell

NHTC

Dunbarton

oppose

Cathy Dean Perry

self

Defects in the draft of bill

oppose

~~Atorom~~ Kimberly Morris

Incorrect 250,000 deaths a year

Testimony

1

TESTIMONY OF REP KATHERINE ROGERS
HB 109 Requiring background checks for commercial firearms sales.
CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE
Wednesday, February 13, 2019

Thank You Mr Chairman and Members of the Criminal Justice Committee. For the record I am Representative Katherine Rogers and I represent Merrimack County District #28.

Each year 12,000 Americans are murdered with a gun; Americans are 20 times more likely to be murdered with a gun than in other developed countries like ours. Right now there's a loophole in our laws that lets anyone buy a gun online or at a gun show without a background check no question asked. We need to close the loophole that lets felons, domestic abusers, and the dangerous mentally ill get their hands on guns with no questions asked.

AND in states that require criminal background checks on all handgun sales, 46% fewer women are fatally shot by their partners, 48% fewer police are killed with handguns, and 64% fewer crime guns are trafficked out of state.

WHILE it may be true that NH reportably has the 7th lowest number of gun deaths per capita among the states we do have the 24th highest rate of crime gun exports. Exporting three times as many crime guns as we import. The state is the top supplier of crime guns to Massachusetts, Maine and Vermont.

The use of a firearm was responsible for 48% of the state's domestic violence homicides from 2001-2010.

Based on estimates by the NH Department of Safety, 33,000 of the estimated 82,500 sales that will occur next year will not be required to have a background check.

The National Instant Criminal Background Check System (NCIS) has blocked over 2 million gun sales to people who are prohibited from possessing guns. But the current system's loophole is exploited by criminals who can avoid background checks by purchasing firearms from unlicensed "private sellers", often at gun shows or through anonymous online transactions

NH is a net exporter of guns and a substantial percentage of our firearms have a short time-to-crime. (The percentage of guns recovered in a crime within two years of original sale - a strong indicator of gun trafficking).

According to 2009 data collected from the gun trafficking statistics from the Bureau of Alcohol, Tobacco, Firearms & Explosives, New Hampshire exported 18.3 guns per 100,000 inhabitants whereas the national average was 14.1 and 29.3% of NH's firearms have a short time-to-crime. The national average is 22.6%.

TESTIMONY OF REP KATHERINE ROGERS
HB 109 Requiring background checks for commercial firearms sales.
CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE
Wednesday, February 13, 2019

WHILE HB 109 won't prevent every tragedy, it will make a difference, it will save lives, and it will make our communities a safer place to live. Small changes to our gun laws might not prevent criminals from getting a gun, but it will prevent many - and that's worth it.

HB 109 is a simple bill. It fills a loophole that currently exists by requiring commercial firearms sales or transfers in this state to be subject to a criminal background check. If that does not happen, the seller faces a misdemeanor penalty for each violation.

Under this bill, commercially advertised gun sales - including online sales - would require a criminal background check through a federally licensed dealer using the same background check system already used in all dealer sales.

The bill defines commercial as "a sale, transfer, or exchange of a firearm that takes place at, or on the curtilage of, a gun show or pursuant to an offer to sell or buy a firearm that took place at a gun show, or pursuant to an advertisement, posting, listing or display.

Transfer and exchanges are included because it is not uncommon for a firearm to be traded rather than sold for financial value.

This bill defines that sales on the curtilage of gun shows or ads are included. This deters parties from meeting at a gun show then going to the parking lot to sell a gun without running a background check.

What won't HB 109 do?

It WON'T affect law-abiding NH gun owners selling & trading guns between friends & family. It makes an exception for private, noncommercial sales or transfers between friends and families.

AND It expressly prohibits a gun registry.

HB 109 is not an over-reach by government, it is a public safety measure to keep more guns out of the hands of those who we all agree should not have them. People like felons and domestic abusers.

TESTIMONY OF REP KATHERINE ROGERS
HB 109 Requiring background checks for commercial firearms sales.
CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE
Wednesday, February 13, 2019

Some today might suggest to you that commercially selling pistols & revolvers without being licensed is already a crime in NH?

The difference is between commercial sales – conducted by gun dealers who regularly sell guns and are required to conduct background checks every time they sell a firearm – and commercially advertised sales (see bill definition), which are sold by private sellers to people they do not know without background checks, i.e. intrastate online sales. The latter is the focus of the bill; commercially advertised sales by definition likely mean selling a gun to someone you don't know – most would agree it is reasonable that a background check should always be required in this situation. Additionally, there is no law requiring background checks at gun shows in NH. Federally licensed dealers must conduct a background check every time they conduct a sale, regardless of where they are. Private sellers currently have no such requirement.

Others might suggest that the exemption in N.H. RSA 159:14 already state that you have to personally know someone to sell them a pistol or revolver?

NH law right now does not fully address how private citizens sell pistols and revolvers, so long as the sales are not done with such frequency or regularity as to constitute a business – a “commercial sale”. From *State v. Timothy Geddes*, 2004: “... the RSA 159 statutory scheme does not create a general prohibition against the sale of pistols & revolvers and then carve out certain limited exceptions for those who have obtained a license or who satisfy other specific criteria or conditions. Rather, with the exception of prohibiting sales or transfers to convicted felons and to minors ... RSA 159 places no restrictions on the ability of private citizens to sell pistols & revolvers as long as this is not done with such frequency or regularity as to constitute a business.” Opponents have tried to argue both that 1) the bill goes too far and tramples on 2nd Amendment rights, and 2) that it is unnecessary because current law covers the loopholes. Other problems with this twisted argument: there is no strong definition for what “personally known” means.

And some will tell you that this bill will make criminals out of law-abiding citizens selling to friends and family?

HB 109 doesn't affect law-abiding NH gun owners selling & trading guns between friends & family. If a seller doesn't feel confident that the friend or family member is qualified to own or possess a firearm, they should seek a background check first. Responsible gun owners shouldn't put guns in the hands of people they don't know well enough to know whether that individual is considered a danger to themselves or others. This provision also helps address the problem that the current law does not define what “personally known” means.

TESTIMONY OF REP KATHERINE ROGERS
HB 109 Requiring background checks for commercial firearms sales.
CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE
Wednesday, February 13, 2019

Finally Will this bill help gun owners or public safety in any way, beyond the very large benefit of keeping guns out of the hands of felons, domestic abusers, and other prohibited persons?

Requiring criminal background checks for sales between strangers is an important public safety measure and also reduces the burden on gun owners privately selling firearms. Right now, if a buyer or any subsequent buyer uses the firearm in a crime, it could be traced back to the original seller who will be questioned by the police regarding how the criminal came into possession of the firearm. Under expanded criminal background checks, the sales record serves as important proof that the background check and sale took place, reducing the burden on the original owner to maintain records and/or have to deal with law enforcement. This system also helps law enforcement better track down criminals and solve crimes committed with firearms.

If you hear the overlysimplified argument that HB 109 will only affect "law-abiding citizens" because criminals don't follow the law anyway.

I would suggest that By that logic, we should all pack up and go home right now. What good is passing laws when criminals don't follow the law.

That means we're trapped in a paradox: Law-abiding citizens obey the law - Criminals are lawbreakers, and thus do not obey the law - Laws impose restrictions on the behavior of only those who follow them - Laws, therefore, only hurt law-abiding citizens.

Every law could be refuted with this paradox, and societies would swiftly descent into anarchy. Laws against rape, murder, and theft, for example, are rarely followed by rapists, murderers and thieves, but the fact that such people exist in society is the reason for these laws in the first place.

HB 109 is a simple It is constitutional, and is a regulation that fits in with the beliefs of a majority of our population. Please vote it Ought to pass.

What The So-Called Gun Show Loophole Really Looks Like

By CHRIS HAXEL · JAN 30, 2019



About 40,000 people attend Wanenmacher's Tulsa Arms Show, which is held twice-annually in Tulsa, Oklahoma.

CHRIS HAXEL /KCUR

As Fred Nelson shuffled through a crowded convention center in Tulsa, Oklahoma, a man tapped him on the shoulder to ask about a gun. The man knew Nelson was selling thanks to the handwritten menu taped on Nelson's backpack advertising more than a dozen handguns, rifles and shotguns.

He offered \$300 for a Glock 19 pistol listed at \$350.

"Meet me in the middle at \$325," Nelson responded. "It's never been fired. You can look down the barrel."

"I can do \$300 cash, that's all I can do," the buyer responded, before pausing. "I haven't even looked at it yet."

Nelson eventually relented and turned over the gun for \$300.

Another man approached moments later, offering \$300 for a semi-automatic rifle. Nelson pocketed another wad of cash.

In the span of about four minutes, he had sold two guns to two different strangers for \$600. And he did nothing illegal.

This is what's known as the "gun show loophole." Private gun sales don't require a background check, whereas purchases from a licensed dealer do. That dichotomy is on display twice a year at the Tulsa Arms Show, which calls itself the largest gun show in the world.

What is the gun show loophole?

Talk of the gun show loophole emerged in the 1980s and 1990s, said David Chipman, a retired ATF agent who now works for a gun control advocacy group called the Giffords Center.

"People were selling guns through newspapers and classifieds," he said.

"And gun shows, which were primarily just flea markets, became more popular because they allowed private sellers of guns to go to locations where buyers of guns would be. What you had was this interesting circumstance where ... a licensed gun dealer set up next to a private party. Both would be selling the same gun, but they would have to abide by different laws."

That circumstance — where private sellers are exempted from conducting the background check required of gun dealers with a federal firearms license — became known as the "gun show loophole." Gun stores, whether a local mom-and-pop or a giant chain, must obtain a federal license as a gun dealer.

Gun advocates have long claimed the gun show loophole is a myth. A "fact sheet" from the National Shooting Sports Foundation, an industry trade group, declares flatly: "There is no gun show loophole."

The organization correctly notes that the rules for selling guns aren't any more lax at gun shows than they would be in most parking lots.

It's also true that most vendors at gun shows are licensed dealers.

But many gun shows allow people who aren't licensed dealers to rent tables too. Some exhibitors are gun collectors who aren't considered to be selling firearms as a business, but have plenty of guns to sell as they consolidate their collection.

Then there are people like Nelson, who walk around trying to sell guns. At the Tulsa Arms Show, many private sellers are essentially walking billboards, advertising their guns on a backpack or by sticking a flag down the barrel of a rifle slung over their shoulder.

The "gun show loophole" might be more aptly termed the "private sale exception." While the vast majority of guns sold in the U.S. -- some estimates say more than 75 percent -- are sold by licensed dealers, sales between private citizens can be arranged online or in person at any place and any time.

When are background checks required?

Whichever term you prefer, or even if you think the loophole doesn't exist, the phrase represents a real phenomenon under federal law: Not every gun sale is preceded by a background check.

The laws vary, but in most states private sellers only break the law if they knowingly sell to a prohibited person.

For example, Nelson is not supposed to sell a gun to convicted felons, or to people who live outside of Oklahoma. He doesn't, however, legally have to ask about those things.

In the absence of required formal background checks, Nelson, a retired police officer and Air Force veteran, said he developed his own system to judge who to sell his guns to. If they look younger than 21, for instance, or if they look "thuggish," he says he won't sell.

"I don't want to have any of the guns that are in my name fall into the wrong hands," Nelson said.

In comparison, when a gun dealer sells a firearm they must conduct an FBI background check regardless of where the sale takes place. And if they sell to an out-of-state resident, the gun must first be transferred to a licensed dealer in the resident's home state.

Who is policing illegal gun sales?

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is tasked with policing gun sales across the country.

Chipman, the retired ATF agent, spent part of his career investigating firearm trafficking at gun shows and elsewhere. He said the agency sometimes has undercover agents at gun shows, but usually only in response to a specific tip.

"Rarely, if ever, did we do 'fishing expeditions,'" he said. "I think the public doesn't understand how small ATF is. ATF has 2,600 special agents ... I think the Capitol Police Department here in [Washington, D.C.] has 2,200 sworn officers."

Both the Trump and Obama administrations have taken steps to target gun crimes, but prosecutions for illegal gun-dealing remain rare.

Is there support for a solution?

Over time, federal legislation that specifically targets gun shows has been replaced by proposals for universal background checks, which would cover almost all gun sales. So far, none of the proposals have garnered enough Republican support to become law.

Republicans aren't completely opposed to the idea of background checks for more guns, said David Kopel, a gun advocate, researcher and University of Denver law professor.

Rather, he said past negotiations broke down over disagreements about how to implement the change: Force all gun sales to go through the current dealer-based background check system? Or let private sellers access the system themselves?

The key difference is that gun dealers have to keep permanent records of every transaction, which the ATF can later use to trace guns that are ultimately used in crimes.

Kopel believes the underlying motive is about "registering all guns and gun owners," which could make it easier for gun seizures at some point in the future.

When Senate Democrats unveiled their latest universal background check proposal in January, they claimed 97 percent of Americans support requiring checks before every gun purchase.

Politact found that claim "mostly true," and polls consistently show more than 80 percent of Americans agree with the idea.

But support in three recent state-level votes in Washington, Nevada and Maine topped out at 60 percent.

"I think there's a world of difference between a one-sentence polling question and the law," Kopel said. "What the actual election results show is, this is not a 97 percent issue. It's not an 80 percent issue. When people begin to learn the facts the public makes that much more of a 50/50 issue."

Can background checks reduce gun violence?

Studies have generally found some evidence that universal background checks help reduce gun violence, but the research is less than compelling.

Recent research found that over 10 years, universal background checks had no effect on gun homicide or suicide rates in the state of California.

Experts say the differences between state-level laws makes the effects tough to measure. Right now, 14 states, including Connecticut, Colorado and Oregon, and the District of Columbia require background checks before every gun purchase through either universal background checks or a permitting system.

NPR - ALL THINGS CONSIDERED

Chipman, the former ATF agent, said the current patchwork of laws is ineffective because it makes trafficking guns as simple as a road trip. But the trafficking itself is evidence that universal background checks in a state such as New York are effective.

"The only reason that a New Yorker will drive all the way down [Interstate 95] to Georgia to get a gun is because it's difficult for a criminal to get a gun in New York," he said. "If it was easy, they wouldn't do the drive."

Guns & America is a public media reporting project on the role of guns in American life.

To : Members of the Criminal Justice and Public Safety Committee



Subject: HB 109, requiring background checks for commercial firearms sales

Committee Members,

I am writing in opposition to HB 109. There are many things wrong with this bill as I am sure you will hear from others but I intend to concentrate on one issue; gun safety. **This bill should be called the anti gun safety bill.**

I am a certified NRA instructor but if this bill passes, I will no longer be able to continue to teach gun safety classes. The reason is very simple, it would not be possible to do so and comply with this law.

In section 159-E:3 it states " Exception. This chapter shall not apply to a noncommercial, private sale, transfer, or exchange of a firearm between individuals, provided neither party to the transaction is a prohibited person. *If the status of either party's eligibility to own or possess a firearm cannot be ascertained, the transaction shall be completed through a licensed firearm dealer pursuant to RSA 159-E:2, II.*"

The key part to this section is the second sentence. It states if eligibility cannot be ascertained any transfer must be completed through a licensed dealer. In firearms safety classes, firearms are routinely passed back and forth from instructor to student. If I am teaching a basic pistol class I have no way of knowing if all the students are eligible to own or possess a firearm. I can ask each student but must rely on their answer. Under this law, immediately before the class, I would have to take all students to a licensed dealer and have a background check performed on each one. The students would also have to have a background check performed on me. If the class were multi-day, this would have to be done each day.

The above of course, is just not practical due to the logistics, time and cost. The result would be no gun safety classes and new gun owners would have to learn gun safety on their own.

This law would not just impact gun safety classes however. I am also a Range Safety Officer (RSO). Part of an RSO's job is to assist shooters who are experiencing problems with their firearm. A somewhat common problem is a jamb in a semi-auto pistol. Fixing this may involve transferring the gun to the RSO so they can clear the jamb. Of course under this law that transfer would be illegal and would leave the less experienced person trying to clear the jamb by them self. Additionally, if someone needed assistance in removing their firearms from a range, this would not be possible.

The bottom line is this bill would make illegal ANY transfer of a firearm that was not done immediately after the performance of a background check by a licensed dealer.

Sincerely

Rep Mike Harrington

3

HB 109 Testimony

Representative David Coursin, MD, Northwood, Rockingham County, District #1

An act requiring background checks for all commercial firearms sales.

I am here to testify in support of HB 109. I've distributed a copy of this testimony, and two additional brief hand-outs I'll explain as I proceed.

I am a physician, a Democrat, and I am pro-gun. You'll find an explanation for that position in the hand-out entitle *Who is Pro-Gun and Who Gets to Decide?* The only people who have a significant problem with this position are gun rights activists and Second Amendment activists who insist I am not allowed to be pro-gun, and the hand-out also explains why I don't accept their claims.

I am pro-gun and remain so, after many experiences with the destructive potential of guns and after having been endangered myself by angry people with guns. More about that, too, in the hand-out.

I am joined in my support of background checks, like those proposed in HB 109, by a significant majority of American voters, gun owners and non-owners, pro-gun and anti-gun, Republican and Democrat, NRA members and non-members. You can pick whichever source of information you like and the conclusions will only differ about the size of that majority and in what they might call legislation like HB 109. Often, checks that are required for all commercial sales are called universal background checks.

A study from Johns Hopkins and the Pew Research Center, PRC, in 2015 reported that 85% of gun owners favored background checks on every commercial sale of a firearm. Polling conducted by Public Policy Polling, PPP, in 2016 reported that voters in Missouri, NH, Nevada, North Carolina, Pennsylvania and Wisconsin favored background checks like those in HB 109. Results varied from state to state, but regardless of gun ownership, these background checks were favored by between 80 to 93 percent of Democrats, 58 to 86 percent of independent voters, and 64 to 80 percent of Republicans.

A Quinnipiac poll done in February 2018, in the week following the Parkland shooting reported 97% of those polled favored background checks for all buyers and the poll was estimated to have a margin of error of 3.4%. A Monmouth University poll reported in March 2018 that 69 percent of NRA members support background checks for all firearm purchases. Among gun owners not in the organization, 78 percent support those background checks, and nearly 90 percent of non-owners back comprehensive background checks.

In 2017, The Annals of Internal Medicine published a report from public health researchers at Harvard and Northeastern University estimating that during the two years prior to the study, about 20% of firearms were purchased without a background check.

<https://annals.org/aim/fullarticle/2595892/firearm-acquisition-without-background-checks-results-national-survey>

This was the first major study assessing the frequency of background checks across the country in over twenty years. The hand-out about the Dickey Amendment will explain why. During that time 19 states have passed state background check regulations similar to HB 109 and the study confirmed that these state laws did in fact, reduce the number of firearms transactions occurring without a background check in those states. The study evaluated 1600 adult gun owners across the country and also asked if they had purchased a firearm before 2010. Of those who had, 57% recalled that they had not gone through a background check for that purchase.

I could go on, but instead, let me speak briefly to the reliability of polls, surveys, and studies. In my recent campaign, I talked with about 500 voters and almost always spoke about firearms. A common response from gun owners was one of relief to hear this information. They held the same opinions as the majorities described in the sources I've presented, but were worried that they were isolated in their opinions and kept them to themselves.

On the other hand, the response from the small percentage who were fervent gun rights activists was dismissal of all that information because it had to have been paid for by someone who wanted it manipulated to get a desired result.

This assertion is worth a few minutes to counter it because it comes up so often. I've treated patients for over 40 years guided by research studies, polls and surveys, and they have served my patients well vastly more often than not. I also know, all too well that data can be manipulated and misrepresented. Research studies can be biased and certainly can be bought so they will produce specific results. Perdue Pharma and the present OxyContin-opioid epidemic killing people all over the country is one of the most frightening examples of this. But there are profound differences between Perdue Pharma and a broad range of results coming from many different sources.

Perdue Pharma is a small, tightly organized, highly funded operation and strongly motivated by greed. It is capable of pulling off a devastating conspiracy. The range of sources above are anything but a tight organization, highly funded, or motivated by any single goal. Furthermore, research studies often go to great lengths in their discussion sections to describe the possible flaws and deficiencies in the study. Polls and surveys often report margins of error and there are reputable organizations that regularly evaluate polls and surveys.

FiveThirtyEight, is one of the most expert in evaluating polls, <https://projects.fivethirtyeight.com/pollster-ratings/>. They are continually refining a grading system that assesses the accuracy, quality, statistical methods and bias of hundreds of polling sources based on their national election forecasting. They grade PRC at a B-, and PPP as a B grade. Quinnipiac has received an A- grade, and Monmouth was rated as A+. The same suspicions can be directed at them, but they just don't stick as each polling source is evaluated on the basis of hundreds of different polls it has performed.

With all this in mind, I think we can trust the aggregate results identifying the majority of Americans voters who want gun ownership regulations like HB 109. But what is the value of passing a law like HB 109? There are two and they are significant. Some of the strongest

evidence from the last twenty years of research indicates that background checks can reduce suicides by gunshot wound. That research also indicates that background checks can reduce violent crime involving firearms.

There are many studies that came to these conclusions, but the most stringent and precise in its requirements is *Gun Policy in America*. The Rand Corporation published this in 2018, after two years of intensive review of all the available research examining the effects of firearms legislation on gun safety and violence. <https://www.rand.org/research/gun-policy.html>

The results of this review were further evaluated by experts who supported less firearm regulation and those who favored more. The review was very strict in determining if a research effort met professional standards and they determined that many were inconclusive. It was very conservative in its conclusions. Its strongest conclusion was that high-quality research was woefully limited and definitive findings were rare. Again, the hand-out about the Dickey Amendment explains how this came about.

The only strongly supportive evidence that it found related to policies regulating child access to firearms, indicating that these reduced suicides and accidental deaths. Strongly supportive was identified when three studies found significant effects in the same direction using at least two independent data sets, and contradictory evidence was not found in other studies with equivalent or stronger methods.

The next level of evidence, described as moderately supportive, found that policies about background checks reduced suicide and violent gun-related crime. Moderately supportive evidence carried the same definition but required two studies.

In summary, the people are way ahead of the political process when it comes to gun ownership policies like HB 109 and such a policy would protect our citizens by reducing the risk of suicide and exposure to violent crime.

Who is Pro-Gun and Who Gets to Decide?

I am a physician, a Democrat, and I am pro-gun. Guns were an active part of my life from my teens to my early forties. My younger brother was an avid hunter and taught me to shoot pheasant and waterfowl. My adopted brother has been hunting birds, boar, deer, and more for over 50 years, and took me skeet shooting. My father-in-law started as a trapper in the heart of the Adirondacks and lived off game. He was a superb deer hunter. My mother-in-law might have been the best shot of them all, protecting her garden with her bolt-action .22. I had lots of fun target shooting with my in-laws in the sand pit behind the house. These are people I love and firearms played a deep and central role in their lives.

I feel lucky to have shared those times with them. The closeness I felt infuses the stories we have shared and the ways I remember and honor some of those who have died. I've been glad to know many other gun owners who were just like my loved ones, people I respected and was glad to be with.

I have worked closely with veterans and law enforcement throughout my career, people who handled guns every day in the course of protecting me. These are people with skills and experiences with firearms far beyond what I, and the vast majority of us, could ever acquire. These, too, are people I have an abiding respect for.

During my years as a family physician in rural Kentucky, I worked daily with people whose guns had been in their family home for as long as there had been one. I counted as friends several who hunted regularly to bring food to their table. Because of my experiences with all of them, I also consider myself to be "pro" gun-owner.

Various gun rights activists will insist otherwise, telling me I am not allowed to describe myself as pro-gun because I don't own any. I don't accept those assertions and consider myself to be pro-gun whether I own a gun or not. To think otherwise would be to throw all of that shared experience and mutual respect under the bus.

Gun rights activists who are most concerned with the Second Amendment have told me I'm not pro-gun because I support gun ownership regulations. They insist that the Second Amendment and regulations cannot go together. They also appear to believe that the Supreme Court has nothing to do with how we understand the Second Amendment, and that anyone who allows for any infringement on the right to keep and bear arms can't be pro-gun.

I don't accept that line of thinking either. Our Supreme Court is the only United States court established directly by our Constitution. I respect and support the Second Amendment just as Justice Anton Scalia explained it in his 2008 majority ruling before the Court in *Heller v The District of Columbia*, a ruling that supporting gun ownership *and* regulation, I am no different than the compelling majority of American gun owners who support sensible gun ownership policies like background checks and waiting periods. This majority includes a significant percentage of NRA members.

Furthermore, I remain pro-gun despite more than 40 years working in the trenches of medicine and psychiatry where I've had occasion to fight for someone's life who was dying from a shotgun blast to the gut, and see, first-hand, the death and destruction guns brought to inner city emergency rooms. I remain pro-gun despite frantically wheeling a patient out of our rural Kentucky ER trauma room to hide him in X-ray because the shooters were coming in the emergency room door to finish him off, just as the state police arrived. I remain pro-gun despite doing a house call to treat an eight-year-old girl whose culture was positive for gonorrhea and being chased off the property with a loaded shot gun by her father, the man who had infected her. I remain pro-gun despite having lost a brother when he killed himself with a gunshot to the head.

Any testimony I present regarding gun ownership policy is grounded in all those experiences.

David R Cousin, MD.

How The Dickey Amendment Stopped Gun-Related Federal Research

The gun lobby thought research into gun-related violence in the early 1990s was biased. They worked with Congressman Jay Dickey to get a rider amended to the omnibus spending bill of 1996 that passed. The rider forbade research that advocated or promoted gun control. Studying the relationship between guns in the home and homicides in the home was seen as bias. Reporting finding that guns in the home were far more likely to result in the death of a family member than be used for self-defense was further evidence of bias. Drawing conclusions about the importance of assessing domestic violence was OK, but one conclusion about discouraging people from keeping guns in the home was seen as promoting gun control.

The real impact of the Dickey Amendment was, with its passage, Congress also removed all the money earmarked for any gun related research that was already in the spending bill and gave that exact amount to an unrelated research program. The money was taken from the only federal agencies that had the capacity for nation-wide, long-term studies of large populations. The message was clear that Congress was not going to appropriate research funds for gun related research and anyone who was pursuing a career in that kind of research better look for another field because they were not going to get federal funding.

Virtually all subsequent research has relied on significantly smaller studies funded through programs at the Department of Justice, non-profits, and schools of public health with limited budgets.

Following the Aurora Colorado theater shooting in 2012, Dickey publicly reversed his position on gun violence research. He said that he should not have become "the NRA's point person in Congress" to suppress valid and valuable work. He called for new scientific research in the field.

He disavowed his earlier efforts as he understood their serious negative results. It's been almost twenty years since Columbine, twenty years during which researchers could have been following survivors and subsequent classes, there and elsewhere, who experienced a range of drills and safety interventions to assess the short and long-term impact of those events. This is standard public health practice when determining how to measure and deal with significant safety risks. 28,000 gun-related deaths in 1999 certainly qualified as significant.

The National Library of Medicine includes reports on over 10 million health-related studies published since 1999. Of those 10 million citations, the total number of federally funded studies reporting on the after effects of the Columbine killings on American students is zero.

Thirty-three thousand gun-related deaths in 2012 would certainly qualify, especially when automobile accidents killed close to the same number that year. The National Library of Medicine has no references to federally funded, ongoing studies of the impact of the 2012 Sandy Hook killings included in more than 3 million studies published since those murders.

In contrast, the National Highway Traffic Safety Administration maintains twenty-nine federally funded databases and reporting systems, including public hearings, examining both the driver *and* the car. Automobile deaths dropped from about 45,000 to 35,000 between 1999 and 2012,

while deaths from gun violence rose from about 30,000 to 35,000. In 2017 over 40,000 people dead from gun violence, exceeding the deaths caused by automobiles. However, automobile deaths had increased to over 39,000. With the benefit of ongoing research, the role smart phones played in this increase was identified and we have seen an increase in regulations restricting their use while driving.

David R. Cowan, MD

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Testimony on HB 109 and HB 514
House Criminal Justice and Public Safety Committee
February 13, 2019

By Leonard Korn MD
Immediate Past President, New Hampshire Medical Society

Organized medicine has been concerned for years about the alarming prevalence of gun violence in our country. For us as physicians gun violence is not a political issue but an issue of public health. And for us as physicians we come of course to this public health crisis because we treat the blood, death and injuries in our emergency rooms, our surgical suites and our hospitals, and for survivors in our offices and rehab centers. We are the "last lane" in the tragedy of gun violence, and we cannot remain silent in the face of this epidemic.

Studies clearly show that legislation to curb the incidence of gun violence does help to reduce gun violence. Basically, all efforts at preventing gun violence are at their core attempts to restrict possession of firearms by those individuals who have shown tendencies to commit violence towards themselves or others. The most basic such legislation is of course the universal background check system, restricting gun purchase and possession of individuals who are felons or who have been deemed ineligible to possess firearms. I have appended to this testimony several studies and research supporting background checks as an important element in reducing the incidence of gun violence. The evidence is clear and convincing.

Nevertheless, the current system of background checks has many alarming loopholes, so that the system can be easily bypassed. Bypassing the background check system is totally unacceptable and needs to be fixed. HB 109 closes the significant loopholes of private sales and Internet sales and must be passed. The New Hampshire Medical Society has been supporting such policy since March 2014. Indeed, there are 75 national medical, public health and research organizations that endorse comprehensive gun violence prevention initiatives including universal background checks. I've appended a copy of a letter sent to the US House of Representatives on February 22, 2018

by those 75 health organizations supporting strengthening the background check system.

I am also here to encourage support of HB 514, legislation requiring a waiting period of seven days between the purchase and delivery of a firearm to an individual. This is also a crucial piece of legislation that is especially important for individuals who might be purchasing a firearm with intent to commit suicide. I've been practicing psychiatry for 51 years, since my internship at Maine Medical Center in 1968.

Psychiatrists and mental health clinicians know that suicide is an impulsive act and that people can be helped if the impulse to act is interrupted. Suicide is a "long term solution to a short term problem," so attempts to interfere with the impulse such as a waiting period between purchase and delivery of a firearm would clearly be of great benefit in reducing the unfortunate increasing firearm suicide rate in New Hampshire. The New Hampshire Medical Society on January 9, 2019 adopted a policy position of support for waiting periods and thus is strongly supportive of HB 514. The AMA and many other medical specialty societies also support waiting periods. The New Hampshire Medical Society encourages your Committee and the NH House and Senate and Governor Sununu to support this vital legislation, another piece of the critical need for comprehensive legislative solutions to the epidemic of gun violence in our state and nation.

Thank you for your attention to this important public health issue.

Data Supporting Universal Background Checks

- Everytown for Gun Safety research reported a 40% reduction in homicide rates and 15% reduction in suicide rates as a result of closing loopholes in background check laws in Connecticut.
- Everytown research also showed that states requiring universal background checks had:
 - 47% decreased rates of women shot to death by intimate partners
 - 53% lower rates of officers shot and killed
 - 47% fewer firearm suicides
 - 48% less trafficking of firearms in cities

Data Supporting Background Checks (cont'd)

- Laws strengthening background checks are associated with decreased firearm homicides.
 - *Lee LK et al (JAMA Int Med 2017 1;177(1):106-119)*
- Study finds that universal background checks are associated with 14% decreased firearm homicides.
 - *Crifasi CK et al (J Urban Health 2018 Jun;95(3):383-90)*
- Study estimates that universal background checks would reduce the US death rate from firearms from 10.35 to 4.46 per 100,000.
 - *Kalesan B et al (Lancet 2016 Apr 30;387(10030):1847-55)*

February 22, 2018

U.S. House
Washington, DC 20515

Dear Representative:

The undersigned 75 national medical, health, public health, and research organizations write to urge you – again - to find a bipartisan path forward for comprehensive legislative solutions to firearm-related injuries and fatalities.

Many of our groups previously wrote to you after massacres in Las Vegas and Sutherland Springs. We write to you now because on Feb. 14th, 17 children and adults at Marjory Stoneman Douglas High School in Parkland, Florida, lost their lives at the hands of an individual with an assault weapon. Over and over again, such mass shootings are the tragic inflection points that exemplify the daily toll that gun violence takes on the lives of Americans. In 2016, there were over 38,000 U.S. firearm-related fatalities.¹ It is critical that we address gun violence as the significant public health threat that it is, so that we can enact policies that significantly reduce firearm-related morbidity and mortality.

Policymakers have an opportunity to respond to this public health challenge with bipartisan solutions that reduce injuries and fatalities associated with firearms. Federal policy should address gun violence with the same dedication applied to other successful public health initiatives over the past 25 years, such as immunizations, public sanitation, and motor vehicle safety. Reducing injury and mortality through research and evidence-based prevention and intervention strategies has been proven to improve health, safety, and life expectancy.

Strengthening firearm background checks and supporting funding for federal research and public health surveillance on firearm-related injuries and fatalities would provide meaningful progress in achieving a public health solution for this issue. We urge you to find a bipartisan path forward to enact commonsense solutions that address the public health threat of firearm-related injuries and fatalities. Our organizations stand ready to work with you to support that critical effort. Thank you for your consideration.

Sincerely,

2020 Mom
Academic Pediatric Association
American Academy of Family Physicians
American Academy of Pediatrics
American Art Therapy Association
American Association for Psychoanalysis in Clinical Social Work
American Association of Colleges of Nursing
American Board of Pediatrics
American College of Obstetricians and Gynecologists
American College of Physicians

American College of Preventive
American Counseling Association
American Medical Association
American Medical Women's Association
American Nurses Association
American Osteopathic Association
American Pediatric Society
American Pediatric Surgical Association
American Psychiatric Association
American Psychoanalytic Association
American Psychological Association
American Public Health Association
American Society of Nuclear Cardiology
Association for Ambulatory Behavioral Healthcare
Association of American Medical Colleges
Association of Black Cardiologists
Association of Maternal & Child Health Programs
Association of Medical School Pediatric Department Chairs
Association of Reproductive Health Professionals
Association of Schools and Programs of Public Health
Association of State and Territorial Health Officials
Association of Women's Health, Obstetric and Neonatal Nurses
Big Cities Health Coalition
Child Injury Prevention Alliance
Children's Defense Fund
Children's Health Fund
Clinical Social Work Association
Commissioned Officers Association of the U.S. Public Health Service, Inc. (COA)
Council of State and Territorial Epidemiologists
Council on Social Work Education
Doctors for America
First Focus
Futures Without Violence
GLMA: Health Professionals Advancing LGBT Equality
Healthy Teen Network
International Association of Forensic Nurses
National Alliance to Advance Adolescent Health
National Association for Children's Behavioral Health
National Association of Community Health Centers
National Association of County and City Health Officials
National Association of Pediatric Nurse Practitioners
National Association of School Nurses
National Association of Social Workers
National Association of State EMS Officials
National Black Nurses Association
National Center on Domestic and Sexual Violence

National Hispanic Medical Association
National Network of Public Health Institutes
National Partnership for Women & Families
National Physicians Alliance
National Register of Health Service Psychologists
National Women's Health Network
North American Society for Pediatric Gastroenterology, Hepatology and Nutrition
Pediatric Policy Council
Prevention Institute
Public Health Institute
Safe States Alliance
School-Based Health Alliance
Society for Adolescent Health and Medicine
Society for Pediatric Research
Society for Public Health Education
Society of General Internal Medicine
Trailhead Institute for Public Health Innovation
Trust for America's Health
Urgent Care Association of America

¹ https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm



JAMES L. MADARA, MD
EXECUTIVE VICE PRESIDENT, CEO

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February 13, 2019

The Honorable Robert Renny Cushing
Chair
House Criminal Justice and Public Safety Committee
New Hampshire House of Representatives
LOB Room 207, 107 North Main Street
Concord, NH 03301

The Honorable Mel Myler
Chair
House Education Committee
New Hampshire House of Representatives
LOB Room 207, 107 North Main Street
Concord, NH 03301

Re: AMA support for legislation to prevent firearm-related injuries and deaths

Dear Chairs Cushing and Myler:

On behalf of the American Medical Association (AMA) and our physician and medical student members, I am writing to express our support for legislation that will address the epidemic of firearm violence in New Hampshire and across the country. With more than 38,000 deaths each year, gun violence is a serious public health crisis. Recent studies have shown that deaths by firearms are at their highest levels in decades and have become the second leading cause of death for children. Tragically, these deaths are entirely preventable.

As physicians, we see firsthand the carnage resulting from gun violence, as well as the long-term consequences for individuals, their families, and their communities. In addition to the direct impact to victims and their families and friends, firearm-related violence has broader societal and economic impacts on medical and mental health care systems, communities, workplaces, schools, police, and the criminal justice system. As advocates for our patients and stewards of the public health, we are committed to preventing gun violence. We believe that the epidemic of gun violence requires comprehensive, multi-faceted public health solutions and that the following bills represent important elements of such an approach. We urge you to pass these bills.

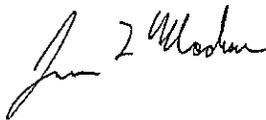
- House Bill 564 (H.B. 564): legislation to prohibit possession of firearms in safe school zones. The AMA believes that schools should be safe havens for children and advocates for schools to remain gun-free zones except for school-sanctioned activities and professional law enforcement officers. Though the federal Gun-Free School Zones Act prohibits possession of a firearm in a school, the legislation contains a dangerous loophole that exempts individuals licensed by the state to possess a firearm. H. B. 564 would rightly close this loophole and help keep schoolchildren and educators safe.

The Honorable Robert Renny Cushing
The Honorable Mel Myler
Page 2
February 13, 2019

- House Bill 109: legislation to require commercial firearm sales and transfers to be subject to a criminal background check and processed through a licensed firearms dealer. The AMA advocates a background check for all firearm purchasers and believes such safeguards are necessary to prevent certain prohibited purchasers, such as convicted felons and domestic abusers, from accessing guns.
- House Bill 514: legislation to impose a seven-day waiting period between the purchase and delivery of a firearm. The AMA supports legislation establishing a waiting period of at least one week before purchasing any form of firearm. Waiting periods are important safeguards that allow enough time for thorough background checks and prevent against impulsive acts of violence. Waiting periods are particularly relevant to the prevention of suicide, which is often contemplated and acted out impulsively in a matter of minutes or hours.
- House Bill 687: legislation to establish extreme risk protection orders. The AMA supports the establishment of laws allowing family members, intimate partners, household members, and law enforcement personnel to petition a court for the temporary removal of a firearm from individuals at high or imminent risk of harming self or others. This important legislation will empower the people who are most likely to know when a loved one is at risk and enable them to prevent tragedies from occurring.

It is imperative that we address gun violence as a public health problem and work together to develop effective violence prevention strategies. The legislation pending before your committees takes important steps toward that goal and will save lives. We thank you for the opportunity to express our support for these bills. If the AMA can be of assistance, please contact Annalia Michelman, JD, AMA Advocacy Resource Center, at annalia.michelman@ama-assn.org or (312) 464-4788.

Sincerely,



James L. Madara, MD

cc: New Hampshire Medical Society

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2/9/19

Dear Chairman Cushing,

I would like to testify in writing in favor of passage of common sense gun safety legislation in the 2019 session of the New Hampshire General Court.

This session three bills will come before your Committee that support common sense gun safety regulations.

HB109 requires background checks for the sale of a firearm in any situation such as guns shows etc.

HB514 imposes a waiting period between the purchase and delivery of a firearm. This regulation is so important in preventing impulsive use of a firearm in a situation that might result in harm to oneself or to another person.

HB687 is relative to extreme risk protection.

I favor the passage of all three of these bills.

I have worked my whole adult life as an oncologist. As such, I speak as an individual who has tried to prevent disability and death due to terrible diseases. One of our greatest triumphs as physicians has been in preventing deaths due to tobacco smoking related diseases, particularly lung cancer. These lives were not saved by surgery or medicines. Once one has been diagnosed with lung cancer, even at the earliest stage, less than 50% of patients will live 5 years, and most will die in 2 years of less¹.

The enlightened laws and regulations that individuals like you have enacted saved these lives. At the height of the lung cancer epidemic in 1990, 90 men per 100,000 died every year of lung cancer. In 2015 that number has been cut to 40 men per 100,000. Death rates for women from lung cancer have also fallen over this time period though not as dramatically¹. Rules and regulations that have made it more expensive to smoke tobacco and that have prevented young people from starting to smoke have been crucial in this effort.

Death due to lung cancer and other tobacco related diseases are largely preventable conditions. Before tobacco smoking became common less than 5 individuals in 100,000 died of this condition. Death due to gun violence is also a largely preventable condition. Last year 14,661 individuals died due to gun violence in the United States. That shocking number includes 666 children under the age of 12, and 2,833 teenagers². We must work together to curb this epidemic.

I urge you to support the common sense regulations in HB109, HB514 and HB687.

Thank you for considering my concerns and for your anticipated support of these important bills.

Sincerely,

Denis B. Hammond, MD FASCO
194 North Amherst Rd.
Bedford, NH 03110-4907
603-472-8548

1. American Cancer Society, Facts and Statics, 2019
2. The Gun Violence Archives. www.gunviolencearchive.org

CC: Leonard Korn, MD Immediate Past President NHMS

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02/13/19 Criminal Justice and Public Safety Committee Hearing Bill HB 109-FN: background checks for commercial firearms sales.

Chairman Cushing and Criminal Justice and Public Safety Committee Members,

I am Rep. Judy Aron and I am a resident of Acworth. I am testifying today to ask that you vote HB109-FN **Inexpedient To Legislate**. NH has already rejected this legislation time and time before and I hope that you have the wisdom and sense to do it again.

Let me preface my remarks by saying that I lived through seeing similar legislation emerge in CT after the Sandy Hook tragedy. I don't believe anyone in this room is OK with gun crime. This, however, is not the way to deal with it.

I understand the intent of this bill. It would prohibit private sale of firearms. All sales would have to take place through a firearms dealer and would require a background check. Some of you believe this law will protect public safety by helping to keep firearms out of the hands of felons, domestic abusers, and the dangerously mentally ill. In actuality it creates a register of "each sale" which is prohibited by federal law. Firearm Owners' Protection Act of 1986 (FOPA) makes it illegal for the national government or any state in the country to keep any sort of database or registry that ties firearms directly to their owner. Furthermore, people who sell firearms privately are already prohibited from selling to felons, domestic abusers, and the mentally ill.

Bills like this are completely and utterly ineffective in preventing gun crime. **What this bill does is to make it more cumbersome for private transactions to take place.** This is just a bunch of time consuming and costly paper shuffling - do you honestly think transferring firearms to family members or friends should require a background check? How much will all this paper filing cost the State?

Gun violence is not a problem here in NH. We are one of the safest states in the nation. The obvious intent is to make gun ownership costly, time consuming and burdensome which is clearly an infringement of our Rights. These are laws being pushed by outside moneyed influences which seek to erode Constitutional 2nd Amendment rights here and across the nation. As far as I am concerned, they have no business telling us how to legislate. I find it utterly repugnant that gun control zealots are spending millions of dollars and sending out of state representatives to come here to tell New Hampshire legislators how to legislate... they even write these laws to mirror the nonsense passed in states like NJ, CA, CT and NY. Yet, all of these states have crime statistics far worse than ours!

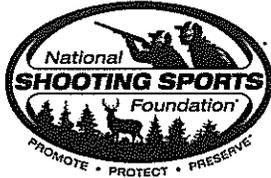
Legislation such as this does not belong in the Live Free or Die State.

This bill needs to be ITL'd

Rep. Judy Aron - Sullivan County District 7

Acworth, Goshen, Langdon, Lempster, Washington

266 Forest Road, South Acworth 03617 Phone: 603-843-5908



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

Headquarters: 11 Mile Hill Road, Newtown, CT 06470-2359

400 N. Capitol Street NW, Suite 475, Washington, D.C. 20001

203-426-1320 ext. 238 jmcguigan@nssf.org

Jake McGuigan

Managing Director,
Government Relations - State Affairs

February 13, 2019

Representative Robert Renny Cushing
Chair, Criminal Justice and Public Safety Committee
LOB Room 204
Concord, NH 03301

Position: Opposed

Re: HB109: Requiring background checks for commercial firearms sales

Dear Chair Cushing and Members of the Criminal Justice and Public Safety Committee:

The National Shooting Sports Foundation ("NSSF") is the trade association for America's firearms, ammunition, hunting, and recreational shooting sports industry. Its mission is to promote, protect and preserve hunting and the shooting sports. NSSF has a membership of more than 11,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding New Hampshire sportsmen, the U.S. military and law enforcement agencies throughout the state. This is to notify you of our strong opposition to HB109.

Under HB109, FFLs will be burdened with having to perform a governmental function while at the same time being instructed to ignore federal law and risk losing their license. Much of the way this bill is drafted would cause serious violations to be levied on the retailer by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Our retailers abide by a very strict set of federal standards that govern how they conduct business, which according to this bill they are told to act differently. FFLs must maintain "Acquisition & Disposition" records on private firearms transfers and the federal background check Form 4473 associated with the sale for at least 20 years. Retailers' FFL status could be jeopardized by an error involved with the paperwork for a gun they didn't actually sell.

An online nationwide survey of FFLs revealed that those who would be on the front line of implementing what is touted as "universal background checks" have serious concerns both about whether such proposals would work, as well as the potential negative effects on their businesses. Asked whether they supported or opposed "universal background checks," 85.7 percent of the responding firearms retailers said that they opposed them. To the question of whether they believed that such legislation would prevent criminals from obtaining firearms, a nearly unanimous 95.7 percent said no.

Firearms retailers are very concerned that state law changes which expand background check requirements will result in lengthy delays in conducting federal NICS checks when they sell a firearm from their own inventory. If you are to believe proponents' claims that 40 percent of gun transfers are not subject to a background check, the simple fact is that a 40 percent increase in NICS checks will cause the NICS system to crash. The system can't handle such an increase in volume; delays are growing long now even without "private transfer" laws in effect in most states.

However, a background check is only as good as the records in the database. Unfortunately, the current NICS system is broken. The background checks that are currently done are not as accurate and complete as they should be. This is because both the federal government and some states have failed to put into the NICS system all appropriate records pertaining to prohibited persons, such as mental health records.

Before we talk about requiring background checks on private transfers, we must work to improve the reporting of disqualifying records. Members of the firearms industry, through the NSSF, are funding a grassroots campaign called FixNICS® to encourage and enhance the reporting of prohibited records.

The goal of the firearms industry's FixNICS® campaign is to encourage states to report to NICS all records that establish someone is prohibited from owning a firearm under current law. Through a multi-state effort focused on forming coalitions in the states with the fewest submitted records, the industry is dedicating significant resources to helping states overcome the legal, technological, and intrastate coordination challenges preventing effective record sharing.

Since 2013, NSSF's FixNICS® campaign has been advocating for changes to state laws and regulations that encourage state agencies and courts to fully submit mental health records that show an individual is prohibited from purchasing a firearm under current law. After securing FixNICS® reforms in 16 states to date, the number of disqualifying mental health records submitted to NICS increased by 220 percent to over 5.3 million as of September 30, 2018, from about 1.7 million in December 2012. Unfortunately, New Hampshire is one of the last states (MT and Wyoming the other two) to implement sending all records to the NICS system.

According to a survey by the U.S. Department of Justice of prison inmates, only about 8 percent of criminals that possessed a firearm during their current offense acquired their guns from retail stores. By contrast, about 40 percent reported acquiring their guns illegally, such as by theft, and another 40 percent said they obtained firearms from family or friends. The survey also found that over 80 percent of the state and federal inmates may have been prohibited from buying a firearm under federal law. Considering these figures, it is no surprise that criminals do not seek to purchase firearms from licensed dealers. In fact, this is confirmed by extremely low NICS denial rate. In 2011, the FBI's NICS system denied 78,211 firearms transfers, a denial rate of only 1 percent of the over 6 million applications.

Lastly, the federal government is not prosecuting those who do in fact fail a background check when illegally attempting to purchase firearms now. Why would we think the government is any more likely to prosecute criminals who try to illegally obtain a firearm through a private transfer if they are unwilling to prosecute those who currently fail checks performed by licensed retailers?

Industry-led campaigns such as FixNICS and Don't Lie for the Other Guy, a national effort to educate retailers on how to prevent the illegal straw purchase of firearms, will do more to keep guns out of the hands of criminals and dangerously mentally ill persons than misguided, unworkable measures such as House Bill 109. We invite you to learn more about these programs by visiting our website www.nssf.org or contacting us directly for more information.

Sincerely,



Jake McGuigan
Managing Director State Affairs

1

HB 109 Background Checks testimony

Good Afternoon. Thank you for hearing my testimony. My name is Deb Howard and I live in North Hampton NH. I am a volunteer with the New Hampshire Chapter of Moms Demand Action for Gun Sense in America. I am here to ask you to support HB 109 Requiring Background Checks for all Commercial Firearms Sales.

As a mom of 2, I have watched with horror as the number of deaths due to guns has increased in the past years. Currently, **100 Americans are killed with guns in an average day**¹ and the U.S. gun homicide rate is **25 times that of other high-income countries**.² We cannot accept gun violence as the new normal. It is up to us to make the Granite State and our country safer for our children and grandchildren.

We know that Background checks save lives. State laws requiring background checks for all handgun sales are associated with lower firearm homicide rates,³ lower firearm suicide rates,⁴ and lower firearm trafficking.⁵ When Connecticut passed a law requiring all handgun buyers to pass a background check both at the point of sale and as part of a permit process, it led to 40 percent reduction in the gun homicide rate⁶ and a 15 percent reduction in the gun suicide rate.⁷

¹ Centers for Disease Control and Prevention. National Centers for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports. A yearly average was developed using five years of most recent available data: 2013 to 2017.

² Grinshteyn E, Hemenway D. Violent death rates: The U.S. compared with other high-income OECD countries, 2010. *The American Journal of Medicine*. 2016; 129(3): 266-273.

³ Fleegler EW, Lee LK, Monuteaux MC, Hemenway D, Mannix R. Firearm legislation and firearm-related fatalities in the United States. *JAMA Internal Medicine*. 2013; 173(9):732-740.

⁴ Fleegler EW, Lee LK, Monuteaux MC, Hemenway D, Mannix R. Firearm legislation and firearm-related fatalities in the United States. *JAMA Internal Medicine*. 2013; 173(9):732-740.

⁵ Webster DW, Vernick JS, Bulzacchelli MT. Effects of state-level firearm seller accountability policies on firearm trafficking. *Journal of Urban Health*. 2009. 86(4):525-537; Federal law bars felons from having firearms, but does not bar misdemeanors outside the domestic violence context. Webster DW, Vernick JS, McGinty EE, & Alcorn T. Preventing the diversion of guns to criminals through effective firearm sales laws. In *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*. 2013. Vol. 9781421411118, pp. 109-121.

⁶ Kara E. Rudolph, Elizabeth A. Stuart, Jon S. Vernick, and Daniel W. Webster, Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides, *105 American Journal of Public Health* 8, pp. e49-e54 (August 2015).

⁷ Cassandra K. Crifasi, Daniel W. Webster, et al., Effects of Changes in Permit-to-Purchase Handgun Laws in Connecticut and Missouri on Suicide Rates, *Preventative Medicine* 79, 43-49 (October 2015).

The background checks system works, it has stopped more than 3.5 million illegal gun sales since 1994, but the federal laws are riddled with loopholes. What's worse, New Hampshire currently has no state laws requiring background checks on firearm sales. Therefore the only requirement is the one created by federal law. Current Federal law requires federally licensed gun dealers to conduct background checks on all gun sales. But there is no such requirement for unlicensed sellers. That means individuals who are legally prohibited from having firearms—including convicted felons, domestic abusers, and people who have been involuntarily committed due to serious mental illness—can avoid the very background checks designed to prevent them from getting guns by simply buying guns from unlicensed sellers, including sales arranged online or at gun shows. Last year, more than 14,000 firearms were listed on Armslist.com in New Hampshire, available without a background check.

These loopholes in the system weaken gun safety laws, enabling criminals to get armed with no questions asked and making it difficult to enforce the law and protect communities from gun violence. A recent survey found that nearly a quarter (22%) of Americans who had acquired their most recent gun in the two years prior reported doing so without a background check,⁸ and investigations have revealed that in some states as many as 1 in 10 people seeking guns in unlicensed sales online have prohibiting criminal records.

No one should be able to avoid a background check simply by purchasing a gun from the internet, a gun show, or the trunk of a car.

Polls in New Hampshire have shown that Granite Staters overwhelmingly support requiring background checks on all gun sales - including majorities of both gun owners and Republicans. A 2016 poll of New Hampshire adults which was conducted by UNH showed that 84 percent of Granite Staters support universal background checks, including 94 percent of Democrats, 76 percent of Republicans and 78 percent of independents.⁹

⁸ Miller M, Hepburn L, Azrael D. Firearm acquisition without background checks: results of a national survey. *Annals of Internal Medicine*. 2017 Feb 21;166(4):233-239.

By requiring a thorough background check on all commercial sales by unlicensed sellers, HB 109 would greatly reduce the risk that a prohibited person could access firearms, making our communities safer. Our kids and our communities deserve to live without fear of gun violence. It's up to us to act. I ask you to vote HB 109 Ought to Pass. Thank you.

⁹ WMUR poll, 2016. Granite Staters favor 30-day residency requirement for voting, universal checks for gun purchases. Available at <https://www.wmur.com/article/wmur-poll-granite-staters-favor-30-day-residency-requirement-for-voting-universal-checks-for-gun-purchases/5209055>

Support HB109
8

Hello,

My name is Mattea Citarella. I'm a seventeen year-old student at the Seacoast School of Technology. I would have loved to come and speak today in support of HB 109, but I didn't want to miss a day of my Occupational Therapy internship.

Looking back on my public school experience, I am reminded of many moments in which I was grateful to be growing up in Stratham, New Hampshire. I loved learning about the history of the state and country, and learning to appreciate our communities and achievements for the good of all New Hampshirites. But there were moments where I wished I did not live in New Hampshire, where gun laws are such that it is easy for dangerous weapons to fall into the wrong hands. Those moments were the ones spent huddled in corners and closets in the dark--during the many surprise lockdown drills--wondering whether the next second would begin the last, most traumatizing, minutes of my life.

I am grateful for the precautions we do have in place, but I see no valid reason that we should not take this next step towards preventing gun violence in New Hampshire. Closing this loophole and making sure background checks are required for all commercial firearm sales is a matter of common sense. 70% of New Hampshire gun owners support background checks. We have laws that prohibit dangerous people from obtaining guns, but if we can't enforce these laws, they mean nothing.

Thank you for considering this testimony.

Mattea Citarella

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My Name is Malena Chastain, and I oppose this NH HB 109.

I'm representing myself in my testimony but would like to add that I am the Founder of Daughters of Liberty, we have strong women right here in New Hampshire and many states that span across our Republic. We value our second amendment rights because we won't be victims.

House Bill 109 is named Background Checks for Commercial Firearm sales. If you just read the title, it seems reasonable as there is already a federal law that requires background checks on commercial sales. It isn't until you read further that you realize that this bill is a crack in the foundation of second amendment rights affecting law abiding citizens in New Hampshire.

This bill blurs the lines between what's required for commercial vs. private. It clearly states that it doesn't apply to private sales, exchanges or transfers yet in the same sentence it states **that if eligibility can not be ascertained the transaction must be done through a licensed dealer.** No clear definitions have been made regarding a private sale, exchanges or transfer. This bill makes simple innocent transfer of hands a potential crime.

If I hand my firearm to my daughter to teach her gun safety and how to protect herself, under this bill, I should do a back-ground check.

If a firearms instructor loans a firearm to a student, under this bill, they should also do a background check.

If I legally purchase a firearm and want to show my neighbor the firearm I purchased, under this law, I should do a background check...

It gets far more complicated from there... Any transfer of hands requires a background check... meaning, in order for me to take my firearm from my daughters' hands, for the instructor to collect the weapon loaned or if I retrieve the firearm back from my neighbor, that should also require a background check.

The examples I gave could be argued that, that will never happen... how many times have we as law abiding citizens said that, only to come face to face with a situation that we thought would never happen.

I said in the beginning that this bill was a crack in the foundation of our second amendment. New Hampshire is a pro second amendment state... each gun control law passed widens that crack and before you know it, it's a gaping hole.

Laws are supposed to solve a problem, not create one. **According to the National Center for Health Statistics, homicides by firearm in New Hampshire didn't even make into the top 10 leading causes of death in 2016. More citizens died from the flu rather than gun related deaths.**

It saddens me to be standing here in New Hampshire a pro second amendment state discussing a bill that would require me to background check my neighbor before handing them an unloaded firearm to view. Is this what's wanted for us?

On our license plate it reads... live free or die. What good is freedom when its afforded to criminals more than law abiding citizens. Why? Because if this law is passed, only those that don't pose a threat will be getting background checks to borrow a firearm for a class, while the criminals will be loaning firearms to rob a convenient store without a second thought. When you over regulate or regulate simple actions, that impedes freedom. I don't want to change my license plate to live free or die trying...

Please do not pass this bill. Thank you.



Stats of the State of New Hampshire

2016 2015 2014

New Hampshire Birth Data 2016

	St
Percent of Births to Unmarried Mothers (https://www.cdc.gov/nchs/pressroom/sosmap/unmarried/unmarried.htm)	33
Cesarean Delivery Rate (https://www.cdc.gov/nchs/pressroom/sosmap/cesarean_births/cesareans.htm)	30
Preterm Birth Rate (https://www.cdc.gov/nchs/pressroom/sosmap/preterm_births/preterm.htm)	7
Teen Birth Rate (https://www.cdc.gov/nchs/pressroom/sosmap/teen-births/teenbirths.htm) †	9
Low Birthweight Rate (https://www.cdc.gov/nchs/pressroom/sosmap/lbw_births/lbw.htm)	6

¹ Excludes data from U.S. territories

†Number of live births per 1,000 females aged 15-19

NH Leading Causes of Death, 2016

	Deaths
1. Cancer (https://www.cdc.gov/nchs/pressroom/sosmap/cancer_mortality/cancer.htm)	2,875
2. Heart Disease (https://www.cdc.gov/nchs/pressroom/sosmap/heart_disease_mortality/heart_disease.htm)	2,631
3. Accidents (https://www.cdc.gov/nchs/pressroom/sosmap/accident_mortality/accident.htm)	924
4. Chronic Lower Respiratory Disease (https://www.cdc.gov/nchs/pressroom/sosmap/lung_disease_mortality/lung_disease.htm)	684
5. Stroke (https://www.cdc.gov/nchs/pressroom/sosmap/stroke_mortality/stroke.htm)	490
6. Alzheimer's disease (https://www.cdc.gov/nchs/pressroom/sosmap/alzheimers_mortality/alzheimers_disease.htm)	430
7. Diabetes (https://www.cdc.gov/nchs/pressroom/sosmap/diabetes_mortality/diabetes.htm)	316
8. Suicide (https://www.cdc.gov/nchs/pressroom/sosmap/suicide-mortality/suicide.htm)	244
9. Flu/Pneumonia (https://www.cdc.gov/nchs/pressroom/sosmap/flu_pneumonia_mortality/flu_pneumonia.htm)	203
10. Chronic Liver Disease/Cirrhosis (https://www.cdc.gov/nchs/pressroom/sosmap/liver_disease.htm)	162

New Hampshire Mortality Data	Deaths
<u>Firearm Deaths</u> (https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm)	132
<u>Homicide</u> (https://www.cdc.gov/nchs/pressroom/sosmap/homicide_mortality/homicide.htm)	18
<u>Drug Overdose Deaths</u> (https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm)	481

Other New Hampshire Data

<u>Infant Mortality Rate</u> (https://www.cdc.gov/nchs/pressroom/sosmap/infant_mortality_rates/infant_mortality_rates.htm) (Deaths per 1,000 live births)
<u>Percentage of Persons Without Health Insurance</u> (https://www.cdc.gov/nchs/pressroom/sosmap/nhis_insured/nhisuninsured.htm)
<u>Marriage Rate</u> (https://www.cdc.gov/nchs/data/dvs/state_marriage_rates_90_95_99-16.pdf)
<u>Divorce Rate</u> (https://www.cdc.gov/nchs/data/dvs/state_divorce_rates_90_95_99-16.pdf)

* Rankings are from highest to lowest.

** Rates for the U.S. include the District of Columbia and (for births) U.S. territories. Refer to notes in publication tables for more detail.

*** Death rates are age-adjusted. Refer to source notes below for more detail.

† Excludes data for California, Georgia, Hawaii, Indiana, Minnesota, and New Mexico.

†† Estimates are presented for fewer than 50 states and the District of Columbia due to considerations of sample size and precision.

n/a – Data not available.

Sources:

Health Insurance data come from Health Insurance Coverage: Early Release of Estimates From the National Health Interview Survey, 2015 (<http://www.cdc.gov/nchs/data/nhis/earlyrelease/insur201605.pdf>) and Health Insurance Coverage: Early Release of Estimates From the National Health Interview Survey, 2016

(<https://www.cdc.gov/nchs/data/nhis/earlyrelease/insur201705.pdf>); 2015 birth data come from National Vital Statistics Reports, Vol. 67, No. 1 (https://www.cdc.gov/nchs/data/nvsr/nvsr67/nvsr67_01.pdf); leading cause of death data, including firearm, homicide, and drug poisoning mortality data, and infant mortality data come from CDC WONDER and rankings and rates are based on 2016 age-adjusted death rates. For more information on age-adjustment, refer to this report (https://www.cdc.gov/nchs/data/nvsr/nvsr47/nvs47_03.pdf). States are categorized from highest rate to lowest rate. Although adjusted for variations in age-distribution and population size, differences by state do not take into account other state specific population characteristics that may affect the level of the birth characteristic or mortality. When the number of deaths or births events is small, differences by state may be unreliable due to instability in rates. When the

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Testimony in Support of HB 109 – Requiring Background Checks for Commercial Firearms Sales

Thank you, Chairman Cushing, for the opportunity to speak. My name is Cindy White, I am from Hopkinton, and I am here in support of HB 109. I will be submitting a written copy of my testimony.

David Ray Conley was prohibited from owning a firearm because of his criminal history, but he bought a gun over the internet, with no background check, and then used it to massacre eight people in Texas. Radcliffe Haughton, in Milwaukee, was barred from purchasing firearms because of a restraining order. He bought a gun online from a private seller and used it to murder his estranged wife and two of her coworkers and shoot four others. These cases happened in other states, but they could just as easily have happened here because of a gaping loophole in our gun safety laws.

Background checks are the foundation of a comprehensive approach to gun violence prevention. Keeping guns out of the hands of dangerous persons is critical and a common-sense way to reduce gun violence. We know it is risky to allow felons, domestic abusers, and other prohibited persons to have access to guns. In 34% of mass shootings between 2009 and 2016, for example, the gunman was legally prohibited from possessing

firearms at the time of the shooting.¹ Not surprisingly, studies show that stronger background check laws are associated with significantly lower rates of firearms homicides and suicides.²

New Hampshire needs to step up and join the other states that have adopted a state background check law. The federal Brady law has been tremendously successful and has blocked sales of guns to more than 3 million dangerous persons who were not legally allowed to possess them.³ But the federal law applies only to sales by federally licensed firearms dealers. Because of that gaping loophole, an estimated 22% of all gun sales, millions each year, take place without a background check, many at gun shows or over the internet.⁴ We need to pass HB 109, which would help close this loophole by requiring background checks for all commercial firearms sales in New Hampshire.

¹ Everytown for Gun Safety, *Mass Shootings in the United States: 2009-2016*, March 2017

² Fleegler, E.W. et al, *Firearm Legislation and Firearm-Related Fatalities in the United States*, *JAMA Intern. Med.*, 2013; 173(9) 732-40 (stronger background check laws associated with significantly lower rates of firearm suicides and homicides); Lee, L.K. et al, *Firearm Laws and Firearm Homicides: A Systematic Review*, *JAMA Intern. Med.*, 2017;177(1)106-119 (stronger background check requirements seemed to decrease firearm homicide rates); Rudolph, K.E. et al, *Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides*, *Amer. Journal Pub. Health*, 2015; 105(8) (background checks associated with 40% reduction in firearms homicides)

³ Karberg, J.C. et al, *Background Checks for Firearms Transfers, 2015 – Statistical Table*, Bureau of Justice Statistics, Nov. 2017

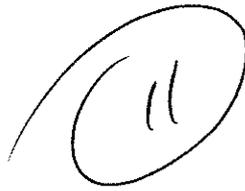
⁴ Miller, M. et al, *Firearm Acquisition Without Background Checks: Results of a National Survey*, *Annals of Intern. Med.* Feb. 2017; 166(4) 233-39

Enacting a state background check requirement should be an easy choice. It's a win-win situation. It will enhance public safety and save lives while respecting the rights of responsible, law-abiding gun owners. It just makes sense. Nobody should want to allow guns into the hands of dangerous people and almost nobody does want that. Background check requirements are supported by almost everybody; by 97% of Americans, including 97% of gun owners, and by 94% of Granite Staters, including 90% of gun owners.⁵

I ask you to do the right thing and vote for HB 109.

⁵ University of New Hampshire poll, February 2013; <https://www.wmur.com/article/poll-shows-support-for-gun-background-checks-less-for-ban/5179440> Quinnipiac University poll, Feb. 2018, <https://poll.qu.edu/national/release-detail?ReleaseID=2521> (supported by 97% of Americans and 97 % of gun owners)

Eileen Flockhart
62 Park Ct.
Exeter, NH 03833
Feb. 12, 2019

A handwritten number '11' is circled in black ink.

Re:HB 109

A Grandmother's Perspective

Throughout our lives we are asked to be responsible about the things we use. We have taken driver's education, passed tests and accepted the rights and responsibilities of that license when we step behind the wheel of a car.

Should we be found wanting in skills required for driving we would not be granted that license until we were proficient. We needed to pass a test to exhibit our knowledge of rules of the road and the basic safety of those both in our vehicle and outside of it, whether pedestrians or drivers of other cars.

Gun owners recognize the huge responsibility that comes with the weapons they own. The majority of these folks see background checks as a totally logical expectation for ownership of what can be lethal weapons.

You are being tasked today to fine tune the regulations that NH has on the books so that all of our citizens are protected. When a criminal misuses a gun, not registered, every law abiding gun owner feels the blame.

Let's respect every lawful gun owner and our citizens of all ages and tighten these laws so that our state can be proud to save lives.

Please support HB 109 requiring background checks for commercial firearms sales

Thank you

Eileen Flockhart

For 2/13/19

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A1
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MY TURN

Surgeons have unique perspective on gun violence

By **NICK PERENCEVICH**
For the Monitor

On Wednesday, the House Committee on Criminal Justice and Public Safety will hold testimony on two firearm bills, one on background checks and the other on waiting periods.

There have been two major articles in major medical journals recently about gun safety written by those on the frontline caring for firearm injuries. As a retired surgeon who cared for all types of trauma patients for more than 40 years, these two articles made me realize that the hearing at the State House is very important.

The first article from the *New England Journal of Medicine* called “#This Is Our Lane – Firearm Safety as Health Care’s Highway” outlines the pushback reaction from seven major physician associa-

tions and the American Bar Association to the NRA’s Nov. 6 tweet asking for “self-important anti-gun doctors to stay in their lane.” The NRA said this soon after the American College of Surgeons, of which I am a member, came out on Nov. 3 with recommendations for legislation particularly on background checks, limiting use of high caliber/velocity weapons, and allowing government-funded research to happen.

The college’s recommendations came from a consensus working group of 22 active trauma surgeons from 16 states, with an average of 28 years of experience. Eighteen of them are firearm owners and nine are current or past NRA members. The article was published recently in the *Journal of the American College of Surgeons*.

Surgeons strongly feel more should be done now to stop the waste of lives that

has become an epidemic. The recommendations do not threaten our Second Amendment rights, but offer a common-sense approach.

For surgeons, “our lane” gets more traffic with each additional shooting. As one surgeon put it, “This isn’t just my lane. It’s my (expletive) highway.”

The NRA thinks we are “self-serving anti-gun doctors.” Most of us are not anti-gun, but we are anti-gun-violence. When we run to the ER to see you after you are shot at 2 a.m., we are not self-serving. We are serving you. The NRA has woken-up a non-sleeping giant – and not just surgeons but all in the medical profession who care for firearm trauma victims.

As previously stated, the hearing on Wednesday is very important.

(Nick Perencevich lives in Concord.)

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Article two: [https://www.journalacs.org/article/S1072-7515\(18\)32155-0/fulltext](https://www.journalacs.org/article/S1072-7515(18)32155-0/fulltext)



JANUARY 31, 2019

#ThisIsOurLane — Firearm Safety as Health Care’s Highway

Megan L. Ranney, M.D., M.P.H., Marian E. Betz, M.D., M.P.H., and Cedric Dark, M.D., M.P.H.

On November 6, 2018, in response to a position paper on firearm injuries and death from the American College of Physicians,¹ the National Rifle Association (NRA) fired off a tweet admonish-

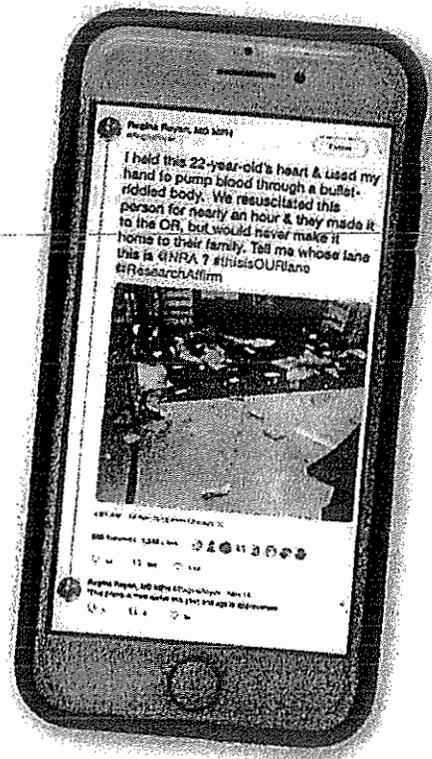
ing “self-important anti-gun doctors to stay in their lane.” Physicians — many of whom are also gun owners — quickly responded that the topics of gun violence and firearm-injury prevention are squarely within our lane. Then, less than 12 hours after the NRA tweet, another mass shooting took place, in Thousand Oaks, California. On November 7 and 8, the Twitter hashtag #ThisIsOurLane went viral (see figures).

Use of the hashtag exploded beyond the usual confines of #medtwitter in part because it was inclusive. #ThisIsOurLane calls attention to the role of physicians from many walks of medical life — emergency medicine, radiology, anesthesiology, surgery, physical medicine, rehabilitation, psychiatry, and forensic pathol-

ogy. It encompasses our other colleagues as well: paramedics who face carnage in the field, nurses who provide massive transfusions, housekeeping staff who clean blood-soaked floors, pharmacists who assist with ICU medication dosing, and everyone who helps survivors piece their lives back together and helps families recover from loss. This is their lane, too.

The hashtag was also visceral, inspiring responses that went beyond words. Photographs of blood-stained scrubs, face masks, and skin peppered the Internet and news broadcasts, exposing the public to the gruesome reality that we health care providers know too well. And #ThisIsOurLane is personal, as tragically highlighted by the November 19 shooting

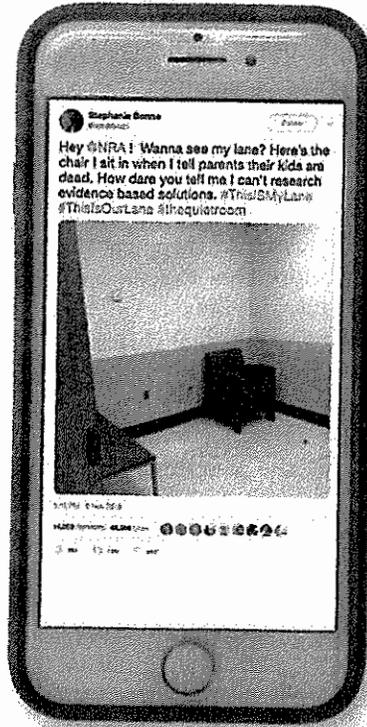
deaths of an emergency physician, a pharmacist, and a police officer at a Chicago hospital. We don’t just treat this epidemic; we are victims of it, too.



The hashtag's power reflected some existing momentum — the pump had been primed for a strong response to the NRA's misguided assertion. Over recent years, health care and public health professionals and others have concertedly built a consensus that it's essential to resume the science of firearm-injury prevention. This science had all but stalled in the United States, owing to a 1996 rider on an omnibus spending bill, the Dickey Amendment, prohibiting the use of Centers for Disease Control and Prevention (CDC) funds for advocacy or promotion of gun control. Although firearm-injury prevention is not synonymous with gun control, and although this amendment did not explicitly ban federal funding for firearm-related research, Congress has since appropriated \$0 for the CDC to study gun-violence prevention. Related funding from the National Institutes of Health (NIH) has been less than 2% of what would be predicted on the basis of the burden of disease.² Over the past two decades, junior researchers — including two of us — had received advice from well-meaning mentors to “stay away from” the subject of firearm injury. Only a brave few investigators continued to examine causes, correlates, and prevention of firearm injury in the face of these funding limitations. Recently, the NIH funded a large initiative, the Firearm-safety Among Children and Teens consortium (FACTS), to restart research on preventing firearm injuries in the pediatric population. But we all know that more is needed.

After every shooting — daily private tragedies and increasingly frequent mass shootings alike —

the medical community's commitment to change has grown. This movement has been determinedly nonpartisan and inclusive. After the Sandy Hook shooting, a joint position statement



was published by eight medical specialty organizations — the American College of Physicians (ACP), the American College of Surgeons (ACS), the American Congress of Obstetricians and Gynecologists, the American Public Health Association, the American Psychiatric Association, the American Academy of Family Physicians, the American Academy of Pediatrics, and the American College of Emergency Physicians — along with the American Bar Association, calling for implementation of several public policies (such as universal background checks), improved research funding, and improved mental health care.³ It specifically stated that the

recommended steps were compliant with both the Second Amendment and recent Supreme Court rulings.

Every day for the past 4 years, health care professionals have collectively worked toward solutions to the gun violence epidemic. The numerous examples include the following. The ACS worked with surgeons from across the political spectrum to create, and publish, nonpartisan and actionable recommendations. It has also developed the #StopTheBleed campaign, which trains laypeople to mitigate the consequences of shootings.⁴ The American Medical Association (AMA) has declared gun violence to be a public health problem and is developing continuing medical education programs to help physicians have culturally competent discussions with patients at risk for firearm injury. The American Academy of Pediatrics has been a consistent leader in developing physician guidance and intraspecialty funding opportunities. Health care leaders from multiple specialties came together to create the American Foundation for Firearm Injury Reduction in Medicine (AFFIRM), a nonpartisan group committed to creating change through evidence generation and collaborative action. And at the American Public Health Association annual meeting in November, Surgeon General Jerome Adams declared: “As a trauma anesthesiologist, if I want to talk to my patients about gun safety, it's totally within my lane.” As a profession, we have become determined not just to develop solutions to this epidemic, but to make sure they're implemented.

The broad and rapid response to #ThisIsOurLane reflects not a

new movement, but rather the convergence of multiple paths on which physicians had already embarked. Sadly, this road gets more traffic with each additional shooting. As one physician, Judy Melinek, put it, "This isn't just my lane. It's my [expletive] highway." Physicians throughout the country were already committed to solving this epidemic. The hashtag has helped us share this commitment with the wider world.

So where do we go from here? As with any complex problem, there is no simple solution. Addressing such deep-rooted issues will take work by all of us, from all points on the political spectrum. It will require us to unite as health care professionals who witness the human toll of this epidemic, rather than as liberals or conservatives, urban or rural. It will require gun-owning and non-gun-owning

physicians alike to listen carefully to our colleagues and patients. By emphasizing inclusion, perhaps we can begin to overcome the partisan standstill and generate real change.

Moving forward will also require recognition that firearm-injury prevention is not the same thing as gun control. The distinction may be difficult for many people to grasp, but it is essential. Many physicians, including some of us, own firearms. As a movement, we are not anti-gun; our focus is on stopping shootings before they happen and on saving human lives.

Let us keep our voices front and center, bringing the focus of discussions about gun-injury prevention back to the person who matters: the patient. Let us continue to seek both public funding and private partnerships for conducting needed research and then implement evidence-based strategies that can reduce the toll of firearm suicide, homicide, accidental shootings, and mass shootings. Let us be collaborative in our efforts, involving stakeholders on all sides of this issue. As an example, we can look to the field of suicide prevention, in which local partnerships between public health professionals and firearm ranges have grown into a national program jointly supported by the National Shooting Sports Foundation and the American Foundation for Suicide Prevention. In this program, gun-shop owners provide suicide-prevention education to customers and employees of shooting ranges learn how to identify at-risk customers.⁵ Another example is work that AFFIRM, the ACP, the AMA, and the ACS are doing with colleagues at academic health centers around the country to create best-practice

guidelines for physician counseling of at-risk patients. This work specifically acknowledges the importance of both evidence (the mainstay of all conversations about prevention) and cultural competence (just as we practice for conversations about safe sex, cigarettes, and alcohol).

At the end of the day, we all want our children, families, and communities to be safe. There are tens of thousands of us who know that we are on the cusp of transforming this epidemic. As physicians and allied health care professionals, we have a responsibility to continue to insist that this is our highway. We'll keep driving forward, together.

Disclosure forms provided by the authors are available at NEJM.org.

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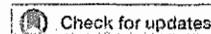
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 An audio interview with Dr. Ranney is available at NEJM.org





Recommendations from the American College of Surgeons Committee on Trauma's Firearm Strategy Team (FAST) Workgroup: Chicago Consensus I

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This brief report of recommendations is from the American College of Surgeons Firearm Strategy Team (FAST) Workgroup. The FAST Workgroup was created by the

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American College of Surgeons Committee on Trauma (ACS COT) to serve in an advisory capacity toward the development of an effective and durable strategy for reducing firearm injury, death, and disability. The ACS COT has pursued a broadly inclusive strategy taking in all points of view to effectively develop a consensus approach.¹⁻³ This strategy has incorporated input from views across the spectrum, including multiple survey(s) of surgeons, town hall meetings of COT members, ACS COT Injury Prevention Committee Meetings, interactions with the ACS Board of Regents and Board of Governors, and multiple small group/individual meetings with surgeons across the country. This approach has led to a dialogue between those who might differ with respect to their views on the benefits of firearm ownership and personal liberty, but who agree on the critical importance of reducing injuries and deaths related to firearms.

Through this dialogue, we came to realize that the community of firearm owners are often approached as a part of the problem, but less commonly approached as a part of the solution.⁴ The ACS COT and others have called for a public health approach to the epidemic of firearm-associated injury, and more specifically firearm violence.^{1,5-8} A key step integral to a public health approach is community engagement.⁹⁻¹⁵ Community engagement strategies for public health interventions are a core step in implementation and are recommended by major international public health organizations.⁹⁻¹¹ The degree of community engagement can make a critical difference in efficacy or lack of efficacy of a public health program. As a specific example, if a local trauma center's injury prevention and outreach team were moving forward with a bicycle safety initiative, an important early

step would be to reach out to bicycle owners to engage them as a part of the solution and to use their expertise in the activity with the goal of making the prevention initiative as effective as possible. For the initial work of our FAST Workgroup, the community of interest is the community of firearm owners in the US.

Just as with surgery, engagement is a blend of science and art.⁹ A good example of this type of effort in the firearm injury prevention arena is Barber and colleagues¹⁴ work on suicide prevention through engagement of the firearm owner community. Barber and colleagues describe the importance of working with “trusted messengers” as a necessary step in community engagement. As described here, the individual bicycle rider is simply more receptive to a safety message from a bicycle enthusiast or representative from the bicycle community, and generally much more receptive if the message comes from those who are supportive of bicycling. This is also true in medicine; surgeons are much more receptive to messages from their surgical colleagues. Likewise, critically injured trauma patients are more receptive to advice and counseling from trauma survivors who have been in a similar position, which is the basis of the using a trauma survivors’ network.¹⁶

To create the FAST Workgroup, the ACS COT leadership sought out surgical leaders who are firearm owners, specifically looking for a geographically representative sample of trauma surgeons passionate about firearm ownership with expertise as hunters, sport shooters, self-defense, law enforcement, and/or previous military service. The FAST Workgroup is composed of respected surgeons who meet the criteria of being on the frontline for the care of firearm injuries, involved in meetings with the COT Injury Prevention Committee, have a track record of working well as a part of a team, are avid firearm owners, and practice in areas distributed across the US.

This article describes the FAST Workgroup’s approach and methods, and summarizes consensus recommendations for strategies and tactics to increase firearm safety, reduce the probability of mass shootings, reduce firearm-associated violence, address mental health factors, and encourage federally funded firearm injury research, while preserving the right to own and use a firearm.

METHODS AND APPROACH

For the past 5 years, the ACS COT has worked to develop a consensus strategy around how best to reduce the firearm injury death and disability. This strategy was built around 3 guiding principles:

1. Advocate and promote a public health approach to firearm injury prevention;

2. Implement evidence-based violence prevention programs through the network of ACS COT-verified trauma centers
3. Provide, foster, and promote a forum for civil dialogue within our own professional organization with the goal of moving toward a consensus on programs or interventions aimed at reducing firearm injuries and deaths.

These principles have allowed a maximally inclusive process whereby input has been obtained from all points of view. This inclusive approach has led to the creation of a common narrative that creates a bridge between groups of people who do not agree about the general benefit of firearms, but agree on the need to reduce violence, injuries, and deaths.¹⁷ We have demonstrated that surgeons with strong opinions about the benefit or lack of benefit of firearms can and will work together to reduce firearm death and disability. The next steps of this process are multifaceted, but the goal is to develop a durable, effective, and common-ground set of policies that reduce firearm injury and death. The COT leadership believes that a durable and effective strategy requires the engagement and partnership with firearm owners.

Members of the FAST Workgroup had all been engaged in previous discussions with the COT Injury Prevention and Control Committee and had all either expressed an interest in the topic or had contributed their opinion(s) about the work of the ACS COT’s firearm injury prevention initiative. Three of the authors (RMS, DLK, EMB) worked to identify surgeons who had identified themselves as avid firearm owners. These surgeons were then invited to attend as a member of the focus group. Multiple conference calls were held along with 3 in-person meetings. The group consciously worked to focus the discussion on efforts that could reduce injury and death and preserve the ownership rights of responsible Americans. The group recognizes that firearm injury is a complex and multifaceted problem and that the underlying cause of the injuries might be different and can require different solutions based on the context of the injury. For the purpose of this initial set of meetings, the FAST Workgroup centered its efforts on how best to make firearm ownership safer, decrease the risk of intentional mass shootings, and start to address the culture of violence in the US. A consensus process was used for making the recommendations. To be included as a recommendation in this article, all members of the group needed to agree with the recommendation. There were some differing degrees of agreement, but if every participating member did not agree enough that they could accept and support a given recommendation, then

the concept or idea was not put forward as a recommendation from the Workgroup.

The recommendations are given in the form of stating a principle that the group believed is important, followed by specific recommendations related to the principle. We believe this provides a description of the rationale and also allows for flexibility in implementation.

RECOMMENDATIONS FROM THE FIREARM STRATEGY TEAM WORKGROUP

Obtaining ownership

Principle: We believe those who are a danger to themselves or others should not be allowed to purchase or receive a firearm as a gift or as a transfer from another person.

Recommendation: We support a robust and accurate background check in accordance with federal law 18 U.S.C. § 922[g][1-9] for all purchases and all transfers of firearms.

Rationale and background for recommendation: The FAST Workgroup believes the bipartisan Fix NICS Act of 2017 was a necessary step in the right direction; however, not conducting background checks on all transfers and sales of firearms creates a real opportunity for those who are a danger to themselves or others to illegally obtain firearms. The law requires federally licensed dealers (those with a Federal Firearms License) to conduct background checks on all gun sales and transfers through the FBI's National Instant Criminal Background Check System (NICS). No such requirement is codified in law for private sales or transfers of firearms.

We recommend a NICS background check for all transfers of firearms with the recognition that this recommendation creates some potential challenges to legitimate private purchasers and sellers of firearms, and would also create an increased load on the computerized system on which the NICS functions. After extensive discussion, we believe these challenges can be effectively and efficiently managed by partnerships between private sellers (who do not have a Federal Firearms License) and retailers (who have a Federal Firearms License) who routinely conduct background checks through the NICS. The federal government must insure that the computerized system can handle the increased number of background checks required before implementation of this recommendation.

Effective state implementation is critical if the Fix NICS Act of 2017 is to achieve its purpose. We recommend expeditious full and complete implementation of the Fix NICS Act of 2017 by all states, combined with continuing ongoing efforts to improve the NICS. This

comprehensive approach requires more complete, timely, and standardized state reporting of information to the NICS, particularly regarding criminal convictions, drug abuse, and mental health data. In discussion, our FAST Workgroup supports the addition of intimate partner domestic violence offenses and the misdemeanor offense of stalking be added to the disqualifying criteria for purchasing a firearm.

Although the group did not reach consensus, there were extensive discussions and a significant amount of support for the concept of a permit to purchase approach (which is implemented in some states) especially for high-capacity, magazine-fed, semi-automatic rifles, and for those younger than 25 years who wish to purchase a firearm.

Firearm registration

Principle: A firearm should be transferred with registration in accordance to federal law 18 U.S.C. § 922[g][1-9] just as other properties are, such as vehicles or a home. This would include the private sale and the transfer of property that is bequeathed from an estate or among family members.

Recommendation: We support firearm registration and the development and implementation of an electronic database for all registered firearms.

Rationale: We believe firearm registration and the ability to track a registered firearm is important to aid law-enforcement professionals in preventing the illegal sale of firearms to those who cannot pass a background check due to criminal activity or serious mental illness. We recommend a reliable database to track these registrations.

Licensure

Principle: Certain classes of weapons with significant offensive capability are currently appropriately restricted and regulated under the National Firearms Act classification as class III weapons (eg fully automatic machine guns, explosive devices, and short-barreled shotguns).

Recommendation: We recommend a formal reassessment of the firearms designated within each of the National Firearms Act classifications. For instance, high-capacity, magazine-fed, semi-automatic rifles should be evaluated, and consideration given to reclassification as an National Firearms Act class III firearm or a new class designation.

Rationale: The FAST Workgroup extensively discussed licensure for all firearms, which is distinct from the ability to purchase a firearm. The group did not reach a consensus on the recommendation for licensure of all firearms; however, the group does support state licensure in the form of concealed carry permits¹⁸ and, therefore, believes that licensure could be applied, and might be

warranted, for high-capacity, magazine-fed, semi-automatic rifles. In this setting, increased screening and additional evidence of safety training could be opted for by individual states. This could also provide a more efficient and focused setting for an electronic database, in contrast to a database for all firearm purchases.

Education and training

Principle: Responsible firearm ownership and use comes with significant responsibility and understanding of safe handling, care, and use.

Recommendation: We endorse formal gun safety training for all new gun owners and endorse hunter safety and safe gun handling education. Any training program must include the 4 vital safety rules: assume the gun is always loaded; finger off the trigger until ready to fire; never point at anything you do not intend to kill or destroy; and always check all chambers before cleaning.

Recommendation: We recommend direct adult supervision in the use of firearms for children younger than 12 years and indirect supervision for children between the age of 12 and 18 years, where not already state-regulated.

Rationale: As surgeons who routinely provide care to patients that is important and generally beneficial, but also entails risk, we believe education is a cornerstone of safety. There are numerous resources available for high-quality firearm safety education and we believe this should be universal, foundational training for all new firearm owners.

Ownership responsibilities

Principle: Owners who do not provide reasonable, safe firearm storage should be held responsible for adverse events related to discharge of their firearm(s).

Recommendation: We endorse requiring firearm owners to provide safe and controlled firearm storage. Owners who do not provide reasonable, safe firearm storage should be held responsible for adverse events related to discharge of their firearm(s). This includes the responsibility for the use of a stolen firearm, unless there has been timely reporting of a stolen weapon made to law enforcement.

Rationale: Safe, controlled storage reduces the risk of unintentional harm to others.

Mandatory reporting and risk mitigation

Principle: For individuals who are deemed an imminent threat to themselves or others, firearm ownership should be temporarily or permanently restricted based on due process.

Recommendation: Programs to remove firearms from those individuals should be standard as is done in Extreme Risk Protection Order policies, Red Flag laws, and federal law 18 U.S.C. § 922[g][1-9]. Specific due process measures should be required for removal and return of firearms. Mandatory reporting to (and by) law enforcement and medical personnel for those who are threatening to themselves or others should become standard practice.

Recommendation: We recommend treating mass shootings as terrorism and support and encourage domestic law-enforcement efforts and strategies (within the limits of Fourth Amendment protections) to predict, detect, and deter future mass firearm violence.

Rationale: We believe that risk mitigation by law-enforcement professionals is important to public safety, and is necessary to prevent violent individuals from inflicting harm at an individual and societal level.

Safety innovation and technology

Principle: Firearm ownership should be made safer through the use of innovative technology such as that used in automobile safety.

Recommendation: We encourage the development of firearm technology that would significantly reduce the risk of self-harm, prevent unintentional discharge, and prevent unintended use by someone other than the registered owner of the firearm.

Research

Principle: Research to understand health conditions underpins the modern practice of medicine and is essential to improve care and develop effective interventions for all health care conditions.

Recommendation: We recommend that research for firearm injury and firearm injury prevention must be federally funded at a level commensurate with the burden of the disease without restriction.

Recommendation: This research must be conducted in a non-partisan manner. The research agenda should broadly address firearm safety, including safe storage and safe use; violence intervention and control research; serious mental illness and firearm violence; and improving treatment of patients injured from firearms.

The research agenda should include:

1. Root causes of violence. These research endeavors should be focused on identifying intervention programs and strategies to prevent actions of violence involving a firearm, as well as all other mechanisms.
2. Effect of media content (ie social media, television, movies, and video games) on interpersonal violence. This research should investigate the effects of exposure

to high level of violence in modern media. The research should be sufficiently rigorous to determine whether this exposure is causally related to actual violence, and should be powered to examine the effect of this exposure in high-risk subsets.

3. Effective forms of safe storage and safe guns. Technologic changes (such as biometric locks) to firearms could prevent their unintended use by those other than the legal owner. Effective, safe storage mechanisms in the home or vehicle could prevent unintentional injury and death.
4. Effective firearm safety counseling and training.
5. Evaluate effectiveness of restricting access to firearms by violence-prone individuals.
6. Epidemiology of highest-risk populations (subset based on mechanism and intent) for suicide, homicide, mass shootings, intimate partner violence, unintentional injury, and other subsets of firearm violence.
7. An assessment of firearm lethality differences based on specific type of firearm and numbers of deaths and injuries per unit time.

Rationale: Science, research, technology, and innovation are proven approaches to improve safety, reliability, and efficacy. We believe encouraging this approach is beneficial to firearm owners and those who do not own firearms. Revolutionary improvements in automobile safety have come in concert with improvements in reliability. We believe a similar approach to firearms could yield the same result-improved safety with improved reliability. Addressing intentional violence requires a robust research agenda that is supported at a level commensurate with the burden of the problem. Research, innovation, and technology are critical if we are to have effective interventions.

Culture of violence

Principle: We all own the culture of violence. The same principle of freedom with responsibility applies to the manner in which mass killings are communicated to the public. We have concerns that the manner and tone in which information is released to the public and covered by the media likely leads to “copy-cat” mass killers.

Recommendation: The public, professionals in law enforcement, and the press should take steps to eliminate notoriety of the shooter and take an editorially muted approach to the coverage of these events.¹⁷⁻¹⁹

Rationale: Although we would prefer better data based on solid research, we believe we should encourage best practices directed toward eliminating or mitigating motivation for socially isolated, violent individuals from

moving from contemplation to action. This point of view is well stated by the journalist Zeynep Tufekci¹⁸: “The media needs to adopt a similar sensible framework to covering mass killings. And in the age of social media, that also means changing our own behavior. This doesn’t mean censoring the news or not reporting important events of obvious news value. It means not providing the killers with the infamy they seek. It means somber, instead of lurid and graphic, coverage, and a focus on victims. ... It means holding back reporting of details such as the type of gun, ammunition, angle of attack and the protective gear the killer might have worn.” She and others recommend that law enforcement professionals not release details of the methods and manner of the killings, and those who learn those details should not share them.¹⁹⁻²¹ This is not a call for censorship, but rather a request for editorial nuance, responsibility, and judgment.¹⁹

Social isolation and mental health

Principle: Social Isolation combined with exaggerated depictions of violence, especially when targeted towards young men, likely contributes to violence in the US.²²

Recommendation: We encourage recognition of mental health warning signs and social isolation by teachers, counselors, peers, and parents, and when these warning signs are identified, immediate referral to appropriate mental health professionals. When signs of violent ideation, thoughts, or actions become evident, peers, teachers, and family members should be encouraged to “see something, say something” and report to appropriate local and national law enforcement.

Rationale: Although solid scientific evidence of sufficient quality to determine causation awaits, common sense would dictate efforts be focused on increasing social capital and decreasing social isolation.^{22,23} This involves actual human interaction combined with communicating a sense of hope to young men and women. This responsibility rests on all of us.

DISCUSSION

Firearm injuries are a major public health problem in the US. As a group of surgeons, we care for the patients who suffer and die from firearm injuries. In the current polarized environment, political solutions appear to be lacking; however, we believe implementation of this Workgroup’s recommendations would result in fewer injuries and deaths while preserving constitutional freedoms. We acknowledge and appreciate that American surgeons have strongly held views on this issue and we remain

Table 1. Summary of Firearm Ownership, Firearm Use, and Firearm Storage of Firearm Strategy Team Workgroup Participants

Participant	Handgun			Rifle					Hunting, Y/N	Collecting, Y/N	Home or personal defense, Y/N	All locked and secured, Y/N	Total firearms, n
	Shotgun, n	Revolver, single-fire, or not specified, n	Magazine-fed, semi-automatic, n	Traditional (not high-capacity, magazine-fed, or semi-automatic), n	High-capacity magazine, semi-automatic (AR15-style), n	Antique or muzzle loader, n	NFA class III weapon, n	Target practice, shooting sports, Y/N					
Surgeon 1	3	1	4	1	1	0	0	Y	Y	N	Y	Y	10
Surgeon 2	7	2	2	5	0	6	0	Y	Y	Y	N	Y	22
Surgeon 3	5	6	0	5	0	0	0	Y	Y	N	Y	Y	16
Surgeon 4	12	2	5	5	0	0	0	Y	Y	Y	Y	Y	24
Surgeon 5	2	3	1	3	0	0	0	Y	Y	N	Y	Y	9
Surgeon 6	8	3	6	11	5	4	2	Y	Y	Y	Y	Y	39
Surgeon 7	1	0	0	2	0	1	0	Y	N	Y	Y	N	4
Surgeon 8	0	0	3	0	1	0	0	Y	N	N	N	Y	4
Surgeon 9	0	0	1	0	0	0	0	Y	N	N	Y	N	1
Surgeon 10	3	2	3	1	2	0	0	Y	Y	Y	Y	Y	11
Surgeon 11	0	1	1	1	0	0	0	Y	Y	N	Y	Y	3
Surgeon 12	1	0	1	0	0	0	0	Y	N	N	Y	Y	2
Surgeon 13	6	1	3	4	0	0	0	Y	Y	Y	Y	Y	14
Surgeon 14	1	0	2	1	0	0	0	Y	Y	N	Y	Y	4
Surgeon 15	6	1	4	9	5	0	0	Y	Y	N	Y	Y	25
Surgeon 16	0	1	0	1	0	0	0	Y	N	N	N	Y	2
Surgeon 17	4	0	3	2	0	0	0	Y	N	N	N	Y	9
Surgeon 18	1	3	0	1	0	0	0	Y	Y	N	Y	Y	5
ACS/COT	0	0	0	0	0	0	0	N	Y	N	N	NA	0
ACS/COT	0	0	0	0	0	0	0	N	N	N	N	NA	0
ACS/COT	0	0	0	0	0	0	0	N	N	N	N	NA	0
ACS/COT	4	1	0	1	0	0	0	Y	N	N	N	Y	6

ACS/COT, American College of Surgeons/Committee on Trauma, N, no; NFA, National Firearms Act; Y, yes.

respectful of those on both sides who might disagree with the recommendations that the FAST Workgroup has made. However, we also understand that the US has a major public health problem with firearm injuries and believe our recommendations endorse the best-available options to lessen the current impact of firearm violence at the population level.

Current educational programs through the ACS such as Stop the Bleed, the ACS COT Trauma Center Verification Program, and the Trauma Quality Improvement Programs continue to be extremely effective in addressing the care of firearm-injured patients and clearly will have a positive effect on outcomes as these programs continue to develop. The FAST Workgroup was created based on work begun by the ACS COT Injury Prevention Committee to focus on effective and durable strategies for the prevention of firearm injuries.

The ACS COT has pursued a maximally inclusive process to develop effective and thoughtful strategies for firearm injury prevention as they relate to suicide, homicide, and unintentional shootings. We have engaged with major stakeholder groups, including the National Rifle Association, Brady Campaign to Prevent Gun Violence, Giffords Law Center to Prevent Gun Violence, and Everytown for Gun Safety. The approach we have taken is consistent with other injury prevention strategies used by the ACS COT. We have worked carefully and deliberately to develop an inclusive narrative that can be supported by both sides of the often-polarized debate about firearms in the US.¹⁷ This workgroup and follow-on workgroups are designed to engage diverse stakeholder groups and have them contribute constructively, so that they can be part of the solution.

The FAST Workgroup includes 22 experienced surgeons (median of 28 years caring for trauma patients). Eighteen of these surgeons met all of the criteria described in the introduction: surgical leaders who are firearm owners that are passionate about firearm ownership with expertise as hunters, sport shooters, self-defense, law enforcement, and/or previous military service. Four represented the leadership of the ACS COT and the ACS (EMB, DAK, RMS, MW). All have cared for, and most continue to care for, patients with serious firearm injuries. The group is geographically diverse, representing 16 states, and includes surgeons that treat both injured children and injured adults. Nine (41%) surgeons in the FAST Workgroup have past or present military experience, and others have formal training in public health. Five (23%) are current members of the National Rifle Association and 4 (18%) are former members. All are committed to preserving liberty and preventing firearm

injury using an evidence-based approach. Although the group was not polled on where they stand politically, it is clear that the group is extremely supportive of Second Amendment rights. We are not constitutional scholars, but we do not believe that any of the FAST Workgroup's recommendations impinge on the rights guaranteed by the US Constitution.

These recommendations come from surgeons who are likely representative of the approximately 40% of American surgeons who own firearms.¹ An acknowledged weakness of the recommendations is that they result from a small convenience sample of firearm-owning surgeons, and are subject to selection bias. To assist the reader in determining potential bias, every surgeon voluntarily provided an inventory of their firearm ownership, years of experience spent caring for firearm-related injury (Table 1), National Rifle Association membership (past and present), and past or present military service.

The FAST Workgroup is not trying to speak for all firearm owners, and is not speaking for all surgeons; however, as a group of firearm owners and surgeons who were convened by the ACS, the members of the FAST Workgroup did try to objectively and thoughtfully consider a wide range of possible approaches to lessen the public health burden of firearm injury and death. The members of the workgroup believe that the recommendations are reasonable and preserve Second Amendment rights for responsible firearm owners. The FAST Workgroup expects that some firearm owners will contest the emphasis on freedom with responsibility, but our view stems from our belief that a democratic society requires that its citizens act responsibly.

The members of the workgroup also expect that some will contest these recommendations based on the belief that the FAST Workgroup might be implicitly or explicitly influenced by firearm stakeholder groups, or influenced by the participants' philosophical beliefs about the Second Amendment. Just as this workgroup is not speaking for all firearm owners, the FAST Workgroup is not speaking for all surgeons. As surgeons, we tried to make these recommendations align with the best interests of our patients (their families and their communities) who suffer from the consequences of firearm injury and death.

The FAST Workgroup as currently composed will need additional input and participation from different stakeholders when it comes to addressing subsets of patients based on age and manner of injury (ie suicide, homicide, and unintentional). This requires an ongoing process and will require refinement of objectives and recommendations over time.

CONCLUSIONS

The members of the FAST Workgroup believe these recommendations will increase public safety and improve our understanding of firearm injury in the US. We understand that there is not a perfect or simple solution for an issue as complex as firearm injury in America. These recommendations would make firearm ownership safer for those who own a firearm, as well as those who do not. The group's general approach is centered on enforcement of existing laws and strengthening existing statutes and regulations, with the goal of keeping firearms out of the hands of those who are a danger to themselves or others. This basic, responsible approach is supported by organizations across the spectrum.^{24,25} Through the ACS COT's consensus-driven firearm injury prevention project, ACS COT members have demonstrated the ability to work together (across regions and philosophic differences) to advance substantive public health recommendations and programs. We hope this approach can serve as a model for other Americans and other organizations.

The members of the FAST Workgroup know there will be people who think we did not go far enough, and also people who think we went too far, but we believe the middle ground moves the purpose forward. We know thousands of American lives can be saved each year. Full implementation of the measures we call for in this report would preserve freedom and simultaneously make our country safer, stronger, and healthier.

Author Contributions

Study conception and design: Kuhls, Bulger, Stewart

Acquisition of data: Talley, Campbell, Jenkins, Barnes, Sidwell, Timmerman, Gross, Coburn, Bailey, Eastman, Ficke, Kuncir, Letton, Eastridge, Liepert, Wilson, Robinette, Davis, Shalgian, Michaels, Weissler, Kuhls, Bulger, Stewart

Analysis and interpretation of data: Talley, Campbell, Jenkins, Barnes, Sidwell, Timmerman, Gross, Coburn, Bailey, Eastman, Ficke, Kuncir, Letton, Eastridge, Liepert, Wilson, Robinette, Davis, Shalgian, Michaels, Weissler, Kuhls, Bulger, Stewart

Drafting of manuscript: Talley, Stewart

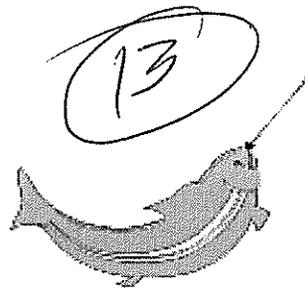
Critical revision: Talley, Campbell, Jenkins, Barnes, Sidwell, Timmerman, Gross, Coburn, Bailey, Eastman, Ficke, Kuncir, Letton, Eastridge, Liepert, Wilson, Robinette, Davis, Shalgian, Michaels, Weissler, Kuhls, Bulger, Stewart

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JAY EDWARD SIMKIN
SPORTING GOODS & POLICE SUPPLIES
FEDERALLY-LICENSED FIREARMS DEALER

Testimony

House Bill HB 109-FN

Committee on Criminal Justice and Public Safety

Room 210-211, Legislative Office Building

13 February 2019 / 1:00 p.m.

HB 109-FN – based on provably unsound key assumptions – promotes a fraud: that guns can be controlled. It should be voted “inexpedient to legislate”.

At end-2016, there were about 402,000,000 firearms in the U.S., more than one for each of the 328,000,000 U.S. residents (<https://www.census.gov/popclock/>), including infants, who usually own little. These data likely exclude firearms lost or destroyed (e.g., in fires/floods) and war-fighters’ battlefield souvenir “bring-backs”.

Even so, Americans own close to 400,000,000 firearms. So, one determined to get a firearm, will do so easily. (These data exclude military-owned firearms. See: U.S. Department of Justice, *Firearms Commerce in the United States*, 2018 [<https://www.atf.gov/file/130436/download/>] and U.S. Department of the Treasury, *Commerce in Firearms in the United States - February, 2000* [<https://permanent.access.gpo.gov/lps4006/020400report.pdf>]).

Things so abundant and concealable cannot be controlled. That foredoomed Prohibition, the nationwide ban on retail sale of alcoholic drinks (1919-33). A century ago, as now, grocery stores sold home-brew ingredients, e.g., sugar and yeast. In some regions, distilling alcohol (“moonshine”, “white lightning”) was a tradition older than is this Republic. Prohibition’s backers, well-intentioned, were blind. Their nasty legacy: well-organized criminal cartels, still a plague on the land.

Thus, firearms’ abundance foredooms background checks, even were ineligible buyers prosecuted. They ARE NOT, even though it is a Federal felony for a “prohibited person” to possess or to try to acquire any firearm. Yet, in 2010, only 62 Federal prosecutions followed 76,142 denials of purchase

applicants. (See, Regional Justice Information Service, *Enforcement of the Brady Act, 2010, 2012*, p. 7; <https://www.ncjrs.gov/pdffiles1/bjs/grants/239272.pdf> .)

More recently, even fewer unlawful buyers were prosecuted. A 2018 Government Accountability Office (GAO) report shows that **of 112,090 denials by FBI screeners, only 12,710 were sent for “investigation”. Only 12 prosecutions followed!!!**

Plainly, far more than 12 denials were fully justified. **It is sound to conclude that Federal authorities rarely prosecute those ineligible to own firearms, who seek to acquire firearms.** (For GAO report, *Firearm Denials*, No. 18-440 [September, 2018] see: <https://www.gao.gov/products/GAO-18-440>).

The U.S. Department of Justice likely is short of prosecutors. In the year ended 30 September 2017, the 93 U.S. Attorneys filed 53,899 criminal cases in Federal District Courts. In the many drug-trafficking prosecutions, charges involving firearms likely were “add-on”. (U.S. Department of Justice, *United States Attorneys’ Annual Statistical Report, Fiscal Year 2017*, p. 4. For this report see: <https://www.justice.gov/usao/resources/annual-statistical-reports>).

Even if only half of the 2018 denials analyzed by the GAO were truly justified and had been prosecuted, the 56,045 prosecutions of “prohibited persons” would have kept U.S. Attorneys from pursuing most other criminal matters.

These data – from public and published official sources – prove that no reasonable person should think, even for a second, that background checks keep firearms from those ineligible to possess them. Background checks are a fraud. As a Federally-licensed dealer, I do them because they are required by law.

As HB 109-FN requires actions that violate “black letter” Federal law, were it enacted, I will not handle any firearm transfer between private parties.

To improve public safety, require confinement of those, whose convictions for violent actions prove them to be unfit to be at liberty. That will further reduce violent crime. Since 2001, New Hampshire usually been among the three states, with the lowest incidence of violent crime. (FBI, *Crime in the United States, 2001-17*)

Thank You, Mr. Chairman and Members of the Committee, for hearing my testimony.

I’ll be happy to answer any questions related to my testimony.



10
State of New Hampshire
DEPARTMENT OF SAFETY
DIVISION OF STATE POLICE



GUN LINE BACKGROUND REQUEST

Dealer: NEXT LEVEL FIREARMS FFL#6020: 15079E02776
 Dealer Telephone #: 603-458-6108 E-Mail Address: FAX 271-0306

CUSTOMER INFORMATION

Last Name: _____ First Name: _____

Middle Initial: _____ Alias/Maiden Name(s): _____ DOB: _____

Race: _____ Gender: M F Place of Birth: _____

SS#: _____ NH Driver License #: _____

Dual Residency: YES NO If "YES" Name of other State: _____ US Citizen: YES NO

Country of Citizenship if other than US: _____ Alien Registration No.: _____

FOR OFFICE USE ONLY

Clerk's Initials: _____ Date (In): _____ Time (In): _____

NTN#: _____

Approval: _____ Pending: _____ Denial: _____

Clerk's Initials _____ Date (Out): _____ Time (Out): _____

NOTES:

14

Firearms Transaction Record

WARNING: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's/Seller's
Transaction Serial
Number (If any)

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink. "PLEASE PRINT."

Section A - Must Be Completed Personally By Transferee/Buyer

1. Transferee's/Buyer's Full Name (If legal name contains an initial only, record "IO" after the initial. If no middle initial or name, record "NMN").
Last Name (Including suffix (e.g., Jr, Sr, II, III)) | First Name | Middle Name

2. Current State of Residence and Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)
Number and Street Address | City | County | State | ZIP Code

3. Place of Birth | 4. Height | 5. Weight | 6. Sex | 7. Birth Date
U.S. City and State -OR- Foreign Country | Ft. | Lbs. | Male | Female | Month | Day | Year

8. Social Security Number (Optional, but will help prevent misidentification) | 9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

10.a. Ethnicity | 10.b. Race (In addition to ethnicity, select one or more race in 10.b. Both 10.a. and 10.b. must be answered.)
 Hispanic or Latino | American Indian or Alaska Native | Black or African American | White
 Not Hispanic or Latino | Asian | Native Hawaiian or Other Pacific Islander

11. Answer the following questions by checking or marking "yes" or "no" in the boxes to the right of the questions.		Yes	No
a.	Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.)	<input type="checkbox"/>	<input type="checkbox"/>
b.	Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	<input type="checkbox"/>	<input type="checkbox"/>
c.	Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	<input type="checkbox"/>	<input type="checkbox"/>
d.	Are you a fugitive from justice? (See Instructions for Question 11.d.)	<input type="checkbox"/>	<input type="checkbox"/>
e.	Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.	<input type="checkbox"/>	<input type="checkbox"/>
f.	Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	<input type="checkbox"/>	<input type="checkbox"/>
g.	Have you been discharged from the Armed Forces under dishonorable conditions?	<input type="checkbox"/>	<input type="checkbox"/>
h.	Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)	<input type="checkbox"/>	<input type="checkbox"/>
i.	Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)	<input type="checkbox"/>	<input type="checkbox"/>

12.a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)
 United States of America (U.S.A) | Other Country/Countries (Specify):

	Yes	No
12.b. Have you ever renounced your United States citizenship?	<input type="checkbox"/>	<input type="checkbox"/>
12.c. Are you an alien illegally or unlawfully in the United States?	<input type="checkbox"/>	<input type="checkbox"/>
12.d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See Instructions for Question 12.d.)	<input type="checkbox"/>	<input type="checkbox"/>
12.d.2. If "yes", do you fall within any of the exceptions stated in the instructions? <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

13. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#):

Section D - Must Be Completed By Transferor /Seller Even If The Firearm(s) is Not Transferred

24. Manufacturer and Importer (If any) (If the manufacturer and importer are different, the FFL must include both.)	25. Model (If Designated)	26. Serial Number	27. Type (See Instructions for Question 27.)	28. Caliber or Gauge
1.				
2.				
3.				
4.				

REMINDER - By the Close of Business Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

29. Total Number of Firearms Transferred (Please <i>handwrite</i> by printing e.g., zero, one, two, three, etc. Do not use numerals.)	30. Check if any part of this transaction is a pawn redemption. <input type="checkbox"/> Line Number(s) From Question 24 Above:
31. For Use by Licensee (See Instructions for Question 31.)	32. Check if this transaction is to facilitate a private party transfer. <input type="checkbox"/> (See Instructions for Question 32.)
33. Trade/corporate name and address of transferor/seller and Federal Firearm License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)	

The Person Transferring The Firearm(s) Must Complete Questions 34-37.

For Denied/Cancelled Transactions, the Person Who Completed Section B Must Complete Questions 34-36.

I certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections B and D is true, correct, and complete; and (3) this entire transaction record has been completed at my licensed business premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. 922(c). Unless this transaction has been denied or cancelled, I further certify on the basis of— (1) the transferee's/buyer's responses in Section A (and Section C, if applicable); (2) my verification of the identification recorded in question 18 (and my re-verification at the time of transfer, if Section C was completed); and (3) State or local law applicable to the firearms business — it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

34. Transferor's/Seller's Name (Please print)	35. Transferor's/Seller's Signature	36. Transferor's/Seller's Title	37. Date Transferred
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NOTICES, INSTRUCTIONS, AND DEFINITIONS

Purpose of the Form: The information and certification on this form are designed so that a person licensed under 18 U.S.C. 923 may determine if he/she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee/buyer of certain restrictions on the receipt and possession of firearms. The transferor/seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the transferor/seller must be familiar with the provisions of 18 U.S.C. 921-931 and the regulations in 27 CFR Parts 478 and 479. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a resident of another State, the transferor/seller is presumed to know the applicable State laws and published ordinances in both the transferor's/seller's State and the transferee's/buyer's State. (See ATF Publication 5300.5, *State Laws and Published Ordinances*.)

Generally, ATF Form 4473 must be completed at the licensed business premises when a firearm is transferred over-the-counter. Federal law, 18 U.S.C. 922(c), allows a licensed importer, manufacturer, or dealer to sell a firearm to a nonlicensee who does not appear in person at the licensee's business premises only if the transferee/buyer meets certain requirements. These requirements are set forth in section 922(c), 27 CFR 478.96(b), and ATF Procedure 2013-2.

After the transferor/seller has completed the firearms transaction, he/she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his/her permanent records. Such Forms 4473 must be retained for at least 20 years and after that period may be submitted to ATF. Filing may be chronological (by date of disposition), alphabetical (by name of purchaser), or numerical (by transaction serial number), as long as all of the transferor's/seller's completed Forms 4473 are filed in the same manner.

FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED: If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not completed after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his/her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order.

If the transferor/seller or the transferee/buyer discovers that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and the transferor/seller or the transferee/buyer wishes to correct the omission(s) or error(s), photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. The transferor/seller should only make changes to Sections B and D. The transferee/buyer should only make changes to Section A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of the transferor's/seller's permanent records.

Exportation of Firearms: The State or Commerce Departments may require a firearms exporter to obtain a license prior to export. **Warning:** Any person who exports a firearm without proper authorization may be fined not more than \$1,000,000 and/or imprisoned for not more than 20 years. See 22 U.S.C. 2778(c).

Section A

The transferee/buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the transferee/buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the transferor/seller. Two persons (other than the transferor/seller) must then sign as witnesses to the transferee's/buyer's answers and signature/certification in question 14.

When the transferee/buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his/her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity; and (B) the name and address of that business entity.

Question 1. If the transferee's/buyer's name in question 1 is illegible, the transferor/seller must print the transferee's/buyer's name above the name written by the transferee/buyer.

Question 2. Current Residence Address: A rural route (RR) may be accepted provided the transferee/buyer lives in a State or locality where it is considered a legal residence address. County and Parish are one and the same.

If the transferee/buyer is a member of the Armed Forces on active duty, his/her State of residence is the State in which his/her permanent duty station is located. If the service member is acquiring a firearm in a State where his/her permanent duty station is located, but resides in a different State, the transferee/buyer must list both his/her permanent duty station address and his/her residence address in response to question 2. If the transferee/buyer has two States of residence, the transferee/buyer should list his/her current residence address in response to question 2 (e.g., if the transferee/buyer is purchasing a firearm while staying at his/her weekend home in State X, he/she should list the address in State X in response to question 2).

Question 9. Unique Personal Identification Number (UPIN): For transferees/buyers approved to have information maintained about them in the FBI NICS Voluntary Appeal File, NICS will provide them with a UPIN, which the transferee/buyer should record in question 9. The licensee should provide the UPIN when conducting background checks through the NICS or the State POC.

Question 10.a. and 10.b. Federal regulations (27 CFR 478.124(e)(1)) require licensees to obtain the race of the transferee/buyer. This information helps the FBI and/or State POC make or rule out potential matches during the background check process and can assist with criminal investigations. Pursuant to Office of Management and Budget (OMB), effective January 1, 2003, all Federal agencies requiring collection of race and ethnicity information on administrative forms and records, were required to collect this information in a standard format. (See 62 FR 58782) The standard OMB format consists of two categories for data on ethnicity: "Hispanic or Latino," and "Not Hispanic or Latino" and five categories for data on race: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White.

Ethnicity refers to a person's heritage. Persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race, are considered Hispanic or Latino.

Race - one or more of the following responses must be selected: (1) American Indian or Alaska Native - A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment; (2) Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam; (3) Black or African American - A person having origins in any of the Black racial groups of Africa; (4) Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands; and (5) White - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. Any other race or ethnicity that does not fall within those indicated, please select the closest representation.

Question 11.a. Actual Transferee/Buyer: For purposes of this form, a person is the actual transferee/buyer if he/she is purchasing the firearm for him/herself or otherwise acquiring the firearm for him/herself. (e.g., *redeeming the firearm from pawn, retrieving it from consignment, firearm raffle winner*). A person is also the actual transferee/buyer if he/she is legitimately purchasing the firearm as a bona fide gift for a third party. A gift is not bona fide if another person offered or gave the person completing this form money, service(s), or item(s) of value to acquire the firearm for him/her, or if the other person is prohibited by law from receiving or possessing the firearm.

ACTUAL TRANSFEREE/BUYER EXAMPLES: Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith (*who may or may not be prohibited*). Mr. Smith gives Mr. Jones the money for the firearm. Mr. Jones is **NOT THE**

ACTUAL TRANSFEREE/BUYER of the firearm and must answer "NO" to question 11.a. The licensee may not transfer the firearm to Mr. Jones. However, if Mr. Brown buys the firearm with his own money to give to Mr. Black as a gift (*with no service or tangible thing of value provided by Mr. Black*), Mr. Brown is the actual transferee/buyer of the firearm and should answer "YES" to question 11.a. However, the transferor/seller may not transfer a firearm to any person he/she knows or has reasonable cause to believe is prohibited under 18 U.S.C. 922(g), (n) or (x). **EXCEPTION:** If a person is picking up a repaired firearm(s) for another person, he/she is not required to answer 11.a. and may proceed to question 11.b.

Question 11.b. - 12. Generally, 18 U.S.C. 922(g) prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a felony in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*); is a fugitive from justice; is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated as a mental defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions; is subject to certain restraining orders; convicted of a misdemeanor crime of domestic violence under Federal, State or Tribal law; has renounced his/her U.S. citizenship; is an alien illegally in the United States or an alien admitted to the United States under a nonimmigrant visa. Furthermore, section 922(n) prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year. An information is a formal accusation of a crime verified by a prosecutor.

A member of the Armed Forces must answer "yes" to 11.b. or 11.c. if charged with an offense that was either referred to a General Court Martial, or at which the member was convicted. Discharged "under dishonorable conditions" means separation from the Armed Forces resulting from a dishonorable discharge or dismissal adjudged by a General Court-Martial. That term does not include any other discharge or separation from the Armed Forces.

EXCEPTION: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law of the jurisdiction where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had their civil rights (*the right to vote, sit on a jury, and hold public office*) taken away and later restored, AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Persons subject to this exception, or who receive relief from disabilities under 18 U.S.C. 925(c), should answer "no" to the applicable question.

Question 11.d. Fugitive from Justice: Any person who has fled from any State to avoid prosecution for a felony or a misdemeanor; or any person who leaves the State to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the State of prosecution.

Question 11.f. Adjudicated as a Mental Defective: A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs. This term shall include: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.

Committed to a Mental Institution: A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

EXCEPTION: Under the NICS Improvement Amendments Act of 2007, a person who has been adjudicated as a mental defective or committed to a mental institution in a State proceeding is not prohibited by the adjudication or commitment if

the person has been granted relief by the adjudicating/committing State pursuant to a qualifying mental health relief from disabilities program. Also, a person who has been adjudicated as a mental defective or committed to a mental institution by a department or agency of Federal Government is not prohibited by the adjudication or commitment if either: (a) the person's adjudication or commitment was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (c) the person was found by the agency to no longer suffer from the mental health condition that served as the basis of the initial adjudication/commitment; or (d) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code; (e) the person was granted relief from the adjudicating/committing agency pursuant to a qualified mental health relief from disabilities program. **Persons who fall within one of the above exceptions should answer "no" to question 11.f.** This exception to an adjudication or commitment by a Federal department or agency does not apply to any person who was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

Question 11.h. Qualifying Restraining Orders: Under 18 U.S.C. 922, firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing which the person received actual notice of and had an opportunity to participate in; (B) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. An "intimate partner" of a person is: the spouse or former spouse of the person, the parent of a child of the person, or an individual who cohabitates or has cohabitated with the person.

Question 11.i. Misdemeanor Crime of Domestic Violence: A Federal, State, local, or tribal offense that is a misdemeanor under Federal, State, or tribal law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with, or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (*e.g., assault and battery*), if the offense is committed by one of the defined parties. (*See Exception to 11.b. - 12.*) A person who has been convicted of a misdemeanor crime of domestic violence also is not prohibited unless: (1) the person was represented by a lawyer or gave up the right to a lawyer; or (2) if the person was entitled to a jury, was tried by a jury, or gave up the right to a jury trial. Persons subject to this exception should answer "no" to 11.i.

Question 12.d. Immigration Status: An alien admitted to the United States under a nonimmigrant visa includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. These aliens must answer "yes" to this question and provide the additional documentation required under question 18.c. Permanent resident aliens and aliens legally admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements may answer "no" to this question and are not required to submit the additional documentation under question 18.c.

Question 13. U.S.-issued Alien Number or Admission Number: U.S.-issued alien and admission numbers may be found on the following U.S. Department of Homeland Security documents: Legal Resident Card or Employment Authorization Card (AR# or USCIS#); Arrival/Departure Record, Form 194, or Form 797A (194#). Additional information can be obtained from www.cbp.gov. If you are a U.S. citizen or U.S. national then this question should be left blank.

Question 14. Under 18 U.S.C. 922(a)(1), it is unlawful for a person to engage in the business of dealing in firearms without a license. A person is engaged in the business of dealing in firearms if he/she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal

objective of livelihood and profit through the repetitive purchase and resale of firearms. A license is not required of a person who only makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his/her personal collection of firearms.

Section B

Question 16. Type of Firearm(s): "Other" refers to frames, receivers and other firearms that are neither handguns nor long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell, or National Firearms Act (NFA) firearms, including silencers.

If a frame or receiver can only be made into a long gun (*rifle or shotgun*), it is still a frame or receiver not a handgun or long gun. However, frames and receivers are still "firearms" by definition, and subject to the same GCA limitations as any other firearms. See Section 921(a)(3)(B). Section 922(b)(1) makes it unlawful for a licensee to sell any firearm other than a shotgun or rifle to any person under the age of 21. Since a frame or receiver for a firearm, to include one that can only be made into a long gun, is a "firearm other than a shotgun or rifle," it cannot be transferred to anyone under the age of 21, nor can these firearms be transferred to anyone who is not a resident of the State where the transfer is to take place. Also, note that multiple sales forms are not required for frames or receivers of any firearms, or pistol grip shotguns, since they are not "pistols or revolvers" under Section 923(g)(3)(A).

Question 17. Qualifying Gun Show or Event: As defined in 27 CFR 478.100, a gun show or event is a function sponsored by any national, State, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

Question 18.a. Identification: Before a licensee may sell or deliver a firearm to a nonlicensee, the licensee must establish the identity, place of residence, and age of the transferee/buyer. The transferee/buyer must provide a valid government-issued photo identification document to the transferor/seller that contains the transferee's/buyer's name, residence address, and date of birth. A driver's license or an identification card issued by a State in place of a license is acceptable. Social Security cards are not acceptable because no address, date of birth, or photograph is shown on the cards. A combination of government-issued documents may be provided. See instructions for question 18.b. Supplemental Documentation.

If the transferee/buyer is a member of the Armed Forces on active duty acquiring a firearm in the State where his/her permanent duty station is located, but he/she has a driver's license from another State, the transferor/seller should list the transferee's/buyer's military identification card and official orders showing where his/her permanent duty station is located in response to question 18.a. Licensees may accept electronic PCS orders to establish residency.

Question 18.b. Supplemental Documentation: Licensees may accept a combination of valid government-issued documents to satisfy the identification document requirements of the law. The required valid government-issued photo identification document bearing the name, photograph, and date of birth of transferee/buyer may be supplemented by another valid, government-issued document showing the transferee's/buyer's residence address. This supplemental documentation should be recorded in question 18.b., with the issuing authority and type of identification presented. For example, if the transferee/buyer has two States of residence and is trying to buy a handgun in State X, he may provide a driver's license (*showing his name, date of birth, and photograph*) issued by State Y and another government-issued document (*such as a tax document*) from State X showing his residence address. A valid electronic document from a government website may be used as supplemental documentation provided it contains the transferee's/buyer's name and current residence address.

Question 18.c. Exceptions to the Nonimmigrant Alien Prohibition and Acceptable Documentation: An alien admitted to the United States under a nonimmigrant visa is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a hunting license or permit lawfully issued by the Federal Government, a State or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired; (2) was admitted to the United States for lawful hunting or sporting purposes; (3) has received a waiver from the prohibition from the Attorney General of the United States; (4) is an official representative of a foreign government who is accredited to the United States Government or the Government's mission to an international organization having its

headquarters in the United States; (5) is an official representative of a foreign government who is en route to or from another country to which that alien is accredited; (6) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or (7) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

Question 19. NICS BACKGROUND CHECKS: 18 U.S.C. 922(t) requires that prior to transferring any firearm to an unlicensed person, a licensed importer, manufacturer, or dealer must first contact the National Instant Criminal Background Check System (NICS). NICS will advise the licensee whether the system finds any information that the purchaser is prohibited by law from possessing or receiving a firearm. For purposes of this form, contacts to NICS include State agencies designated as points-of-contact ("or POCs") to conduct NICS checks for the Federal Government.

The licensee should NOT contact NICS and must stop the transaction if there is reasonable cause to believe that the transferee/buyer is prohibited from receiving or possessing a firearm, including if: the transferee/buyer answers "no" to question 11.a.; the transferee/buyer answers "yes" to any question in 11.b. - 11.i. or 12.b. - 12.c.; the transferee/buyer has answered "yes" to question 12.d.1., and answered "no" to question 12.d.2.; or the transferee/buyer cannot provide the documentation required by questions 18.a, b, or c. **WARNING:** Any person who transfers a firearm to any person he/she knows or has reasonable cause to believe is prohibited from receiving or possessing a firearm violates the law, even if the transferor/seller has complied with the Federal background check requirements.

At the time that NICS is contacted, the licensee must record in question 19.a. - 19.c.: the date of contact, the NICS (or State) transaction number, and the initial (first) response provided by NICS or the State. The licensee may record the date the firearms may be transferred to the transferee/buyer (also known as the Missing Disposition Information (MDI) date) in 19.c. that NICS provides for delayed transactions (States may not provide this date). If the licensee receives any subsequent response(s) before transferring the firearm, the licensee must record in question 19.d. any response later provided by NICS or the State, or that no response was provided within 3 business days. If the transaction was denied and later overturned in addition to checking the "Proceed" and entering the date, the licensee must also check the "Overturned" box and, if provided, attach the overturn certificate issued by NICS or the State POC to the ATF Form 4473. If the licensee receives a response from NICS or the State after the firearm has been transferred, he/she must record this information in question 19.e. Note: States acting as points of contact for NICS checks may use terms other than "proceed," "delayed," "cancelled," or "denied." In such cases, the licensee should check the box that corresponds to the State's response. Some States may not provide a transaction number for denials. However, if a firearm is transferred within the three business day period, a transaction number is required.

NICS Responses: If NICS provides a "proceed" response, the transaction may proceed. If NICS provides a "cancelled" or "denied" response, the transferor/seller is prohibited from transferring the firearm to the transferee/buyer. If NICS provides a "delayed" response, the transferor/seller is prohibited from transferring the firearm unless 3 business days have elapsed and, before the transfer, NICS or the State has not advised the transferor/seller that the transferee's/ buyer's receipt or possession of the firearm would be in violation of law. (See 27 CFR 478.102(a) for an example of how to calculate 3 business days.) If NICS provides a "delayed" response, NICS also will provide a Missing Disposition Information (MDI) date that calculates the 3 business days and reflects when the firearm(s) can be transferred under Federal law. States may not provide an MDI date. State law may impose a waiting period on transferring firearms.

Questions 20 and 21. NICS EXCEPTIONS: A NICS check is not required if the transfer qualifies for any of the exceptions in 27 CFR 478.102(d). Generally these include: (a) transfers of National Firearms Act firearms to an individual who has undergone a background check during the NFA approval process; (b) transfers where the transferee/buyer has presented the licensee with a permit or license that allows the transferee/buyer to possess, acquire, or carry a firearm, and the permit has been recognized by ATF as a valid alternative to the NICS check requirement; or (c) transfers certified by ATF as exempt because compliance with the NICS check requirements is impracticable. If the transfer qualifies for one of these exceptions, the licensee must obtain the documentation required by 27 CFR 478.131. A firearm must not be transferred to any transferee/buyer who fails to provide such documentation.

A NICS check must be conducted if an NFA firearm has been approved for transfer to a trust, or to a legal entity such as a corporation, and no background check was conducted as part of the NFA approval process on the individual who will receive the firearm. Individuals who have undergone a background check during the NFA application process are listed on the approved NFA transfer form.

Section C

Questions 22 and 23. Transfer on a Different Day and Recertification: If the transfer takes place on a different day from the date that the transferee/buyer signed Section A, the licensee must again check the photo identification of the transferee/buyer at the time of transfer.

Section D

Question 24-28. Firearm(s) Description: These blocks must be completed with the firearm(s) information. Firearms manufactured after 1968 by Federal firearms licensees should all be marked with a serial number. Should you acquire a firearm that is legally not marked with a serial number (i.e. pre-1968); you may answer question 26 with "NSN" (No Serial Number), "N/A" or "None."

If more than four firearms are involved in a transaction, the information required by Section D, questions 24-28, must be provided for the additional firearms on a separate sheet of paper, which must be attached to this ATF Form 4473.

Types of firearms include, but are not limited to: pistol, revolver, rifle, shotgun, receiver, frame and other firearms that are neither handguns nor long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell (pistol grip firearm) or NFA firearms (machinegun, silencer, short-barreled shotgun, short-barreled rifle, destructive device or "any other weapon").

Additional firearms purchases by the same transferee/buyer may not be added to the form after the transferor/seller has signed and dated it. A transferee/buyer who wishes to acquire additional firearms after the transferor/seller has signed and dated the form must complete a new ATF Form 4473 and undergo a new NICS check.

Question 31. This item is for the licensee's use in recording any information he/she finds necessary to conduct business.

Question 32. Check this box, or write "Private Party Transfer" in question 31, if the licensee is facilitating the sale or transfer of a firearm between private unlicensed individuals in accordance with ATF Procedure 2013-1. This will assist the licensee by documenting which transaction records correspond with private party transfers, and why there may be no corresponding A&D entries when the transfer did not proceed because it was denied, delayed, or cancelled.

Privacy Act Information

Solicitation of this information is authorized under 18 U.S.C. 923(g). Disclosure of this information by the transferee/buyer is mandatory for the transfer of a firearm. Disclosure of the individual's Social Security number is voluntary. The number may be used to verify the transferee's/buyer's identity.

For information about the routine uses of this form see System of Records Notice Justice/ATF-008, Regulatory Enforcement Records System (68 FR 163558, January 24, 2003).

Paperwork Reduction Act Notice

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine the eligibility of the transferee to receive and possess firearms under Federal law. The information is subject to inspection by ATF officers and is required by 18 U.S.C. 922 and 923.

The estimated average burden associated with this collection is 30 minutes per respondent or recordkeeper, depending on individual circumstances. Comments about the accuracy of this burden estimate and suggestions for reducing it should be directed to Reports Management Officer, IT Coordination Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Confidentiality is not assured.



Testimony in Support of HB 109, Closing Background Check Loopholes House Criminal Justice Committee, February 13, 2019

My name is Zandra Rice Hawkins and I am the Executive Director of Granite State Progress, a multi-issue advocacy organization working on issues of immediate state and local concern. Our members work actively on gun violence prevention, and as such strongly support HB 109.

In the absence of Congressional action, it is important that states explore other options for preventing or reducing gun violence in our communities. HB 109 would require background checks for all commercially advertised firearm sales, helping keep guns out of the hands of felons and domestic abusers.

How Background Checks Work

Under the federal Brady Act, criminal background checks must be conducted on individuals before a firearm may be purchased from a federally licensed dealer, manufacturer or importer – sometimes referred to as FFL's. In New Hampshire, background checks on handgun purchases are conducted by the NH Department of Safety and background checks on long guns are conducted through the FBI's National Instant Criminal Background Check System (NICS).

How Background Checks Save Lives

Since the Brady Act thru 2010, over 118 million applications for firearm transfers or permits were subject to background checks. During this time period, about 2.1 million applications, or 1.8%, were denied. A Department of Justice study of applications from 1999 to 2010 found that:

- A **felony conviction** or indictment was the most common reason to deny an application during FBI (63%) and state (50.7%) background checks.
- **Domestic abusers** attempting to purchase guns accounted for the second most common reason of denials during FBI (15.5%) and state (13.2%) background checks.

NH Background Checks

In 2017, New Hampshire conducted nearly 130,000 background checks to keep guns out of the hands of felons, domestic abusers, and other prohibited persons. But guns sold in New Hampshire through private sales at gun shows, online, or the classifieds do not currently require a background check.

Requiring a background check every time a gun is sold is effective in keeping guns out of the hands of those with a criminal record. This bill will require a background check for all commercially advertised sales. This just makes sense: responsible gun owners shouldn't put guns in the hands of people they don't know.

NH Background Check Facts

Under this bill, commercially advertised gun sales – including online sales – would require a criminal background check through a federally licensed dealer using the same background check system already used in all dealer sales.

The bill defines commercial as “a sale, transfer, or exchange of a firearm that takes place at, or on the curtilage of, a gun show or pursuant to an offer to sell or buy a firearm that took place at a gun show, or pursuant to an advertisement, posting, listing, or display.”

Transfers and exchanges are included because it is not uncommon for a firearm to be traded rather than sold for financial value.

The bill defines that sales on the ‘curtilage of’ gun shows or ads are included. This deters parties from meeting at a gun show then going to the parking lot to sell a gun without running a background check.

This bill would help keep guns out of the hands of dangerous criminals and save lives. An overwhelming 9 out of 10 Granite Staters support background checks – including a majority of gun owners and NRA members.

On Loopholes

According to the fiscal note at the end of a similar bill in 2014, an estimated 33,333 gun sales in New Hampshire did not go through the background check process the previous year. This morning our office looked on Armslist, which advertises itself as an online firearms marketplace. There were 1,422 firearms for sale or trade in New Hampshire alone. The website has a disclaimer advising users to follow all federal and state firearms laws. That is it. I had to click a button saying yes, I am allowed to purchase a gun. No questions asked. No background check. There is no guarantee the individual seller will require one of me either.

It’s high time we had a conversation about who can easily buy firearms in New Hampshire.

What The Bill Won’t Do

It does not affect law-abiding New Hampshire gun owners selling and trading guns between friends & family. It expressly prohibits a gun registry.

Vote OTP on HB 109

In the absence of action at the federal level, states must explore options for preventing or reducing gun violence in our own communities. HB 109 is a smart policy measure with widespread public support. We urge you to pass this important piece of legislation.

If you have any questions about the testimony provided herein, my contact information is available on the written copy provided to you.

Zandra Rice Hawkins
Executive Director
Granite State Progress
Phone: 603.225.2471

zandra@granitestateprogress.org

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Members of the Criminal Justice and Public Safety Committee,

Thank you for taking a moment to read why I'm asking you to support HB 109-FN requiring background checks for commercial firearm sales.

My name is Justine Campbell and I'm a registered voter in Bow, NH and have lived in NH for most of my life. I love living in New Hampshire but I hate how lax our gun laws are here. We are living in the middle of a gun violence epidemic in this country because the gun lobby has had a hold on our legislators for too long, both here and in Washington DC. It's past time for some common sense gun legislation in NH.

Roughly 95% of people believe that background checks should be required for all gun sales. It's hard to believe that we haven't enacted this legislation yet. Background checks lead to reduced rates of gun homicide, suicide and gun trafficking and help keep guns out of the hands of dangerous people. Why have we not done this yet??

Please, let this be the year that our legislators have the courage to stand up to the gun lobby in New Hampshire and make public safety a priority, pass HB 109.

Thank you for your consideration.

Justine Campbell, Bow NH

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NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400

Lauren LePage
State Director

Memorandum of Opposition

Date: February 13, 2019
To: Honorable Members of the House Criminal Justice and Public Safety Committee
From: Lauren LePage
RE: House Bill 109-FN

Honorable members of the committee, on behalf of the National Rifle Association, I would like to express our opposition for House Bill 109-FN (Rogers-D); an act requiring background checks for commercial firearms sales. This measure would effectively subject all private transfer of firearms at “gun shows” and through “advertisement” to be conducted by a licensed firearms dealer.

This bill is legislation in search of a problem. Background checks do not stop criminals from obtaining firearms. According to federal studies done by the Department of Justice, of how prison inmates acquired firearms, fewer than 1% reported acquiring them at gun shows, and the vast majority acquired firearms on the black market, by straw purchase, or by theft. In addition, ATF has reported that nearly all illegally trafficked firearms alone originate through straw purchasers.

Under federal law, firearm dealers are “persons engaged in the business” of selling firearms for profit on a regular basis. Federal law already requires firearm dealers to be licensed and to initiate a background check before issuing a firearm to a non-dealer, regardless of where the transfer takes place. Under current law it is a felony to sell a firearm to a person who is a “prohibited person.” Likewise, both New Hampshire and federal law make it a felony for a prohibited person to buy, own or possess a firearm and a felony to purchase and knowingly sell a firearm to a prohibited person, commonly known as a “straw purchase.”

The push for closure of the so-called “gun show loophole” before the New Hampshire General Court is not about crime but rather the governmental intervention and regulation of private firearm sales which sets the stage for universal firearm registration. These types of background checks do nothing to reduce violent crime, and only affect law-abiding gun owners by imposing cumbersome mandates and restrictions on the lawful purchase and possession of firearms.

New Hampshire citizens, gun owners, sportsmen and women hope that you will oppose this legislation. Please feel free to contact me at 703-267-1243 if you have additional questions or concerns. Thank you for your attention to this matter.



GUN OWNERS OF AMERICA

8001 Forbes Pl Suite 202, Springfield VA 22151

703-321-8585 / gunowners.org

Direct Contact: alanrice@gunowners.org
(603) 471-2721

TESTIMONY IN OPPOSITION OF HB 109

February 13, 2019 -- New Hampshire House Criminal Justice and Public Safety Committee

Good afternoon, for the record, my name is Alan Rice; I am resident of Bedford, NH and I am here today as the New Hampshire Field Representative for Gun Owners of America, a national organization with over two million individual members. **We are strongly opposed HB 109 which will criminalize the sale or gift of a firearm to a family member, friend or neighbor.**

HB 109 has no exceptions for hunting, target practice or competitive shooting.

You will hear a lot about how this bill only applies to "commercial sales." Don't be fooled!

HB 109 creates a definition of "commercial sale" (in 159:E:1). You could make a so-called "commercial sale" a couple of different ways and run afoul of the new law.

But, at its lowest common denominator, "commercial sale" is defined to mean a "transfer ... of a firearm ... pursuant to an advertisement, posting, listing, or display." "Display" is nowhere defined. "Posting" is also nowhere defined, but presumably includes a single communication over the Internet or even in person.

In other words, you can be SURE the transfer of a firearm is not a "commercial sale" only if no one knew it was to be sold or transferred -- and you didn't see it prior to the transfer or sale.

It is a myth that private parties can order firearms on the internet and have them shipped to their home. Only licensed dealers can have firearms shipped to them. Everyone else must have any firearms that are purchased online shipped to a licensed dealer and then appear in person to pick up their purchase. What HB 109 will do is prohibit the face to face sale or transfer of firearms between friends, family members and neighbors.

It is illegal under provisions of federal law for a dealer to transfer a firearm to a minor, and a handgun to a person under age 21, HB 109 becomes a defacto gun ban on those who are not of legal age. Irrespective of the wishes of parents or guardians. Hunting and shooting by minors in New Hampshire will effectively become illegal.

If I was a member of this committee, I would ask Rep. Rogers how then, are we to teach our youth about firearms if we cannot provide them with firearms?

But, I think I know the answer, Rep. Rogers does not want young people, or anyone else for that matter to own, possess or use firearms.-- and since section II(a) requires dealers to treat Brady Checks as though they were the sellers -- hunting and shooting by minors in New Hampshire will effectively become illegal.

Please see reverse...

HB 109 is so broad that any transfer that is not completed by a licensed dealer subjects the seller to the penalties of a misdemeanor! A total ban on disposal of privately owned firearms by otherwise law abiding citizens of New Hampshire. A ban so broad that a firearms instructor would not be able to loan firearms to students to use in a training environment.

Consider how this bill would have failed to prevent Newtown (stolen gun), Aurora (passed background check), Tucson (passed background check), and practically every other modern American tragedy. And South Carolina, a failure by the FBI.

HB 109 will not make anyone safer, it's just another cynical attempt by out of state Bloomberg-backed gun-grabbers to marginalize gun-owners, stigmatize gun ownership, and pave the way for the elimination of Second Amendment rights by bringing New York style gun control to New Hampshire.

Accordingly, on behalf of over two million member of Gun Owners of America, I respectfully urge this committee, in the strongest possible language to vote HB 109 "inexpedient to legislate".

Thank you for your time, your consideration and your public service. I will happily entertain any questions that the members may have.

February 4, 2019

Chairman Robert Renny Cushing
Criminal Justice & Public Safety Committee
NH House of Representatives
107 North Main Street
Concord, NH 03301

Dear Sir:

RE: In favor of **HB109-FN** requiring background checks for firearms sale

I believe that before anyone can purchase a firearm there should be a background check to ensure that the purchaser is not a felon, domestic abuser, or mentally ill. If a person needs a gun with such urgency that there is no time for a background check, that person should be talking to the police, not arming themselves.

I fully support the passage of this important bill.

Please ensure that your committee approves this bill after your review on February 13th.

Thanks very much for your consideration.

Sincerely,



Robin H. Schnell
109 Spring St.
Portsmouth, NH 03801-5143

Chairman Robert Renny Cushing & Criminal Justice and Public Safety Committee Members:

My name is Corinne Dodge and I am a voter in Derry, NH. I strongly urge you as members of the Criminal Justice and Public Safety Committee to pass HB 109 onto a full House vote as "Ought to Pass".

I am a retired teacher. I remember when the teachers of my middle school in Rochester, NH watched in horror, as the first of many school murders unfolded in Columbine. Little did we know then how many more were to follow. There were numerous school staff meetings regarding how we would keep the children safe if that ever happened in our Rochester school. However, as we experienced watching this happen in school after school, in churches, and in all kinds of community venues, we knew the truth. It became perfectly clear to us that we cannot keep the children or ourselves safe as long as guns are freely bought and sold without common-sense background checks.

We in NH are lucky, as we have not yet had to experience the insane violence of mass school murders. Perhaps some of you on the committee may be thinking "That won't ever happen in NH". I say to you -- Be mindful of your responsibility **for** the public safety of the people in NH. Act now, proactively, before it **does** happen!" Support HB 109.

Thank you

Corinne Dodge

Opposing Bill HB 109 FN

IN THE YEAR OF OUR LORD February 13th, 2019

Good Day Criminal Justice Committee Members,

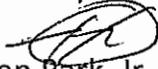
My name is Ken Park, Jr., and I live in Loudon, NH. The reason I am writing and expressing my opinion of not to allow this Bill to move past the community hearing.

HB109 - This bill requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides a criminal penalty for a violation. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.

Rebuttal: This is already a statute and a federal law. Why are you wasting time, and funding to address this which is already illegal to transfer a firearm from a commercial dealer? As a firearm owner that have bought firearms at a commercial establishment on a number of occasions. I have not once paid for a firearm and walked out the door without having been vetted through a background check to validate my purchase. If this is attempting to address another issue than I have stated, then this bill needs to be ITL – Inexpedient To Legislate, as it is not clear the exact issue you are trying to re-address. Obey your Oath to The US Constitution and the state. The 2nd Amendment and Article 2A in the state.

This is a tricky slop and with the political differences on both parties is completely at odds; justice and liberty should prevail in all matters of The State. My opinion this is a duplicate matter already covered under the law and should be met with ITL Inexpedient To Legislate.

Thank you for your time and attention,


Ken Park, Jr.
Loudon, NH

Mr. Chairman,

Members of the Committee,

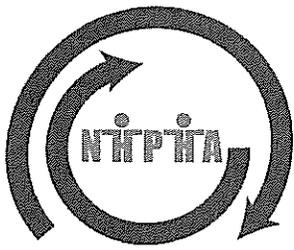
I'll keep this short.

HB109 Pretends to only affect Commercial Sales, it says so, repeatedly. But the devil is in the details. Or in this case the definitions. HB109 defines a Commercial Sale to include any sale that results from "an advertisement, posting, listing, or display." So quite literally, any sale that is communicated in any way other than saying to someone "do you want to buy a gun", is considered a Commercial Sale. HB109 effectively puts an end to private sales.

And what problem does this bill solve? Good law is about solving a specific problem. And with this being a New Hampshire bill, it should solve a New Hampshire problem. But it doesn't. There is no problem to be solved here. People willing to break the law will still buy guns illegally, and lawful gun owners will need to submit to a pointless restriction.



Randall Cohen
11 Kessler Farm Dr.
Nashua, NH



NEW HAMPSHIRE PUBLIC HEALTH ASSOCIATION

Improving Health, Preventing Disease, Reducing Costs for All

4 Park Street, 4th Floor
Concord, NH 03301
603.228.2983 | HYPERLINK "mailto:info@nhpha.org"
www.nhpha.org

Testimony on HB 109: An Act requiring background checks for commercial firearms sales.

New Hampshire Public Health Association (NHPHA) supports HB 109. The NHPHA recognizes that guns are part of American culture and believes that the pursuit of gun safety is substantially different from the pursuit of gun control. Improving gun safety, in contrast to traditional gun control, reflects a focused, multidisciplinary effort to limit violence and harm subsequent to inappropriate use of a prevalent technology. As such, NHPHA advocates for policies that will prevent gun-related injuries rather than policies focused solely on firearm limitations. HB 109, with its focus on the expansion of background checks, is directly aligned with NHPHA policy positions.

NHPHA supports policies that:

- Support and expand universal background checks, including:
 - ◊ Closing loopholes for private sales, gun shows, and Internet sales.
 - ◊ Improving the amount of information available to firearms dealers seeking background checks.

HB 109 “requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides a criminal penalty for a violation. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.” The text of the law explicitly defines commercial sales to include gun shows and the land surrounding them.

Universal background checks are widely acknowledged as a key lever to reduce illegal gun ownership and improve public safety. The best available data, though dated, suggest that a significant volume of firearms are purchased or acquired from sources other than federally licensed firearms dealers (FFLs). Critically, there is concern that purchases outside of FFLs may be disproportionately illegal; further, evidence suggests that criminal offenders prohibited from owning firearms are far less likely to obtain guns from sources requiring a background check, including FFLs. Expanding background check requirements would make it more difficult for prohibited persons to obtain firearms. By mandating that all commercial sales, including gun shows, and all sales in which an individual’s eligibility to own or possess a firearm is in question must proceed through a FFL, HB 109 closes a critical loophole in existing law. In so doing, it makes an essential step toward a comprehensive, evidence-based approach to preventing gun violence.

NHPHA appreciates the opportunity to provide testimony in support of HB 109. We urge you to give this bill your full support by voting Ought to Pass.

ALLAN M. LURVEY, T.H.D.

Psychologist

3 Greenleaf Woods Drive

Portsmouth, NH 03801

(603) 431-1955

allanlurvey@comcast.net

February 10, 2019

To: Criminal Justice and Public Safety Committee

Re: HB 109-FN Requiring Background Checks For Commercial Firearms Sales

From: Allan Lurvey, psychologist and public citizen

I am writing in support of HB-109.

According to the CDC's data base 39,773 people in the United States died from a gunshot in 2017. That would be heartbreaking if that were happening everywhere. But it's not. According to JAMA Network, it's over 5 times worse than Canada, 13 times worse than Germany, 40 times worse than the U.K. and 60 times worse than Japan. One could say there's plenty of room for improvement!

I submit to you, ladies and gentlemen of the Committee, that the issue is that lives matter. EVERY life matters. Protecting EVERY citizen from the possibility of death by gunshot is our public duty. This bill is a step in that direction. I urge you to support it.

Allan Lurvey

Bill as Introduced

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 109-FN Date 2/13/19
 Committee CJ

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep Alicia Lekas			Hills 37		✓
Rep BOB GREEVE			HILLS 37		✓
JASON MACDONALD	S. HAMPTON		SELF		✓
SID SPRENDURY	24 DAFFODIL HILL LN	603-781-3025			X
JANES CROSS	Manchester, NH				-
KULIE CROSS	" "				-
SUSAN OLSEN	NDLH H				X
Rep John O'Day	Cheshire	11			X
Larry Cleveland	26 S. Woodbound Rd.		Rindge		X
JOHN TROUT	104 GALE ROAD		GILMANTON, N. H.		X
Ryan Trexler	Stradford NH.		SELF		X
Rep. Jeanne Nottier			Hills 21		X
David Holt	Somersworth		self	X	
KEVIN PERKINS	871 Islington St. 3B Portsmouth		self	X	
Rick Russell	Salem NH			X	X
Laurie Morrissey	Hopkinton NH		self	X	
SUSAN COVERZ	CONCORD NH		SELF	✓	
David Morrison			SELF		-
T. J. Smith, MD, MPH			NH Public Health Ass'n	✓	
Maura Willing	Concord		self	✓	
Eileen Flockhart	Exeter		Self	✓	
Scott H. Smith	Concord	496-3530			✓
Robert W. Kley	Derry		self		✓

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # 109-FN Date 2/13/19
 Committee _____

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep Jim Whittemore	Hudson/Polk	#1257			<input checked="" type="checkbox"/>
LEANNAA KOSOW	M17	6034315350	New Hampshire Medical Society	<input checked="" type="checkbox"/>	
Julia Freeman-Woodget	Concord	8921561		<input checked="" type="checkbox"/>	
John Sakelofon	15 Adams apt 407		self		<input checked="" type="checkbox"/>
Julie Norris	32 Edgewood Ave	Nashua	Mattea Citarella	<input checked="" type="checkbox"/>	
Paul LaFerrere	185 Esher Ave	Manchester	Self		<input checked="" type="checkbox"/>
Maureen Effermann	Concord		self	<input checked="" type="checkbox"/>	
Kyle HAINES	MILFORD, NH		SELF		<input checked="" type="checkbox"/>
JAMES GATNEY	WARNER		SELF		<input checked="" type="checkbox"/>
Tony DiFranco	Manchester				<input checked="" type="checkbox"/>
Jordan Estrada	Merrimack				<input checked="" type="checkbox"/>
DANIEL BUCZALA	DUNBAR	6036822682	SELF		<input checked="" type="checkbox"/>
William Hubbard	Chester				<input checked="" type="checkbox"/>
Rep Suzanne Vail	Hills 30	Nashua		<input checked="" type="checkbox"/>	
Cheryl Dean	303 First NH Tpke	Nashua NH	self		<input checked="" type="checkbox"/>
Nancy Brennan	Weare		Self	<input checked="" type="checkbox"/>	
Devi Hampton	Canterbury		self	<input checked="" type="checkbox"/>	
Jeanne DeBald	Hopkinton		self	<input checked="" type="checkbox"/>	
Rep Dick Hinch	House Republican office				<input checked="" type="checkbox"/>
Rep Tony Piemonte	Rock 4				<input checked="" type="checkbox"/>
T.F. Amato	Horseshoe NH		Self		<input checked="" type="checkbox"/>
Nancy Rideout	Webster NH		self	<input checked="" type="checkbox"/>	
Ron Anne Copp	Derry NH	03038	self		<input checked="" type="checkbox"/>
THE VINE TREE	HORSHOE		self	<input checked="" type="checkbox"/>	

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # 17 B. 109 Date 2/13/2019

Committee Am just ep

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Larry Crighton	32 Merrimack Concord	491-7839	self	X	
David Flynn	Sundwich		self		✓
Dr Michael Hayes	11 Ke Circle Derry	6034709264	self		✓
Nell Griffin	160 Park ST Portsmouth	6034986697	self	X	
Prescott Teague	9 Meadow Lark Ln Essex				✓
Linda Mattlage	30 Hampshire Dr. Concord		self	✓	
Donna Davey	Concord		self		✓
REP MARK PROULX	HILLS 411				X
Nicole R Fortune	Hooksett, NH				X
Mitch Komacz	"		GONH		✓
Rep. Peter Torosian,	Atkinson, NH		Rep Rockingham #14		✓
Rick Mottem	Gifted		self		
REP. ED COMEAU	CARROLL 5				<input checked="" type="checkbox"/>
Aaron Cantano	Franklin, NH		Self		X
PATRICK LOZITO	CLAREMONT NH		SELF		X
Eric Damon	MANCET -		SELF		X
Jason Kudo	Benton NH		self		X
MARCUS MILNER	CLIFTON NJ		SELF		X
Treuer Morse	Manchester		self		X
Dan Baumgartner	Barnington				✓
Brandon Morse	Concord				✓
Chris Authier	Barnstead				✓
Rep Rebecca McBeth	Rock #26			X	

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To Register Opinion If Not Speaking

Bill # HB 109-FN Date 2/13/19
 Committee CJ

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Deb Howard	North Hampton NH		self	<input checked="" type="checkbox"/>	
Sonia Prince	49 Tufts Dr Nashua NH	578-0786	Self	<input checked="" type="checkbox"/>	
Cybil Baran	CROYDON NH	731-5142	SELF	<input checked="" type="checkbox"/>	
Olivia Cindy White	Hopkinton, NH	225-5935	self	<input checked="" type="checkbox"/>	
Kathleen Glover	Portsmouth, NH	603-498-6354	self	<input checked="" type="checkbox"/>	
Melissa Hinebaugh	Concord		self	<input checked="" type="checkbox"/>	
Ruth Pwencuch	Concord		Self	<input checked="" type="checkbox"/>	
Elizabeth Corell	Concord		self	<input checked="" type="checkbox"/>	
Sarah DeWitt	Exeter		self	<input checked="" type="checkbox"/>	
Kathy Cahill	Concord NH		self	<input checked="" type="checkbox"/>	
hoube Spencer	Concord NH		Self	<input checked="" type="checkbox"/>	
Rep Jan Schmitt			Hills 28	<input checked="" type="checkbox"/>	
Tray Hahn-Burdett	Bow		self	<input checked="" type="checkbox"/>	
Rep Latha Mangipudi			Hills 35	<input checked="" type="checkbox"/>	
Rep Manny Eshota			self	<input checked="" type="checkbox"/>	
ERIC McFARLIN	NEW DURHAM, NH		2A/SELF	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. W Ellison				<input checked="" type="checkbox"/>	
Benjamin Mason	Londonderry		self		<input checked="" type="checkbox"/>
Rep DAVID DREWRY	MERRIMACK	20		<input checked="" type="checkbox"/>	
Rep DENNIS GREEN					<input checked="" type="checkbox"/>
Randall Cohen	Nashua	216			<input checked="" type="checkbox"/>
Rep. Josh Query	Manchester		Hills 16	<input checked="" type="checkbox"/>	
Michael Bean	Rechester, NH				<input checked="" type="checkbox"/>

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To Register Opinion If Not Speaking

Bill # HB 109 Date 2/13/19

Committee _____

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep FRED DOCKETT	SALEM	Rock #8			X
Rep Michael Yakubovich		Merr 24			X
Andrew Bergmann	Nashua	self			X
Brooks Hayward	Epsom	self			X
Rep DAVID LOVE		ROCK 6			X
Pat Wilczynski	4 Academy St Concord	203-5902		X	
Blake camp	22 French Road Gilsum NH	self			X
Brian Silas	56 Lowell Road East	Brentwood			X
Ronna Weber	570 Wakefield Rd	Rye		✓	
Rep Sue Newman	Nashua Ward 2			X	
Maile Hampson	Contestbury	Self		X	
Gregory Seppala	145 Robbins Rd	Rindge			X
Josh Billings	Rindge	self			X
Ronna Weber	Rye	d.H		✓	
William Hubbard	Chester				X
Penny Dean	Concord	NH Self			X
Rep. DOUG LEV	Jaffrey NH			✓	
TRIP, SOUTH POTOMAC		ROCK 6		✓	X
Rep William A Hatch				✓	
Rep Patty Sawyer		Rock 19		✓	
Rep Liz McConnell		Brentwood 11		✓	
Kathy Wyle	25 Driscoll Rd	Deering NH 03244		✓	
Dmy Bradley		MAN 2312		✓	

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 109 Date: 2-13-19
 Committee: Criminal Justice

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Jim McConnell	N. Swanzey		Self		<input checked="" type="checkbox"/>
CHAD MILLS	FRANCESTOWN		self		<input checked="" type="checkbox"/>
SEAN GARLICK	FRANCESTOWN		Self		<input checked="" type="checkbox"/>
JAMES HAY	MANCHESTER NH		Self		<input checked="" type="checkbox"/>
Rep. Judy Aron	Sullivan T		self		<input checked="" type="checkbox"/>
Natalie Wells	Warner		self	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Peter Letshman				<input checked="" type="checkbox"/>	
Mary Heath				<input checked="" type="checkbox"/>	
Sheri Gushta	Exeter		self	<input checked="" type="checkbox"/>	
Rep. Mary Beth White	Manchester 23			<input checked="" type="checkbox"/>	
DANIEL STRIBES	MANCHESTER				<input checked="" type="checkbox"/>
Fatima Z. Mosal	Manchester				<input checked="" type="checkbox"/>
Donald Carrier	New Boston		SELF		<input checked="" type="checkbox"/>
Linda Rauter	Chichester		self	<input checked="" type="checkbox"/>	
Dr. U.K. Rauter	Chichester		self	<input checked="" type="checkbox"/>	
Charles Forester	Nashua		self		<input checked="" type="checkbox"/>
Carl HOWES	Hudson, NH		SELF		<input checked="" type="checkbox"/>
Elizabeth M. Lavoie	MS		CLUB		<input checked="" type="checkbox"/>
Jon Martin	Londra, NH		Self		<input checked="" type="checkbox"/>
Doug McIlly	Mont Vernon		Self		<input checked="" type="checkbox"/>
Zick Notkin	Gilford		Self		<input checked="" type="checkbox"/>
Ken Wells	Andover		Memorandum	<input checked="" type="checkbox"/>	
Hon Joe Hannon	Lee NH		GONH		<input checked="" type="checkbox"/>

①

Rema Woods Bow, NH Self

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 109 Date 2/13/19
 Committee Background Checks Criminal Justice

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep Connie Lane	Concord			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kathy Cahill	Concord		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Jay Weston			Grafton 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Matt Beard			Stratford Dist 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Christy Dole	Bassett		Merrimack 19	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Allison Nutting Wong			Hills 32	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Garrett Muscatel			Grafton 12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Connie Van Houten			Hills 45	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Richard Abel,			Grafton 13	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jana Smith	Pembroke		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Kristina Fargo,	Stratford		14 Dover	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Ed Butler	Carroll			<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Colker	Concord		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rev. Jonathan Hopkins	Concord, NH		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JP Mohr	Camden, NH		Stuyvesant RID-NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. MIGUEL OSTWALD	Plaistow NH 03865			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Mary Jane Mullica	Grafton Dist #12			<input checked="" type="checkbox"/>	<input type="checkbox"/>
ROBIN SKUDLAREK	20 Woodbine Drive Londonderry			<input checked="" type="checkbox"/>	<input type="checkbox"/>
STEVE MARCHAND,	310 FW HARTFORD DR, PORTSMOUTH			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Louise Spencer	Concord		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Flaherty	Wenew		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Christopher Maidment	Peterborough		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Garret Ean	Concord		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jan Hynds	Bedford		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>

HB 109-FN - AS INTRODUCED

2019 SESSION

19-0019

04/08

HOUSE BILL ***109-FN***

AN ACT requiring background checks for commercial firearms sales.

SPONSORS: Rep. Rogers, Merr. 28; Rep. Huot, Belk. 3; Rep. Butler, Carr. 7; Rep. Berch, Ches. 1; Rep. Mulligan, Graf. 12; Rep. Heath, Hills. 14; Rep. Wallner, Merr. 10; Rep. Berrien, Rock. 18; Rep. M. Smith, Straf. 6; Rep. Oxenham, Sull. 1; Sen. Hennessey, Dist 5

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides a criminal penalty for a violation. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.

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

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1 firearms dealer to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

2 159-E:5 Other Laws.

3 I. Nothing in this chapter shall be construed to modify or change the duties of the
4 department of safety pursuant to RSA 159-D.

5 II. Nothing in this chapter shall be construed to require or authorize any state, county, or
6 local law enforcement agency to establish or maintain a registry of firearms sold or transferred in
7 accordance with this chapter.

8 3 Applicability. The provisions of section 2 of this act shall apply to the sale of a firearm on or
9 after the effective date of this act and shall not apply to sales completed prior to the effective date of
10 this act.

11 4 Effective Date. This act shall take effect January 1, 2020.

**HB 109-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring background checks for commercial firearms sales.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

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

METHODOLOGY:

This bill requires background checks for commercial firearm sales. The bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Class B Misdemeanor	\$53	\$54
Class A Misdemeanor	\$76	\$77
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

The Judicial Council assumes this bill is unlikely to affect expenditures for defense of the

indigent accused. The indigent defense system is not usually called upon to provide representation to someone who violates laws governing business and industry. If a licensed firearm dealer were to be charged with violating this legislation, the violation would take place in the context of his or her occupation and it would be unlikely that they would meet the eligibility standards for appointment of counsel.

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

The Department of Safety indicates the bill would increase general fund expenditures for staff and related costs as the number of background checks will increase. Each calendar year the State Police Permits and Licensing Unit, Gun Line handles about 60,000 calls from Federal Firearm Licensed dealers (FFL) for background checks on the sale of handguns to New Hampshire Residents. The Department states the number of currently "private sales" that would be subject to transfer through a FFL as commercial sales cannot be determined so the increase in expenditures cannot be determined. The Permits and Licensing Unit, Gun Line does not charge a fee for this background check service so there is no revenue impact.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments of Justice and Safety