
Committee Report

REGULAR CALENDAR

October 23, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 687-FN, relative to extreme
risk protection orders.**

WITHOUT RECOMMENDATION

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 687-FN
Title:	relative to extreme risk protection orders.
Date:	October 23, 2019
Consent Calendar:	Regular Calendar
Recommendation:	WITHOUT RECOMMENDATION

Statement in support of Ought to Pass with Amendment: This bill was filed to create a new kind of court order call an "Extreme Risk Protection Order" (ERPO). ERPO's, currently law in 17 other states and DC, are designed to temporarily limit a person's access to firearms if they pose a serious risk of using them to harm themselves or others. This bill was written with input from a broad coalition of stakeholders from around the state. Stakeholders included concerned legislators, NAMI NH, the NH Coalition Against Domestic and Sexual Violence, and parents of young adults who had exhibited warning signs that they posed a significant risk of causing personal injury to themselves or others, and for when those parents and local law enforcement found themselves powerless to do anything to prevent the young adults' suicide. Under the bill, law enforcement officers and family or household members who recognize warning signs of danger could enlist the help of a court by filing a petition asking the court to issue an ERPO. The procedure for seeking an ERPO is closely modeled after NH's existing domestic violence protection order law (RSA 173-B), but is different in that it is a civil, not criminal court order, one that focuses solely on limiting a person's access to firearms. ERPO's are meant to provide a tool for law enforcement and family members to address dangerous situations where gaps in current law prevent them from doing so.

Rep. Nancy Murphy

Statement in support of Inexpedient to Legislate: The opponents of this bill believe that at its heart, it is a gun confiscation bill. There concerned it lacks due process and may be falsely used to accuse a person of being a danger to themselves or others. The opponents and proponents of this legislation were unable to reach a satisfactory compromise that would protect second amendment rights and also protect people from harming themselves or others. Proponents consider this legislation as a suicide prevention bill, opponents consider this a gun confiscation bill.

Rep. Beth Rodd

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 687-FN, relative to extreme risk protection orders. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill was filed to create a new kind of court order call an "Extreme Risk Protection Order" (ERPO). ERPO's, currently law in 17 other states and DC, are designed to temporarily limit a person's access to firearms if they pose a serious risk of using them to harm themselves or others. This bill was written with input from a broad coalition of stakeholders from around the state. Stakeholders included concerned legislators, NAMI NH, the NH Coalition Against Domestic and Sexual Violence, and parents of young adults who had exhibited warning signs that they posed a significant risk of causing personal injury to themselves or others, and for when those parents and local law enforcement found themselves powerless to do anything to prevent the young adults' suicide. Under the bill, law enforcement officers and family or household members who recognize warning signs of danger could enlist the help of a court by filing a petition asking the court to issue an ERPO. The procedure for seeking an ERPO is closely modeled after NH's existing domestic violence protection order law (RSA 173-B), but is different in that it is a civil, not criminal court order, one that focuses solely on limiting a person's access to firearms. ERPO's are meant to provide a tool for law enforcement and family members to address dangerous situations where gaps in current law prevent them from doing so.

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Rep. Beth Rodd

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 687-FN
Title:	relative to extreme risk protection orders.
Date:	October 23, 2019
Consent Calendar:	Regular Calendar
Recommendation:	WITHOUT RECOMMENDATION

Statement in support of Without Recommendation: HB 687 was filed to create a new kind of court order call an "Extreme Risk Protection Order" (ERPO). ERPO's, currently law in 17 other states and DC, and designed to temporarily limit a person's access to firearms if they pose a serious risk of using them to harm themselves or others. HB 687 was written with input from a broad coalition of stakeholders from around the state. Stakeholders included concerned legislators, NAMI NH, the NH Coalition Against Domestic and Sexual Violence, and parents of young adults who had exhibited warning signs that they posed a significant risk of causing personal injury to themselves or others, and for when those parents and local law enforcement found themselves powerless to do anything to prevent the young adults suicide. Under the bill, law enforcement officers and family or household members who recognize warning signs of danger could enlist the help of a court by filing a petition asking the court to issue an ERPO. The procedure for seeking an ERPO is closely modeled after NH's existing domestic violence protection order law (RSA 173-B), but is different in that it is a civil, not criminal court order, one that focuses solely on limiting a person's access to firearms. ERPO's are meant to provide a tool for law enforcement and family members to address dangerous situations where gaps in current law prevent them from doing so.

Rep. Nancy Murphy

BR 11/14/19

Statement in support of <<W/O Rec Com Motion 2>>: <<Statement 2>>
<<Submitting Member>>

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 687-FN
Title:	relative to extreme risk protection orders.
Date:	October 23, 2019
Consent Calendar:	Regular Calendar
Recommendation:	WITHOUT RECOMMENDATION

Statement in support of Without Recommendation: HB 687 was filed to create a new kind of court order call an "Extreme Risk Protection Order" (ERPO). ERPO's, currently law in 17 other states and DC, ^{AND} are designed to temporarily limit a person's access to firearms if they pose a serious risk of using them to harm themselves or others. HB 687 was written with input from a broad coalition of stakeholders from around the state. Stakeholders included concerned legislators, NAMI NH, the NH Coalition Against Domestic and Sexual Violence, and parents of young adults who had exhibited warning signs that they posed a significant risk of causing personal injury to themselves or others, and for when those parents and local law enforcement found themselves powerless to do anything to prevent the young adults' suicide. Under the bill, law enforcement officers and family or household members who recognize warning signs of danger could enlist the help of a court by filing a petition asking the court to issue an ERPO. The procedure for seeking an ERPO is closely modeled after NH's existing domestic violence protection order law (RSA 173-B), but is different in that it is a civil, not criminal court order, one that focuses solely on limiting a person's access to firearms. ERPO's are meant to provide a tool for law enforcement and family members to address dangerous situations where gaps in current law prevent them from doing so.

Rep. Nancy Murphy

**Statement in support of <<W/O Rec Com Motion 2>>: <<Statement 2>>
<<Submitting Member>>**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Criminal Justice & Public Safety

BILL NUMBER: HB 687 as amended ^{Rep. Murphy, Hills. 21} 2019-2790h

TITLE: Relative to extreme risk protection orders

DATE: 10/30/19 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.
2019-2790h

STATEMENT OF INTENT:

→ HB 687 was filed to create a new kind of court order called an "Extreme Risk Protection Order" (ERPO). ERPOs, currently law in 17 other states and DC, are designed to temporarily limit a persons access to firearms if they pose a serious risk of using them to harm themselves or others.

→ HB 687 was written with input from a broad coalition of stakeholders from around the state. Stakeholders included concerned legislators, NAMI NH, the NH Coalition Against Domestic & Sexual Violence, and parents of young adults who had exhibited warning signs that they posed a significant risk of causing personal injury to themselves or others, and for whom those parents & local law enforcement found themselves powerless to do anything to prevent the young adults suicide. → Under the bill, law enforcement officers and family or household members who recognize warning signs of danger could enlist the help of a court by filing a petition asking the court to issue an ERPO. The procedure for seeking an ERPO is closely modeled after NH's existing domestic violence protection order law (RSA 173-B), but is different in that it is a civil not criminal court order, one that focuses solely on

COMMITTEE VOTE: 10-10
No recommendation

limiting a persons access to firearms. ERPOs are meant to provide a tool for law enforcement and family members to address dangerous situations where gaps in current law prevent them from doing so.

RESPECTFULLY SUBMITTED,

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

Rep. Nancy Murphy
For the Committee

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 687-FN

BILL TITLE: relative to extreme risk protection orders.

DATE: October 30, 2019

LOB ROOM: 204

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Murphy

Seconded by Rep. Pantelakos

Vote: 11-9

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Murphy

Seconded by Rep. Pantelakos

Vote: 10-10

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Wallace

Seconded by <<Committee Members>>

Vote: 9-11

MOTIONS: WITHOUT RECOMMENDATION

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 687-FN

No Recommendation

BILL TITLE: relative to extreme risk protection orders.

DATE:

LOB ROOM: 204

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # 2790
(if offered)

Moved by Rep. Murphy Seconded by Rep. Pantelakas Vote: 11/9

MOTION: (Please check one box)

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

Moved by Rep. Murphy Seconded by Rep. Pantelakas Vote: 0/10

MOTION: (Please check one box)

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

Moved by Rep. Burt Seconded by Rep. Wallace Vote: 9/11

MOTION: (Please check one box)

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

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

CONSENT CALENDAR: YES NO

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

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

OFFICE OF THE HOUSE CLERK



Fail

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

2019 SESSION

Criminal Justice and Public Safety

Bill #: HB 687 Motion: ITL AM #: 10:55 Exec Session Date: 10/30/19

<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		✓	
Swinburne, Sandy L.		✓	
Welch, David A.	✓		
Fields, Dennis H. <i>Potucek, John</i>	✓		
Burt, John A.	✓		
Green, Dennis E.	✓		
McNally, Jody L.	✓		
Testerman, Dave	✓		
Wallace, Scott	✓		
Abbas, Daryl A.	✓		
TOTAL VOTE:	9	11	



2019 SESSION

Criminal Justice and Public Safety

Bill #: HP 687 Motion: OTP AM #: 10:50 Exec Session Date: 10/30/19

<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	✓		
Swinburne, Sandy L.	✓		
Welch, David A.		✓	
Fields, Dennis H. <i>Potucek, John</i>		✓	
Burt, John A.		✓	
Green, Dennis E.		✓	
McNally, Jody L.		✓	
Testerman, Dave		✓	
Wallace, Scott		✓	
Abbas, Daryl A.		✓	
TOTAL VOTE:	10	10	

OFFICE OF THE HOUSE CLERK



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

2019 SESSION

Amend 2790

Criminal Justice and Public Safety

Bill #: *HB687* Motion: *OTPA* AM #: *10:10* Exec Session Date: *10/30/19*

<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	✓		
Swinburne, Sandy L.	✓		
Welch, David A.		✓	
Fields, Dennis H. <i>Patulcek, John</i>		✓	
Burt, John A.		✓	
Green, Dennis E.		✓	
McNally, Jody L.		✓	
Testerman, Dave		✓	
Wallace, Scott		✓	
Abbas, Daryl A.		✓	
TOTAL VOTE:	<i>11</i>	<i>9</i>	

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 687-FN

BILL TITLE: relative to extreme risk protection orders.

DATE:

LOB ROOM: 204

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # 1020h
 Interim Study (2nd year) (if offered)
Moved by Rep. Swinburne Seconded by Rep. Rearson Vote: 10/10 fail

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)
Moved by Rep. Swinburne Seconded by Rep. Rearson Vote: 6/14 fail

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # ~~6/14 fail~~
 Interim Study (2nd year) (if offered)
Moved by Rep. Abbas Seconded by Rep. Wallace Vote: 20/0

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



2019 SESSION

Criminal Justice and Public Safety

Bill #: HB 687 Motion: Retain AM #: 11:35 Exec Session Date: 3/13/19

<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	✓		
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:	<u>20</u>	<u>0</u>	



2019 SESSION

Criminal Justice and Public Safety

Bill #: HB687 Motion: OTP AM #: 1140 Exec Session Date: 3/13/19

<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		✓	
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:	6	14	

*Pearson
Espth*



2019 SESSION

Criminal Justice and Public Safety

Bill #: HB687 Motion: Adopt Amend AM #: 11:20 Exec Session Date: 3/13/19

<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		✓	
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	10	

Pearson
Espitia

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION on HB 687-FN

BILL TITLE: relative to extreme risk protection orders.

DATE:

Subcommittee Members: Reps. Murphy, Abbas, Welch, Radhakrishman, R. Newman, Bordenet, Meuse and Fields

Comments and Recommendations:

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

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

Adoption of Amendment # _____

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

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

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

Adoption of Amendment # _____

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

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

Sub-Committee Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION on HB 687-FN

BILL TITLE: relative to extreme risk protection orders.

DATE: ~~9/12/19~~ 10/1 1:00

Subcommittee Members: Reps. Murphy, Abbas, Welch, Radhakrishman, R. Newman, Bordenet, Meuse and Fields

Comments and Recommendations:

Subcommittee reviewed language issues found in amendment 1020h;

MOTIONS: ⁶ OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

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

Adoption of Amendment # _____

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

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

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

Adoption of Amendment # _____

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

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. *Nancy Murphy*
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION on HB 687-FN

BILL TITLE: relative to extreme risk protection orders.

DATE: 9/12/19

Subcommittee Members: Reps. Murphy, Abbas, Welch, Radhakrishman, R. Newman, Meuse, Bordenet and Fields

Comments and Recommendations:

F/U re: prior (8/22/19) subcommittee work session;
Sub-committee continued to review (HB 687-FN)

Unapproved amendment 1020-h line by Wee to identify areas of
disagreement; discussion begun thereafter re: identified BSC categories
(ex-prize, etc);

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

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

Adoption of Amendment # _____

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

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

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

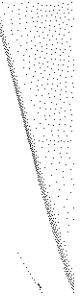
Adoption of Amendment # _____

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

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. Nancy J. Murphy
Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION on HB 687-FN

BILL TITLE: relative to extreme risk protection orders.

DATE:

Subcommittee Members: Reps. Murphy, Abbas, Welch, Radhakrishman, R. Newman, Bordenet, Meuse and Fields

Present

Comments and Recommendations:

NO motions; next meeting 8/22/19 @ 10AM-12 Noon (please notice)

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

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

Adoption of Amendment # _____

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

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

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

Adoption of Amendment # _____

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

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. [Signature] Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON Criminal Justice and Public Safety

BILL NUMBER: HB 687-FN

BILL TITLE: relative to extreme risk protection orders.

DATE: March 13, 2019

THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.

Rep. Cushing, Chair

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 687-FN

BILL TITLE: relative to extreme risk protection orders.

DATE: 3/5/19

ROOM: -204

Time Public Hearing Called to Order: 1000 AM

Representative Hall

Time Adjourned: 340pm

lunch 1250-110pm

(please circle if present)

Committee Members: Reps. Cushing, Rodd, Harriott-Gathright, Pantelakos, O'Hearne, Opperbecke, Bordenet, Meuse, Murphy, R. Newman, Radhakrishman, Swinburne, Welch, Fields, Burt, Green, McNally, Testerman, Wallace and Abbas

Bill Sponsors:

Rep. Altschiller
Rep. Backus
Sen. Watters
Sen. Dietsch

Rep. Fenton
Rep. Espitia
Sen. Sherman
Sen. Kahn

Rep. Knirk
Rep. Mulligan
Sen. Hennessey

TESTIMONY

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

Multiple horizontal lines for testimony input.

3/5/19

(1)

① HB 687 A-FN Page 6-9

OTP Rep. Altschiller - sponsor
1 bad day does not qualify

Only family member, household member
and law enforcement can apply for
Extreme Risk Protection Order (ERPO)
Not supporting your local PD is not
extreme risk.

② Rep. Dr. Jerry Knick CARROLL 3
San George Mental Illness

OTP ④ Dr. Margaret Tilton self Exeter
OTP ⑦ Peter Tilton Exeter PD
Believe in limited govt, but I believe
this bill

③ Captain Pollin Exeter PD
Jeanne Huska ACLU-NH

Oppose Rep. Janine Notter Hills 21

Oppose ⑤ Jaye Hancock NH ACOL

OTP Laura Aronson Manchester

Oppose Rep. David Fowle Rock & Perry
Is bill constitutional. Is this bill necessary?

OTP ⑥ Ken Norton ED

Suicide Prevention @ Point of discharge from
hospital - more ~~answer~~ phone to suicide

D.

7/10/16

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HB687 Continue (2)

oppose Mark Harwood myself Bedford
no word about detaining

support (8) Leonard Keren, MD NH Medical Society

support Jay Coutour - already left

oppose Rep Al Baldasaro Rock Dist 5 Londonderry

oppose (9) Rep Camarota Hills Dist 7 Bedford

support (10) Heidi Hansen Stratham NH MOMS MDA
Jennifer ~~Rachelle~~ Brackett Rikowitz

oppose Rep. Alicia Lukas Hills 37

support (11) Deb Howard N. Hampton MOMS Demand Action

oppose (12) Larry Cleveland Rindge NH

support Claire Barbour Portsmouth NH 15 yrs old
Student

oppose (13) Jay Esimkin Nashua self

support (14) Valerie Fagen Portsmouth MOMS, Self, Social Justice

10

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HB687-FW continue

Oppose Ralph Demicco : Curdia self
Are you protecting the constitution by
voting this bill into law.

Support (15) Rase Kundanis

oppose Jim McConnell - rights

Support Robin Schnell Portsmouth self

oppose (16) Milard Marten Lancaster self

Support (20) Paul Skudlarek moms Fondondery

oppose Robert Newton Wilton self

Support (17) Arthur Gardiner Hanover self
Retired lawyer

oppose & Sen Joe Hanson Gun Owners of NH
Bill may commit a crime

Support (18) Vic Teppo cum + NH Community Behavioral
Health

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DATE: _____

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OBJECTIVE: _____

CONTENT: _____

ASSESSMENT: _____

REMARKS: _____

oppose. Retain
HHS 7 FN Cont. Albert Scherr
UMH Saw self
Possible Retain

support Rep Jacqueline Chretien
Ma Hills for Self

oppose Carl Spring
If you can't do your constitution
you should resign. Rummy with self
Take bill home start a fire with it

support Heather Tausig - Drayton case
shorter on the
offended by the Rep that says it did not happen here
myself

oppose (19) Ken Park Jr.
Salem Self

support Rep David Coursein
Northwood

oppose (20) Rep Judy Aron
Acworth

support Rep Tim Harrigan
4 line 20
Stratford Passasomes

oppose David Narby
Manchester Self
bill a solution in search of a problem

support (21) Atty Cindy White
Reut
Hepkinton self
most shootings had warning signs make the attacks

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1887 to 1900
1900 to 1910

1910 to 1920

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1930 to 1940

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HB 6877 - FA Cont. (5)

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oppose Marquet Kris Bedford self

support (23) Kevin Perkins Portsmouth Self

oppose Adam ~~Blumenkial~~ Blumenkial Dering self

support Sarah Brown - had to leave Portsmouth, NH

support Heidi Ritter had to leave Moultonboro, NH

oppose (24) Frank Suarez

? Chief Danway not present

support Corinne Dodee shield self

oppose (25) Malena Chastain Daughter of Liberty Muggles self

support Suzanne Tonnetam Lye Peggy Samb

support Stephanie Pelley Concord myself

oppose Anthony DiFranco Manchester Self

oppose Fred Godbout Milton Self

oppose Nathaniel Thompson 2nd amendment, right to do process self

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4687-FW Continued

oppose Anthony Nero Jr. Amb self

oppose James Jeffrey Warner self

oppose Robert Clegg Brooklyn NH
Trigate Rd Progen NH

oppose Kirk Keswick NH Firearms Coalition

oppose Steven Stefanik Nashua

oppose John D Nashua

oppose (26) Lauren Solage National Rifle Assoc.

oppose (27) Susan Olsen WDL NH
P2 line -8-12

oppose Kimberly ~~Young~~ Morin Brentwood

oppose Rep Werner D. Horn Merr 2 Franklin

oppose Lon Don Opse Mifflin NHFC self

oppose Dennis Martin Londonderry self

oppose Pat Murphy New Boston self

Rep. Larry Kepper

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7

opposed

Alan Rice

Po Box 10896
Bedford, NH

Gun
owner

Opposed

Rene Rindner

Po Box 427
Manchester, NH

Self

oppose

Hon Jn Hull

Dunbarton

NHFC

oppose

Susan Moltisanti

Bow

self

oppose

Penny Dean

Concord

self

Page 2 line 20-22
3 day grace, then hearing

7

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Guns

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Star Rice

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Testimony

Testimony for House Bill 687 to the House Criminal Justice Committee
March 5, 2019
Submitted by Representative Debra Altschiller, Stratham, Rockingham 19

Thank you Committee members for your service to our state.

We bring House Bill 687, amended, to you for consideration. This is an Extreme Risk Protective Order bill. It is a public safety bill with public health implications. The amended bill you have in front of you is the product of multiple meetings, emails and conversations with stakeholders across the state. This amendment reflects the work we have done with NAMI NH, the NH ACLU and the NH Chiefs of Police Association. We have worked diligently to meet everyone's concerns, explain the positions proposed in this legislation and believe we have a really good bill to bring before you today.

The intention and purpose of this bill is to address the gap in current New Hampshire statute that leaves families and law enforcement powerless when they see with their own eyes, hear with their own ears a loved one in crisis, exhibiting suicidal ideation or threats to harm other people.

What is suicidal ideation? It is the thinking about or having of an unusual preoccupation with suicide. The range of suicidal ideation varies greatly from fleeting thoughts, to extensive thoughts, to detailed planning, role playing and incomplete attempts, which may be deliberately constructed not to be completed or discovered, or may be fully intended to result in death,

Suicide is the second leading cause of death in New Hampshire for people between the ages of 10 - 34. (see graph from NAMI NH)

Half of those suicides are with a firearm.

50% of New Hampshire residents who die by suicide use a firearm.

Between 2013-2017, nearly 1,200 New Hampshire residents died by suicide. Nearly half of all suicide deaths in New Hampshire were carried out with a gun, resulting in the deaths of over 550 New Hampshire residents.

When someone uses a firearm to attempt suicide, that attempt is lethal 90% of the time.

The lethality of a suicide attempt with a firearm, the most lethal means available, is 90%

I pointed out that suicide is the second leading cause of death for New Hampshire residents between the ages of 10-34, what is ahead of it? Cancer for those ages 10-14 and for the 15-44 group, overdoses.

When faced with these kinds of facts what do we do? Do we throw our hands up and say, “Oh this is just terrible, but you know cancer is just going to happen, there’s nothing we do to prevent that. Oh my, so many people overdosing, what a shame, I feel so bad for them and their families.” NO, we don’t do that. We take action, we take lots of actions. We put awareness programs in place to teach people about the hazards of exposures to certain chemicals and poisons that cause cancer, we pass legislation requiring polluters to clean up their messes, put warning labels on dangerous materials. We do awareness campaigns to teach the public about prevention strategies like not smoking around children to protect them from second hand smoke. We create drug abuse prevention programs, campaigns and public outreach to alert people to the dangers of addiction. We put support programs in place like Safe Stations for those who are affected to help them recover and heal.

We do.

We act.

We recognize it’s not just one thing we do but a comprehensive series of things.

We create laws to restrict access to dangers when necessary.

Is that 100% effective? No.

Does it make an impact? Absolutely yes.

Will one measure taken by this body solve the tragic increase in the number of suicides in New Hampshire? Will one measure prevent any and all future firearm related tragedies?

Realistically, no one thing won’t, but a collaboration of prevention, training, outreach and recognizing that people in crisis deserve protection from accessing the most lethal means available will help turn this around. **THAT** is our job here today, to do the most good for the most people.

The **Extreme Risk Protective Order** is designed to put a speed bump in front of a person who has access to the most lethal means available to do themselves or others harm. It creates a tool for the people closest to someone suffering to prevent tragedy and get them help. It **temporarily** relieves a person who is demonstrating they are a danger to themselves or others around them of access to firearms. **Temporarily standing between them and the most lethal means of doing harm to themselves or others around them.**

Currently in New Hampshire there are three other statutes that temporarily restrict people of their rights to have access to firearms. Two of them are criminal orders. There is the domestic violence restraining order, contained in Chapter 173-B, for use in those cases crimes of abuse have been committed that pose credible threats to petitioners safety. They are available to spouses, ex-spouses, housemates, former housemates, parents, aunts, uncles, and anyone else who may be living with the abuser and is suffering abuse. The other avenue that leads to someone being temporarily relieved of

their firearms is the stalking statute contained in Chapter 633:3 which applies to someone purposely, knowingly, or recklessly engages in stalking another person making them fear for their safety. Both of these are criminal statutes as they should be.

The third statute that temporarily relieves a person of their access to firearms is in Chapter 135-C of the Title Ten Public Health Chapter, Involuntary Emergency Admissions, a civil order. This is a drastic measure and a very high threshold to meet. It involves being transported in handcuffs to a medical facility for evaluation after a family member files what is called a "complaint and prayer for compulsory mental examination". Then, if the person is in need of psychiatric help they wait, in the emergency room because the the backlog for admission for services to the state psychiatric unit is weeks long. and on February 28th, there were 36 adults parked in Emergency Rooms across the state waiting for help. This is a crisis of its own.

Which leaves a gap. The gap between when someone has a committed a crime and has been deemed too dangerous to have access to firearms while that crime is being adjudicated,(173-B domestic violence protective orders and 633:3, stalking orders) and the high bar of an Involuntary Commitment to the state hospital. What is available for those people in crisis in the gap? Families who see their loved one's behaviors escalate in dangerous directions have only one option available to them, a well check by their local law enforcement. You will hear testimony today of law enforcement agencies whose well check response yielded partial relief because the person they were checking on was open to recognizing they were a danger and open receiving help, and you will also hear testimony where law enforcement was unsuccessful but had nothing else available to offer a terrified family whose loved one was noticeably struggling but there were no tools available to stop them from acquiring, possessing and using the most lethal means available to do harm, a firearm.

House Bill 687, creates an Extreme Risk Protective Order to fill this gap and provide a tool, a civil order, to families and law enforcement to help those people in crisis.

Family and household members are on the front lines of this crisis. They see when their loved ones are exhibiting warning signs and pose a significant risk of harm to themselves or others. They see, hear and feel the danger signals and as you will hear from witnesses today, feel helpless to protect them from lethal harm to themselves or others.

This civil protective order is only for Extreme Risk.

How is that Extreme Risk Defined?

Page 4, section 159-E:5 Relief part III

Line 30: In determining whether the grounds for an extreme risk protection order exist, the court shall consider any relevant evidence, including but not limited to, 13 factors that **alone might not rise to the level of extreme risk but in combination with each other pose imminent danger**. These thirteen criteria give the courts an insightful picture of the risk of harm. They are outlined on page 4 in lines 32-18 of the amended bill:

- (a) An act or threat of violence within the past 24 months by the respondent against himself or herself or others,
whether or not such violence or threat of violence involves a firearm.
- (b) Evidence of the respondent having a serious mental illness or recurring mental health condition which is likely
to lead to the respondent being a danger to themselves or others.
- (c) A violation by the respondent of a domestic violence protection order issued under RSA 173-B.
- (d) A previous or existing risk protection order issued against the respondent.
- (e) A violation of a previous or existing risk protection order issued against the respondent.
- (f) Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in RSA 173-B:1.
- (g) Whether the respondent has used, or has threatened to use, against himself or herself or others any weapons.
- (h) The unlawful or reckless use, display, or brandishing of a firearm by the respondent.
- (i) The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.
- (j) Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence.
- (k) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.
- (l) Evidence of recent acquisition of firearms or ammunition by the respondent.
- (m) Witness testimony, taken while the witness is under oath, relating to the matter before the court.

If and when an Extreme Risk Protection Order is issued a hearing must be held within 14 days of the filing of a petition or within 7 days after the petition is served to the respondent, whichever occurs later. *(159-E:3, part VIII.(a) page 3, lines 10 & 11)*

If the respondent would like to speed up that process they may request the hearing be expedited and the courts will conduct the hearing in no less than 3 and no more than 5 business days after making the request. *(159-E:4, part V, page 4 lines 5-8)*

Family or household members who file for an Extreme Risk Protection Order must do so under penalty of perjury. (159-E:2, part II(a), lines 14 & 15) They must appear in court to defend their petition and **under no circumstances are there any allowances for anonymous petitions.** **This bill contains extensive due process. The eligible petitioners are limited and carry the burden of proving extreme risk. A final order cannot be put in place until a full hearing is held, with both respondent and petitioner present. And “final” order is almost a misnomer as this Extreme Risk Protective Order is temporary by design and limited in scope.**

The process and procedures contained in this bill mirror processes and procedures we already have in place here in NH, we are not creating new and different processes and procedures, only a new avenues to access them.

Are Any Other States Doing This?

Nationally the need for **Extreme Risk Protective orders has been recognized by both the White House and Senate.** In March of 2018 the White House issued a fact sheet calling on every state to adopt Extreme Risk Protective Orders and directed the Justice Department to provide technical assistance to States, at their request, on establishing and implementing ERPOs. This information is included in your packet.

In the United States Senate, Senators Susan Collins (R-ME), Angus King (I-ME), Marco Rubio (R-FL) and Jack Reed (D-RI) have introduced the bipartisan Extreme Risk Protection Order and Violence Prevention Act. This legislation would encourage states to enact laws giving law enforcement or family members the authority to prevent individuals posing a threat to themselves or others from purchasing or possessing firearms, while still providing due process protections. Additionally it makes states enacting qualifying laws eligible for funding to help implement such laws, as well as priority consideration for Bureau of Justice Assistance discretionary grants. I have include a fact sheet on this in your packet.

Thirteen states and the District of Columbia have enacted Extreme Risk Protective Order Laws and a fourteenth goes into effect this summer. In 2018 with bipartisan votes, eight states and DC passed Extreme Risk Protection Order laws, more than doubling the number of laws nationally. The majority of those bills were signed into law by Republican governors.

States with Extreme Risk Protective Order Laws:

California	Illinois	Oregon
Connecticut	Indiana	Rhode Island
*District of Columbia	Maryland	Vermont
Delaware	Massachusetts	Washington
Florida	New Jersey	

The New York legislature passed an ERPO bill in January of this year due to take effect this summer.

There have been no constitutional challenges to these laws.

Our New Hampshire version of an Extreme Risk Protection Order is unique to us. While the intention of harm reduction by the most lethal means available is a common thread with the other states, we have crafted legislation with New Hampshire stakeholders and have honored the input and concerns of mental health professionals, law enforcement, domestic & sexual violence advocates, civil liberties organizations and the family members left behind.

This is not a cookie cutter piece of legislation, it has been carefully crafted to reflect the needs of our state. We would like for New Hampshire to join the other four New England states that have extreme risk protective order laws so we too have this tool available to prevent tragedies within our own borders.

Recognizing that responding to citizens in crisis who are a potential harm to themselves or others around them, the NH Department of Safety have partnered with NAMI NH and the NH Fire Academy to provide a grant based Crisis Intervention Team Training program over the next three years. The Department of Safety will be training State Police Personnel, Firefighters and Emergency Medical Services Personnel in the "Memphis Model" CIT Program. This gold standard de-escalation program will result in approximately 225 State Troopers obtaining this new discipline, providing initial intervention and clinical referrals in all areas of New Hampshire.

The Department of Safety recognized they, like us, have a role to play in creating a safe communities and believe the Crisis Intervention Training is a helpful tool for them to have. This approach to de-escalating a mental health crisis has been proven and well received across the nation. Additionally, it interacts with those most at risk and should provide an additional alternative to the routine incarceration and /or boarding of persons suffering from mental illness in our hospital emergency departments.

Among many topics a few that the training include are:

- Identifying the types of mental illness.
- Assessing danger and the risk of self-harm or suicide.
- Defusing the family crisis environment.
- De-Escalation / Communication Techniques.
- Supporting Medical Assessments / team approach with EMS.
- Community Mental Health Resources.
- Homeless / Aging and Veteran Resources.

The first Crisis Intervention Training class resulting from this grant graduated on March 1, 2019, two more classes are scheduled for this year.

All of these efforts are in service to the belief that we **all** can do **something**.

Mass murder is not inevitable. According to the Brady Campaign to Prevent Gun Violence, 42% of mass shooters exhibited warning signs before committing their crimes. We can take steps to turn this national crisis around here so that we never again have to offer our thoughts and prayers when we could have offered strong policy and action. We ask people to say something if they see something, now let's put a tool in place for them to DO something.

Suicide is not inevitable. Suicide is preventable. There are people who want to help and families who don't want to have to pick up a shovel and bury their husband, wife, sister, brother, father or mother. There are families here today who never thought they would bury a child, but they have and they are here to share their pain with you. They will relive their worst days to educate all of us why an Extreme Risk Protective Order would spare others from pain.

I thank you for your time and attention today.

FACT SHEETS

President Donald J. Trump is Taking Immediate Actions to Secure Our Schools

NATIONAL SECURITY & DEFENSE

Issued on: March 12, 2018

Every child deserves to grow up in a safe community surrounded by a loving family and to have a future filled with opportunity and with hope.

President Donald J. Trump

HARDENING OUR SCHOOLS: President Donald J. Trump is making sure our schools are safe and secure, just like our airports, stadiums, and government buildings.

- President Trump's Administration will assist States to train specially qualified school personnel on a voluntary basis.
- Department of Justice (DOJ) assistance programs will be leveraged to enable schools to partner with State and local law enforcement to provide firearms training for school personnel.
- The Administration will support the transition of military veterans and retired law enforcement into new careers in education.
- The Administration will encourage States' Attorneys General to audit school district compliance with State emergency preparedness activities.
- Federal agencies, including the Department of Homeland Security, will partner with States and localities to support a public awareness campaign modeled on "See Something, Say Something" to encourage awareness and reporting of suspicious activity.

STRENGTHENING BACKGROUND CHECKS AND PREVENTION: President Trump supports legislation and reforms to strengthen background checks and law enforcement operations.

- President Trump's Administration is calling on every State to adopt Extreme Risk Protection Orders (ERPOs).
- The President is directing the Department of Justice to provide technical assistance to States, at their request, on establishing and implementing ERPOs.
- ERPOs allow law enforcement, with approval from a court, to remove firearms from individuals who are a demonstrated threat to themselves or others and temporarily to prevent individuals from purchasing new firearms.
- ERPOs should be carefully tailored to ensure the due process rights of law-abiding citizens are protected.
- President Trump supports improving the National Instant Criminal Background Check System (NICS). The President supports the legislative framework introduced by Senators Cornyn and Murphy that will help improve the accuracy and effectiveness of NICS.
- The Cornyn-Murphy bill will hold Federal agencies more accountable for reporting information to NICS and will incentivize States to improve their reporting to the system.
- The President supports the framework of the STOP School Violence Act, which provides for State-based grants to implement evidence-based violence prevention programs.
- Grants will provide States with funds for training, technology, and technical assistance to help schools identify and prevent violent acts.
- The Administration requests that Congress provide funding in 2018 to jump start implementation of this evidence-based program in middle and high schools nationwide.
- The President's Administration will audit and make accountability improvements to the Federal Bureau of Investigation's (FBI) tip line, and will promote its use.
- DOJ will provide emergency and crisis training for local law enforcement.

MENTAL HEALTH REFORM: President Trump is proposing an expansion and reform of mental health programs, including those that help identify and treat individuals who may be a threat to themselves or others.

- The President is proposing increased integration of mental health, primary care, and family services, as well as support for programs that utilize court-ordered treatment.

SENATOR SUSAN
COLLINS



SENATOR ANGUS
KING

<http://www.collins.senate.gov>

<http://www.king.senate.gov>

For Immediate Release

January 4, 2019

Contact: [Annie Clark/Christopher Knight](#) (Collins)
202-224-2523

[Kathleen Connery Dawe/Jack Faherty](#) (King)
202-224-5344

Senators Collins, King Reintroduce “Red Flag” Bill to Prevent Gun Violence While Protecting Second Amendment Rights

Washington, D.C. – U.S. Senators Susan Collins (R-ME) and Angus King (I-ME) joined Senators Marco Rubio (R-FL) and Jack Reed (D-RI) in reintroducing the bipartisan *Extreme Risk Protection Order and Violence Prevention Act*. The legislation would encourage states to enact laws giving law enforcement or family members the authority to prevent individuals posing a threat to themselves or others from purchasing or possessing firearms, while still providing due process protections.

“Gun violence is a problem that affects far too many communities across the country,” **said Senator Collins**. “Family members and law enforcement officers are often in the best position to identify when someone poses an immediate threat to themselves or others, but in many cases they are unable to intervene before it is too late. Our bipartisan legislation would provide a way for them to temporarily prevent dangerous individuals from possessing firearms. Several states already have ‘red flag’ laws, which enhance gun safety while retaining important due process protections and preserving the Second Amendment rights of law-abiding citizens.”

"Too many families, in too many communities across America, have felt the pain of losing a loved one to gun violence," **said Senator King**. "Far too often, we learn after the fact that many tragic mass shootings were committed by individuals who displayed warning signs of emotional or mental distress, and were still able to purchase a gun. These horrific losses could have possibly been prevented -- but they weren't, and that's simply unacceptable. This isn't about infringing upon the Second Amendment rights of law-abiding gun-owners -- it's about using due process to pursue a proactive approach to save lives by intervening early with those who have shown significant danger to harm themselves or others."

A one-pager on the legislation is available [here](#).

###

Extreme Risk Protection Order and Violence Prevention Act

Senators Marco Rubio (R-FL), Jack Reed (D-RI), Angus King (I-ME), and Susan Collins (R-ME)

The tragedy at Marjory Stoneman Douglas High School in Parkland, Florida was the result of multiple system failures, requiring a multi-faceted approach to prevent future mass shootings. Congress must work to create a more effective system to prevent gun violence before it happens.

Problem: Law enforcement or family members who have identified the dangerous and threatening behavior of an individual currently have limited options to remove firearms from that individual's possession, or ensure they cannot purchase firearms. We tell people if "you see something, say something." This bill ensures that we *do* something.

Solution: Congress must pass legislation encouraging states to enact laws to provide law enforcement or family members the option of obtaining a court order to prevent firearm purchases and possession by individuals who pose a significant threat to themselves or others while providing due process protections. Such laws have been enacted in several states, including Florida and Rhode Island. Other states, including Maine, are currently considering such proposals.

The Extreme Risk Protection Order and Violence Prevention Act:

- Creates an Extreme Risk Protection Order Grant Program at the Department of Justice
- Makes states enacting qualifying laws eligible for funding to help implement such laws, as well as priority consideration for Bureau of Justice Assistance discretionary grants.
- Requires that a qualifying state law be in compliance with the minimum requirements described in the act, including:
 - Providing a process where a law enforcement officer or family member of an individual can petition for – and after notice and hearing, a court can grant – an Extreme Risk Protection Order if the court finds by clear and convincing evidence that such individual poses a significant danger of causing personal injury to himself/herself or others by possessing or purchasing a firearm.
 - The duration of such order may not exceed 12 months but may be renewed upon a showing of clear and convincing evidence it remains warranted.
 - Respondent has the right to request a hearing to vacate an order or renewal.
 - Providing a process where a Temporary Ex Parte Extreme Risk Protection Order can be issued if a court finds probable cause to believe that an individual poses a significant danger of causing personal injury to himself or herself or others *in the near future* by possessing or purchasing a firearm.
 - Establishing a felony criminal offense for knowingly making a false statement relating to an Extreme Risk Protection Order regarding a material matter.
 - Requiring clear processes and instructions for the surrender of a respondent's firearms should an Extreme Risk Protection Order be issued, as well as clear processes and instructions for the swift return of such firearms upon expiration or successful motion to vacate an order.
 - Requiring that an issuance of an Extreme Risk Protection Order be reported to the appropriate federal, state, and tribal databases.

New Hampshire Extreme Risk Protection Order Bill

House Bill 687 would create a new kind of court order called an Extreme Risk Protection Order (“ERPO”) in New Hampshire (also known as a Red Flag order) that temporarily limits a person’s access to firearms if they pose a serious risk of using them to harm themselves or others.

- Under the bill, law enforcement officers and family or household members in New Hampshire who recognize warning signs of danger could enlist the help of a court by filing a petition asking the court to issue an ERPO.
- The procedure for seeking an ERPO is closely modeled after New Hampshire’s existing domestic violence protection order law (RSA 173-B), but it is different in that it is a civil not criminal court order, one that focuses solely on limiting a person’s access to firearms. ERPOs are meant to provide a tool for law enforcement and family members to address dangerous situations where gaps in current law prevent them from doing so.
- This process is not meant to replace or restrict New Hampshire’s existing robust domestic violence or stalking protective order process. To ensure that victims of domestic abuse and stalking are granted as many protections as possible, petitioners who are eligible for domestic violence protection orders or stalking protection orders will not be permitted to seek ERPOs. They will instead be directed by the clerk to seek relief under RSA 173-B and/or RSA 633:3-a.

National Context: 13 states currently have ERPO laws, including 8 that passed them in 2018 alone.

- A nationwide study of mass shootings from 2009 to 2007 revealed that in half of the mass shootings the shooter exhibited at least one red flag prior to the shooting.
- In 2018, the Federal Commission on School Safety recommended state adoption and implementation of ERPO laws as a way to promote school safety.
- Following Connecticut’s increased enforcement of its Red Flag Law, the law was associated with a 14 percent reduction in the state’s firearm suicide rate.

- Between 2013–2017, nearly 1,200 New Hampshire residents died by suicide. Nearly half of all suicide deaths in New Hampshire were carried out with a gun, killing over 550 New Hampshire residents. On average, one New Hampshire resident dies by suicide by gun every 3 days.

Who Can Petition for an ERPO: Under the bill, law enforcement officers, family or household members and intimate partners of the respondent can petition for an order.

Where Can A Petition Be Filed: A petition for an ERPO can be filed in the county where the respondent or petitioner resides. District divisions of circuit courts have jurisdiction over ERPO petitions and determine whether to issue orders.

Types of ERPO's That Can Be Issued:

- **Temporary ERPO** – This order can be issued in emergency situations if a judge finds that there is reasonable cause to believe that the respondent poses a significant risk of causing personal injury to himself or herself in the *immediate future* by having access to firearms or ammunition. The order can be issued *ex parte* and before a full hearing.
 - Temporary orders last for no longer than 14 days, by which time the court must hold a full hearing, at which all parties have an opportunity to appear and present evidence.
 - Respondents who are subject to a temporary ERPO can request an expedited hearing, which must take place within 3 to 5 days of their request.
- **Final ERPO** – Final ERPOs, which remain in effect for no more than 1 year, can only be issued after notice to the respondent and a full hearing at which all parties have an opportunity to be heard. Final orders can only be issued if the court finds there is clear and convincing evidence that a respondent poses a significant risk of causing personal injury to himself or others by having access to firearms or ammunition.

What Evidence Will the Court Consider:

- The court may consider any relevant evidence in determining whether to issue an ERPO. Among other factors, the court must consider recent acts or threats of violence, evidence of serious mental illness, evidence of drug or alcohol abuse, the reckless use, display or brandishing of firearms, a history of domestic violence, and a respondent's past violent criminal history.
- Evidence of any one of these warning signs does not, in isolation, mean that a court must issue an ERPO. A petitioner bears the burden of proving, based on all the relevant evidence, that the respondent poses a serious threat to themselves or others by having access to firearms.

Impact of Order:

- An ERPO prohibits the person from purchasing or possessing firearms or ammunition while the order is in effect. The bill establishes criminal penalties for those who violate the terms of the order by having a firearm while subject to an ERPO.
- If an ERPO is issued, a person must immediately relinquish any firearms and ammunition, as well as licenses to carry firearms to a local law enforcement agency.

Vacating Orders, Extension, and Returning Firearms:

- **Vacating an Order:** A respondent is allowed to request one hearing to vacate a final ERPO during the one-year period when the order is in effect.
- At the hearing, the restrained person bears the burden of proving to the court, by clear and convincing evidence, that the person no longer poses a significant risk of causing personal injury to himself or herself or to others by having access to firearms or ammunition. If the restrained person meets that burden, the ERPO will be terminated and its firearm prohibitions lifted.
- **Extending an Order:** A petitioner can request that a final ERPO be extended for a period of up to one year. An ERPO can be extended only after a full hearing and a finding by the court that there is clear and convincing evidence that the respondent continues to pose a significant risk of causing personal injury to himself or others by having access to

firearms or ammunition.

- **Return of Firearms:** The bill requires law enforcement to return firearms, ammunition, and any pistol or revolver carry license to a person once an ERPO expires or is vacated. The bill also provides procedures for removing records of the ERPO from law enforcement databases – so it does not prevent a formerly-prohibited person from purchasing or possessing firearms after the ERPO is no longer in effect.
 - In addition, the bill sets up a simple process for the return of any firearm surrendered or removed pursuant to an ERPO to any person who claims to be the lawful owner of the firearm but is not the subject of the order.

Penalties for False Filings: The bill provides criminal penalties for petitioners who falsify an ERPO petition or use the process to harass the respondent.

Reporting and Administrative Procedures:

- The bill requires courts to report to the Administrative Office of the Courts (AOC) the number of ERPOs issued and other data and for the AOC to aggregate the data statewide and publish it.
- The bill contains administrative procedures for placing ERPOs into appropriate criminal databases so they're accessible to background check system and for making sure law enforcement and pistol or revolver issuing authorities are notified when orders are entered, vacated, or modified.

FAQs about NH Extreme Risk Protection Orders

Can anyone, like an angry neighbor or unhappy employee file for an ERPO?

NO. Extreme Risk Protection Orders can only be petitioned for by family or household members or law enforcement who have first hand knowledge of dangerous behaviors of the person they believe to pose an immediate risk to themselves or others. *(159-E:1, section VI)*

Can an ERPO be petitioned for anonymously, will there be a secret hotline?

No. Petitioners must file with complete information to the courts about who they are and their relationship to the respondent. They must appear in court, under oath. Anonymity is NOT an option. *(159-E:3, section II(a))*

Can ERPOs be acquired without proof?

No. Petitioners must provide testimony to the courts under penalty of perjury. *(159-E:3 section II (a) and III)*

Can someone be caught in an endless loop of ERPOs, having them renewed over and over?

No. ERPOs are temporary and the existence of an ERPO alone is not sufficient to extend or apply for another one. There always must be clear and convincing evidence that the respondent is a danger to themselves or others based on witnessed dangerous behaviors. *(Section 159-E:5, part III)*

Are there any due process provisions in an ERPO?

Yes. Constitutionally supported due process is built in throughout the reporting, hearing and notice process. This is a public safety specific civil action. *(159-E:3, sections I-IX)*

Law enforcement are expected to intercede in instances of imminent danger, both with and without a court warrant. This bill temporarily suspends access to firearms of people who endanger themselves and others and then restores them when the person are able to prove to the court that they are no longer a threat to themselves or others. This is a civil action.

Will an ERPO really do any good in preventing suicide? Won't people who want to kill themselves just find another way?

ERPOs absolutely help prevent suicide. In NH suicide is on the rise and is the second leading cause of death in our state for people between the ages of 10-34. Half of those people use a firearm. When a firearm is used to attempt suicide, that attempt is lethal 90% of the time. While suicide is attempted in other ways, the **most lethal means is with a firearm**. Suicide is not inevitable and ERPOs are a critical tool in preventing tragedy.

Are there any examples of when an ERPO would have made a difference in preventing a mass murder?

Sadly YES. Mass shootings have become commonplace and often the shooters have exhibited disturbing and dangerous behaviors, raising “red flags” to their family and local law enforcement. This list is **just a small sampling of the mass murders committed with firearms where the murderer had exhibited behaviors that would have qualified for an ERPO.**

- 2019 Sebring Florida, SunTrust Bank, **5 killed**
- 2019 Livingston Texas, Blanchard: **5 killed**
- 2018 Parkland Florida, Marjory Stoneman Douglas High School: **17 killed** 17 injured
- 2018 Santa Fe Texas, Santa Fe High School, **10 killed** 10 injured
- 2017 Sutherland Springs Texas, First Baptist Church: **27 killed** 20 injured
- 2017 Bogue Chitto Mississippi, One shooter traveled to multiple locations: **8 killed** 1 injured
- 2016 Orlando Florida, Pulse Nightclub: **49 killed** 58 injured
- 2015 Colorado Springs Colorado Planned Parenthood: **3 killed** 9 injured
- 2015 Roseburg Oregon, Umpqua Community College: **9 killed**
- 2015 Charleston South Carolina, Emanuel Church: **9 killed**
- 2013 Washington DC, U.S. Navy Yard: **12 killed** 3 injured
- 2012 Aurora Colorado, Movie theatre: **12 killed** 70 injured
- 2012 Newtown Connecticut, Sandy Hook Elementary School: **27 killed** 1 injured
- 2012 Brookfield Wisconsin, Anzan Salon & Spa: **3 killed** 4 injured
- 2012 Oak Creek Wisconsin, Sikh Temple: **6 killed** 3 injured
- 2011 Tucson Arizona, Safeway Supermarket: **6 killed** 11 injured
- 2009 Binghamton New York, American Civic Association: **13 killed** 4 injured
- 2008 Dekalb Illinois, Northern Illinois University: **5 killed** 16 injured
- 2007 Omaha Nebraska, Shopping Mall: **8 killed** 4 injured
- 2007 Blacksburg Virginia, Virginia Tech: **32 killed** 17 injured
- 2006 Nickel Mines Pennsylvania, Amish Schoolhouse: **5 killed** 5 injured
- 2006 Goleta California, Mail Processing Plant: **6 killed**
- 2003 Meridian Mississippi, Lockheed Martin Aeronautics Company: **5 killed** 9 injured
- 1999 Fort Worth Texas, Wedgewood Baptist Church: **7 killed** 7 injured
- 1999 Columbine Colorado, Columbine High School: **13 killed** 24 injured

This does not have to be our reality. We can give family member and law enforcement the tools to prevent these tragedies by being able to act when they see dangerous behaviors escalating.

PASS HB 687 and give New Hampshire Extreme Risk Protection Orders!



NH Leading Causes of Death: 2011-2015

Rank	Age Groups										All Ages
	<1	1-4	5-9	10-14	15-24	25-34	35-44	45-54	55-64	65+	
1	Congenital Anomalies 44	Unintentional Injury 10	Malignant Neoplasms ---	Malignant Neoplasms 11	Unintentional Injury 252	Unintentional Injury 458	Unintentional Injury 381	Malignant Neoplasms 993	Malignant Neoplasms 2,572	Heart Disease 10,179	Malignant Neoplasms 13,455
2	Short Gestation 41	Congenital Anomalies ---	Unintentional Injury ---	Suicide ---	Suicide 109	Suicide 149	Malignant Neoplasms 207	Heart Disease 570	Heart Disease 1,195	Malignant Neoplasms 9,561	Heart Disease 12,126
3	Maternal Pregnancy Comp. 29	Heart Disease ---	Homicide ---	Unintentional Injury ---	Malignant Neoplasms 20	Malignant Neoplasms 76	Suicide 166	Unintentional Injury 453	Unintentional Injury 355	Chronic Low. Respiratory Disease 2,936	Chronic Low. Respiratory Disease 3,377
4	Placenta Cord Membranes 17	Homicide ---	Cerebro-vascular ---	Benign Neoplasms ---	Heart Disease 14	Heart Disease 38	Heart Disease 119	Suicide 281	Chronic Low. Respiratory Disease 329	Cerebro-vascular 2,082	Unintentional Injury 3,276
5	SIDS 11	Influenza & Pneumonia ---	Congenital Anomalies ---	Congenital Anomalies ---	Homicide 14	Congenital Anomalies 14	Liver Disease 37	Liver Disease 165	Liver Disease 250	Alzheimer's Disease 1,924	Cerebro-vascular 2,319
6	Circulatory System Disease 10	Malignant Neoplasms ---	Heart Disease ---	Heart Disease ---	Cerebro-vascular ---	Homicide 12	Diabetes Mellitus 23	Diabetes Mellitus 106	Diabetes Mellitus 248	Unintentional Injury 1,349	Alzheimer's Disease 1,966
7	Respiratory Distress ---	Benign Neoplasms ---	Suicide ---	Homicide ---	Chronic Low. Respiratory Disease ---	Diabetes Mellitus ---	Homicide 17	Chronic Low. Respiratory Disease 85	Suicide 203	Diabetes Mellitus 1,083	Diabetes Mellitus 1,473
8	Necrotizing Enterocolitis ---	---	---	---	Benign Neoplasms ---	Chronic Low. Respiratory Disease ---	Cerebro-vascular 13	Cerebro-vascular 64	Cerebro-vascular 144	Influenza & Pneumonia 1,022	Influenza & Pneumonia 1,119
9	Neonatal Hemorrhage ---	---	---	---	Congenital Anomalies ---	Liver Disease ---	Chronic Low. Respiratory Disease 13	Viral Hepatitis 27	Septicemia 73	Nephritis 782	Suicide 1,060
10	Unintentional Injury ---	---	---	---	Diabetes Mellitus ---	Complicated Pregnancy ---	Two Tied ---	Influenza & Pneumonia 24	Viral Hepatitis 69	Parkinson's Disease 582	Nephritis 869

Source: CDC WISQARS, 2011-2015

① HB 687 ~~Altschiller~~
2k do we not

NO ON HB 687

My family and I strongly urge you to oppose HB687 - relating to extreme risk protection orders or red flag laws. These unnecessary laws violate the natural rights of people to defend themselves and the natural right to property and the bill would violate the 2nd, 4th, and 5th amendments to the US Constitution and it would violate multiple articles in the NH Constitution.

The bill violates due process, which we could all agree is fundamental to a civil society.

The bill also puts law enforcement and civilians in harm's way by creating gun confiscation orders. This law is ripe for abuse, because it gives angry ex husbands and ex wives the perfect form of revenge, and it even allows for people who live together or who used to be roommates or are family members the ability to send police to confiscate their guns on the grounds that they are 'not mentally fit' to own guns.

If used how the bill's supporters hope it is used, police would only be sent to confiscate guns from the truly psychotic person. This scenario is the best case scenario and still would be likely to end in people dying. If the new law were abused and used by misguided or angry family members or exes or roommates, police would be sent to the home of a normal person who has guns, thinking that he is a dangerous, armed, psychotic man. This scenario would also likely end in police and/or civilians being killed.

If you sincerely want to improve the mental health issues and the violence issues in this state, I implore you to consider doing so on your own through voluntary means; not by creating a gun confiscation law that is sure to get people killed.

Thank you very much.

--

Elliot Axelman, NRP, FP-C
732-674-2355



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Doctors for Responsible Gun Ownership

Advocacy and watchdog group confronting anti-gun bias in medicine

Robert B. Young, MD, Editorial Director
953 Pittsford-Mendon Center Rd
Pittsford NY 14534-9409

www.drgo.us

March 2, 2019

Susan W. Olsen
Women's Defense League of New Hampshire
PO Box 2335
Concord, NH 03302

Dear Ms. Olsen:

I am writing in response to your contacting DRGO for input regarding New Hampshire Extreme Risk Protection Order bill, HB 687, to be heard on Tuesday March 5 by the New Hampshire House Committee on Criminal Justice and Public Safety.

You describe bill sponsors seeking to side-step stigmatizing persons suffering from mental illness as violent; instead, the bill actually blames firearms for inducing people to madness and harming themselves or others.

The language of your concern from the bill follows (*emphasis yours*):

"159-E:3 Commencement of Proceedings; Hearing.

I. A petitioner may seek relief under this chapter by filing a petition, in the county or district where the petitioner or respondent resides, alleging that the respondent poses a significant risk of causing bodily injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition.

II. A petition for an extreme risk protection order shall:

(a) Be accompanied by a written affidavit, signed by the petitioner under oath. The affidavit shall contain specific factual allegations regarding the factors that give rise to petitioner's belief that respondent poses a significant risk of causing bodily injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition."

You point out that the parties seem focused on issues of due process, penalties for false allegations and opportunities for the eventual return of firearms and are ignoring this outrageous premise that inanimate objects will drive otherwise normal people to violence. Your position is that this bill would establish an obviously flawed basis for what is little more than an excuse for civilian disarmament, and request our testimony on it.

I provide the statement that follows on behalf of Doctors for Responsible Gun Ownership:



Doctors for Responsible Gun Ownership

Advocacy and watchdog group confronting anti-gun bias in medicine

Robert B. Young, MD, Editorial Director
953 Pittsford-Mendon Center Rd
Pittsford NY 14534-9409

www.drgo.us

Doctors for Responsible Gun Ownership is a nationwide advocacy and watchdog group that for the past 25 years has insisted that science be used objectively in matters affecting Americans' Second Amendment right to keep and bear arms. We teach what good science shows—that guns in responsible hands save lives, reduce injuries, and protect property by preventing violent crime.

First, please see DRGO's statement on Protective Orders, along with our official position paper on "Firearm Confiscation due to Dangerousness". Such laws are variously called "Gun Violence Restraining Orders", "Emergency Risk Protection Orders", "Red Flag Laws", etc.

We do not approve of stigmatizing the mentally ill, and are concerned that they receive proper treatment whenever needed. Only about 4% of violence in society is attributable to (usually major) mental illness in perpetrators, but every person we identify as needing help for that or other reasons should have it.

DRGO supports the concept of trying to protect society from individuals identified as potentially dangerous to themselves or others. The problems arise in how to identify them, how to intervene, and how to ensure that both the complainant's and the subject's rights are protected. No "Red Flag" laws enacted so far ensure these adequately, and the proposed New Hampshire law is worse than most. At their core, confiscating people's guns infringes both United States (Second Amendment) and New Hampshire (Article 2.-a) constitutions' guaranteed firearm and other rights.

Identifying acutely dangerous individuals is fraught with uncertainty. The best reliability comes from in-person examinations by forensically trained psychiatrists, and their assessments are accurate only about 60% of the time for perhaps the subsequent 24 hours. (Note that 50% accuracy is random.) People who see something should say something, and unlike in Parkland, Florida, authorities should do the right thing. So lay people reporting concerns is desirable, and a court's finding must precede legal action. But expert evaluation needs to be incorporated, which has not yet been required in any state's ERPO law and is missing from NH HB 687.

Even expert evaluation can only identify likelihood of immediate dangerousness, and NH HB 687 leaves undefined how far into the future concern may lie. Neither does it specify what degree or type of "bodily harm" is actionable. None of this abides by American tradition that punishment (including deprivation of rights) may only be applied on conviction of a crime. This is unconstitutional "precrime" punishment for acts that are anticipated, but have not been committed.



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Similarly, no ERPO law yet, including NH HB 687, provides for any, in U.S. Attorney General Barr's words, "up front due process" (i.e, notification of the action to the subject with the right to representation by legal counsel and to confront the accuser) as guaranteed by the Fifth, Sixth and Fifteenth Amendments to the U.S. Constitution. Thereby, the Fourth Amendment's guarantees of equal treatment and against unreasonable search and seizure are contravened. Like the U.S. Constitution's guarantee that "the people's right to keep and bear arms shall not be infringed", the New Hampshire constitution guarantees that "All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state."

The very wording of NH HB 687 is objectionable and insulting to all New Hampshire gun owners, and is egregiously false: *"that respondent poses a significant risk of causing bodily injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition."* The possession of a firearm or ammunition in no way creates *"risk . . . to . . . self or others"*.

There are well over 300 million firearms in civilian hands in the United States, in more than 40% of households. If *"having a firearm"* causes risk, how can it be that less than 0.005% of these guns and less than .01% of gun owners are involved in shootings each year? (These numbers include suicides, justified homicides, murders and accidents). In recent years, there have been from 86 to 132 shooting deaths annually in New Hampshire among its 1.3 million+ residents. That is a rate of less than 10 per 100,000, about our nation's average. Shootings are not even in the top 15 causes of death in this country (though make up a portion of *overall* suicides and homicides, which fall into that list).

There must be a clear definition of the real reason for alleged dangerousness based in action or threat. Means need to be addressed, but are incidental to the proper purpose of an ERPO, which should be to protect people from dangerousness by *any* means. The proposed definition would justify confiscating firearms from anyone *just because they possess them*.

As with domestic violence restraining orders, it is appropriate to levy penalties for false reporting, which will undoubtedly occur with EPROs too. (NH HB 687 is concerning because making a false report would only be a misdemeanor offense, disproportionate to not complying with a gun confiscation order, which would be a felony.) But there is no equivalence in these two kinds of orders. No one has a right to be with someone who is afraid of him/her, and no Constitutional right is infringed by a domestic violence restraining order.



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Any act or threat that would justify infringing a Constitutional right must be serious enough to fall into existing criminal and/or mental illness arenas, and should explicitly require criminal charges and/or commitment to psychiatric evaluation and treatment. This requirement is missing entirely in NH HB 687.

Executing EPROs is itself clearly dangerous, and puts both officers and subjects at risk. Recently in Maryland, a man was shot to death when he acted to defend against a home invasion, which was actually an EPRO secretly initiated by family. Their concern for him was realized, not by his initiating harm, but due to executing the EPRO.

EPROs as thus far imposed are extreme solutions to rare problems and may cause more harm than they prevent. They provide excuses for "Star Chamber" hearings that approve legalized "SWATting". They are political window dressings to appear that someone is "doing something about gun violence." Unfortunately, New Hampshire's NH HB 687 is more of the same.

Sincerely yours,

Robert B Young, MD

Editorial Director, Doctors for Responsible Gun Ownership
Associate Clinical Professor of Psychiatry, University of Rochester School of Medicine
Distinguished Life Fellow of the American Psychiatric Association



(26)

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

MEMORANDUM OF OPPOSITION

DATE: March 5, 2019
TO: Honorable Members of the House Criminal Justice and Public Safety Committee
FROM: Lauren E. LePage
RE: House Bill 687-FN

On behalf of the National Rifle Association of America, I am here to state our opposition to House Bill 687-FN, introduced by state Representative Debra Altschiller (D-Rockingham 19). This legislation would create two new orders, a “temporary order” and an “extreme risk protection order” that restrains an individual who is deemed a “risk” from possession, acquisition or custody and control of firearms. Clearly, this type of proposal is disconcerting because it allows for the infringement of Second Amendment and property rights based on third-party allegations.

Nothing in this legislation is tied to a person being apprehended, evaluated, or treated for an underlying mental condition or illness, which perpetuates the idea that a person who is too dangerous to be trusted with a gun because of allegations of a significant or substantial risk of serious bodily injury or death, is fine to be left alone once firearms are taken away. While the court may consider whether a mental health evaluation or chemical dependency evaluation is appropriate, it is not mandated.

There are other concerns with the legislation and its implementation. For example, there are no provisions in the legislation to require the removal of any dangerous items that are not firearms (drugs, knives, cars), which undermines the public safety justification for the bill.

The bill imposes a possession and acquisition ban even for a temporary order, which may be an ex parte order issued on one-sided allegations without any notice or right to an opportunity to be heard to the affected person. The penalty for a violation of an order under the bill is a Class B felony punishable by 3.5 – 7 years imprisonment, In contrast, the penalty for misusing the procedure and filing a false order is only a misdemeanor.

In addition, this bill specifically requires a respondent to go back to court, with all of the associated costs, to have their constitutionally protected property returned if the order expires or is vacated. Lastly, the bill provides immunity to law enforcement for any damage that happens to firearms in their custody, which provides no incentive for law enforcement to take care of valuable firearms in their custody.

In reality, the proponents of this bill want you to believe that individuals who are not dangerous enough to arrest, prosecute, or commit to a mental institution, are still too dangerous to exercise one right and one right only, the right to "Keep and Bear Arms." This is a proposition that will not save lives or improve public safety. It will, however, lead to people losing their rights without justification.

On behalf of the membership of the National Rifle Association in New Hampshire, I respectfully ask that you oppose this misguided legislation and consider other alternatives for protecting the public.

Please feel free to contact me at 703-267-1243 if you have additional questions or concerns.

Thank you for your time and consideration of this matter.

Thank you for your time today. My name is Malena Chastain and I oppose HB 687.

Red Flag Laws or Extreme Risk protection laws basically equate to guilty until proven innocent with eventual due process

There is no authority given to law enforcement, nor the courts in the absence of a crime. This bill attempts to predict the future. In fact, this bill doesn't even require the filing of a criminal affidavit.

Since when does the United States of America deem it fit to violate, a law-abiding citizens 2nd, 4th, 5th 6th, and 14th amendment in the absence of a crime, based on heresy, all surrounding a prediction. This sets a very dangerous precedent.

The person being accused may never face their accuser because they can remain anonymous, the person accused isn't even entitled to a court appointed lawyer because there are no charges filed.

The judge must then assess and decided if there is a reasonable concern.... is that the going rate for rights these days??? Concern?

What Red Flag Laws do is require people to be the secret state police. It creates a society of suspicion. It creates fear in people to talk about what they may be feeling and going out and getting help. It creates a stigma surrounding mental illness.

It's not the governments job to control the people through fear and crimeless persecution. It's not the governments job to strip the rights of law-abiding citizens. Those Liberties were granted to us by birth... not granted to us by the government.

Now, somehow in some twisted reality, there are laws being proposed that violate those God given rights when having not even committed a crime while being promised eventual due process.... That's not how it works. I'm sorry due process is pesky and may take to long but our rights as spelled out in the 5th and 14th amendment dictates that we shall not be deprived if Life, Liberty or property without due process of law... I didn't see where it said... eventual due process... our 2nd amendment says the right to bear arms shall not be infringed... I don't remember seeing an Unless after that statement.

As an elected official, you are bound by the constitution, bound by due process and the fact that we are even discussing a matter that violates ones Liberty and property shows just how far our government has strayed from not only the principles set forth by our founders but constitutional law as well, against law abiding Americans.

After Florida and California passed similar laws, they continued to have mass shootings.

Instead of violating rights, we should be looking into our mental health parameters. How many are turned away from being Baker Acted where they can be assessed, because they don't meet the qualifications to be held. Why do we not have better parameters?

Extreme Risk Protection laws are a quick fix because fixing the mental health industry is to hard.... But we elect politicians to write constitutionally sound laws and what we have here is a law that violates constitutional rights... yet politicians expect the people to feel secure in the government's judiciary responsibilities?

Benjamin Franklin said "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety" ... Constitutional rights mean something...

I ask that you vote in opposition to this bill and stand on the side of our founders and our constitution because stripping rights away from law abiding citizens is nothing short of tyranny.

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New Hampshire House of Representatives
House Criminal Justice and Safety Committee
107 North Main Street
Concord, New Hampshire 03301

February 28, 2019

Dear Representatives of the House Criminal Justice and Safety Committee,

As a retired law enforcement officer of 23 years, a father, husband, former educator, coach and loyal citizen of New Hampshire, I ask with all earnestness that you please take ten minutes to consider the serious concerns articulated in my letter to you and then do what is right by voting HB 687 "inexpedient to legislate".

The proposed bill: HB 687 is diametrically opposed to the freedoms memorialized in the Constitution of our beloved State of New Hampshire, The United States Constitution and the Declaration of Independence. HB 687 (and for that matter HB 696) are particularly nightmarish in that these two bills place law enforcement and government at odds with good citizens by violating the fragile but necessary trust that government must earn from the citizens it serves. HB 687 proposes to legitimize very serious violations of the 4th, 2nd, 5th and 14th Amendments as written in the Bill of Rights as well as the mirrored liberties and protections echoed in the State of New Hampshire Constitution.

After carefully studying this proposed House bill, I write to you with sadness and fear that the Constitutional Rights that we hold so dear are about to be vaporized by the very government, whom we as citizens, have entrusted to safeguard these "unalienable" rights. A cruel irony then is at work here.

HB 687 would encourage the execution of frightening law enforcement tactical entries into the homes of innocent New Hampshire citizens in clear violation of the 4th Amendment and of the New Hampshire Constitution! Without the necessary and healthy Constitutional restriction on government action that requires all Law enforcement to apply, via a sworn affidavit, submitted to a neutral and detached third party (Judge or Magistrate), for an exception to the 4th Amendment, BEFORE any search warrant can be legally executed at a citizen's residence, how would it be possible to protect people from unjust and often dangerous search and seizure?

The fact that the bill as written provides for a law enforcement officer to seek the approval of a Judge before entering a residence and seizing a citizen's legally owned firearms, does not amount to the

Constitutional requirement of probable cause. **Any search and seizure must concern the investigation of a crime.** What is next: search and seizure of all electronic devices such as tablets, laptops, desktops and smart phones to prevent rude or unkind communication? The search and seizure of car keys in anticipation of reckless driving? The search and seizure of all beer from our refrigerators and liquor from our cabinets in anticipation of irresponsible drinking? Family photographs? Bank Statements? Personal cards and Letters?

And what consideration, if any, has been given by this legislature to the Constitutional requirement of demonstrated probable cause that evidence of a crime exists in a citizen's residence, and that the requisite probable cause is established in a written affidavit before the invasive action of a search warrant can be taken? Additionally, HB 687 fails to require crucial probable cause that a crime has been committed as a requirement for seizure of property AND as a requirement for being granted permission to search a citizen's residence. HB 687 fails to guarantee New Hampshire citizens their 5th Amendment and 14th Amendment right of due process. "No person shall be deprived of life, liberty or property, without due process of the law."

A dangerous precedent would be established that would steal freedoms from all of us. When Pandora ignored Zeus's warning to never open the box entrusted to her care, she unwittingly released a plague of all of the troubles and evils of life. She failed in her duty to the world for she did not understand her duty to the world. Only Hope remained in the box. Our hope as citizens is that you judiciously use the authority that we as citizens have entrusted to you.

Is hearsay evidence now enough to seize an innocent citizen's property and freedom, to violate his or her peace and security? If the majority of citizens who possess firearms have undergone a criminal background check, and yet would still functionally be presumed as dangerous by law enforcement because of hearsay evidence, then a poisonous and plague-like precedent will be unleashed on all people (non-gun owners and gun owners alike) by this legislation.

How could any citizen legislator who understood and respected the sacredness of the Constitutional guarantee that all citizens be secure in their persons, houses, papers and effects, even contemplate drafting such lawless legislation?

Assertions that a citizen is a danger to himself or to others is NOT, and never will be, probable cause to search a citizen's home and to seize his or her property. Fortunately for generations of Americans, the Constitution is several good things, but first it is a limit on government action. This is not theory, it is a

living, breathing, reality that must be respected if we as citizens are to remain a free and secure people. Please reconsider such monstrous legislation.

Next to Motor Vehicle stops, participating in a search warrant is one of the more dangerous duties asked of law enforcement. HB 687 unnecessarily tasks law enforcement officers with a potentially dangerous and hostile situation by asking an officer to target responsible citizens with an unjust law. How is a citizen expected to respond to the imposition of an unconstitutional law?

Reasonable laws encourage good citizenship; unreasonable laws engender resentment and pushback. Why would any legislature turn its responsible citizens into criminals? This is the story of the Sheriff of Nottingham persecuting the peaceful subjects of the selfish King John in the story, Robin Hood, not the freedom loving State of New Hampshire.

Tragically, on a Sunday morning, November 3, 2018, at approximately 5:17 am, two Anne Arundel County, Maryland Police Officers serving a newly legislated Emergency risk protection order (Red Flag law), aimed at removing guns from the possession of citizens, shot and killed 60 year old Gary J. Willis after Willis apparently refused to surrender his firearm to law enforcement. Following his death, Willis's niece lamented her Great Uncle's death, explaining that one of her Aunts had requested the protective order to remove Gary Willis's guns, adding that she was "dumfounded right now...my uncle wouldn't hurt anybody." Willis's niece provided the insight that the Aunt's request that law enforcement remove Willis's guns stemmed from an argument with Willis over politics. In the approximate one month that the Emergency protective law had been in effect, 114 such Emergency petitions had been requested in Maryland.

This bill pushes law enforcement away from its noble mission of "protect and serve" to a Persecute and Punish philosophy. Is this safe? Is it Just? What law enforcement officer who respected our New Hampshire Constitution and the Constitution of the United States, would serve such a pernicious order? As a law enforcement officer who has written and served many Search and Arrest Warrants during my 23 year career, I cannot see how in good conscience that anyone would be able to execute such an order. HB 687 is in direct opposition to the oath all law enforcement officers have taken.

No legislation then, can countermand either the Constitution of New Hampshire or the Constitution of the United States.

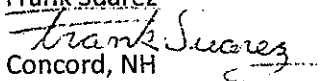
[Art.] 84. [Oath of Civil Officers.] Any person chosen governor, councilor, senator, or representative, military or civil officer, (town officers excepted) accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration, viz.

I, A.B. do solemnly swear, that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. *So help me God.*

I, A.B. do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all duties incumbent on me as, according to the best of my abilities, agreeably to the rules and regulations of this constitution and laws of the state of New Hampshire. *So help me God.*

In the name of decency and all that is good, I ask, is this predictable tragedy what we want for the citizens of our beloved New Hampshire? The firearms laws of New Hampshire are more than adequate and reasonable efforts to address public safety and to encourage good citizenship. We have reasonable laws that preserve our citizen's sacred right to self-preservation. In the strongest terms possible and with the utmost urgency, I ask that you please reconsider your position on this matter and vote HB 687 "inexpedient to legislate". Sometimes the best exercise of power is found in the decision to refrain from its use.

Respectfully, and with sincere appreciation for your service,

Frank Suarez

Concord, NH

22

Testimony of Kevin Perkins before the Criminal Justice and Safety Committee in support of New Hampshire House Bill 687-FN

To the Committee:

Thank you for permitting me to offer written testimony in support of House Bill 687-FN. My name is Kevin Perkins. I presently reside in Portsmouth, NH and have been a resident of New Hampshire for over 22 years.

I believe that this bill, should it become law, would be an important tool to help families, police, and the courts protect those who may pose a threat to themselves and/or to their loved ones and contribute to public safety. It is legislation rationally related to achieving a legitimate governmental purpose- i.e., the protection of one's citizens. I have set forth in the paragraphs that follow the reasons for my support and I have included attachments and footnote references in support of my statements and contentions.

The use of firearms (unfortunately) makes a suicide attempt more successful

While one often hears the argument that those who decide to kill themselves do not need a gun to do so and may avail themselves of other means if truly committed, the data available suggests that suicide attempts are more likely to be "successful" if a gun is employed. The Center for Disease Control and Prevention ("CDC") reported there were 23,854 deaths by firearms in 2017. [1] Suicides represent sixty percent (60%) of those gun deaths. [2] Over eighty percent (80%) of suicide attempts with a gun are successful. In comparison, less than ten percent (10%) of suicide attempts by use of instrumentalities such as drugs or poison are successful. [3] Researchers attribute the differences in the rates of "successful" suicide attempts to the inherent lethality of firearms (*vice* other methods) and the ease of use of such firearms.

Suicides and Firearm Deaths in NH

CDC data indicates that there were 244 suicides in New Hampshire in 2016; 228 suicides in 2015; and 247 suicides in 2014. During that same period, CDC reports that there were 132 deaths by firearms in 2016, 121 deaths in 2015, and 122 deaths in 2014. [4] Unfortunately, the CDC data which I reviewed does not break out or otherwise indicate the specific numbers of those suicides identified in New Hampshire that involved use of a firearm but it is reasonable to assume, based on an extrapolation from the nationwide data cited above, that a firearm was used in some of those suicides. Even assuming *arguendo* that only one-third of suicides in New Hampshire were committed with a firearm (*vice* the reported national average of almost two thirds), that fraction would represent over 75 suicides each year during the period 2014-2016 that involve a firearm.

Extreme Risk Protection Laws appear to be effective.

There are presently thirteen (13) states and the District of Columbia that have passed some form of risk protection law, including four New England states.

For purposes of this written testimony, I reviewed information regarding Connecticut, which enacted extreme risk protection legislation in 1999 after a rampage shooting at the Connecticut Lottery, and Indiana which enacted its law in 2005. It was my thought that these two states would offer the ability to study gun seizure data and suicide data gathered over longer periods of time than those states like Florida and New York which just recently passed extreme risk legislation.

In 2017, the Duke law journal, Law and Contemporary Problems, analyzed data from 762 gun removals under the Connecticut's law during the period October 1999 through June 2013 and its researchers estimated that there was one averted suicide for every ten to eleven seizure cases.[5]

A 2018 study published in the journal Psychiatric Services used CDC data on all suicides in all 50 states from 1981-2015 to examine the impact, if any, of extreme risk laws in Connecticut and Indiana compared to the suicide rates of states with no such laws. The researchers determined that Indiana's firearm seizure law was associated with a 7.5% reduction in firearm suicides in the ten years following its enactment and that Connecticut's law was associated with a 1.6% reduction in firearm suicides immediately after its passage and a 13.7% reduction after 2007 when application/enforcement of the Connecticut law was reported to have been substantially increased (Connecticut's increase in enforcement occurred in light of the April 2007 Virginia Tech shootings by a mentally unstable individual).[6]

An analysis of mass shootings from 2009 to 2017 indicates that, in 51% of the incidents studied, suspects in those mass shootings had demonstrated warning signs of mental instability or violent behavior prior to the incident. [7] HB 687-FN would provide a process for family members and/or law enforcement to raise these concerns for judicial review and possible action **before** an incident occurs. There is anecdotal information that the risk prevention statute enacted in 2018 in Vermont was critical in preventing two possible school shootings.

As reported in USA Today and NPR articles dated March 19, 2018, the National Rifle Association (NRA) suggested in a March 14, 2018 video that it would consider supporting extreme risk protection legislation, provided that such a law contained substantial due process protections and required mental health treatment of the individual involved. **Attachment A** and [8].

Existing State Extreme Risk Protection Laws appear to be judiciously applied

While I was unable to find data for any state that directly calculated the percentage of gun owners who were subject to an extreme risk protection order in a given state as a function of the total number of citizens that owned a firearm in that state, I believe that these percentages can be calculated from other data publicly available. These calculations reveal that the number of gun owners subjected to extreme risk protection orders of their state represent a very small percentage of the total number of gun owners in that state.

Data from the National Opinion Research Center at the University of Chicago and data from the Pew Research Center suggest that, nationwide, approximately one third of adults in the U.S. own firearms. [9] A 2015 study published in the journal Injury Prevention provides data on the percentage of gun ownership by state. From this percentage ownership data, additional data available on the adult population in each state, and the numbers of extreme risk protection orders reported for those states, one can provide a rough calculation of the percentage of adult gun owners affected by extreme risk protection orders or their equivalent. Only 189 of an estimated 5,899,370 gun owners (0.0032%) in California have been subjected to extreme risk protection orders in the period that its law has been in effect. For Connecticut, 762 of an estimated 449,462 gun owners (0.169 %) have been affected by risk protection orders. In Vermont, a state with an estimated 138,384 gun owners, only 18 risk protection orders (0.0130%) have been issued to date. For Indiana, public information on the numbers of risk protection orders could not be located but one assumes that a similar microscopic percentage of the state's estimated 1,638,075 gun owners were affected. [10].

HB 687-FN complies with the US and New Hampshire Constitutions

With every bill that contemplates some limitation on an unfettered and unrestricted ability to own firearms, the argument is always advanced that the proposed legislation is contrary to the Second Amendment (and/or the Fourth and Sixth Amendments) of the US Constitution and Part I, Article 2-a of the New Hampshire Constitution.

I respectfully submit that I believe that HB 687-FN, if enacted into law, will comply with both the US and NH Constitutions. While a right to firearms is constitutionally protected under both the federal and state constitutions, those rights are not absolute in all circumstances and that appropriate procedural safeguards required by states on gun ownership and possession may be constitutional.

Writing for the 5-4 majority in the 2008 case of District of Columbia v. Heller, 554 U.S. 570 (2008) which invalidated a DC law outlawing the carrying of unlicensed handguns while also prohibiting the registration of handguns, and finding for the first time an individual right under the Second Amendment, Justice Scalia stated:

“Like most rights, the right secured by the Second Amendment is not unlimited.”

“[N]othing in our opinion should be taken to cast doubt on long standing prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings...” (See also, Footnote 26 to the opinion.)

Justice Scalia went on to say: “Since this case represented the Court’s first in depth examination of the Second Amendment, one should not expect it to clarify the entire field...”.

Consequently, the U.S. Supreme Court has contemplated the existence of constitutionally permissible limitations on gun possession and ownership.

Indeed, the U.S. Supreme Court has found that the First Amendment guaranteeing free speech does not protect someone who falsely shouts ‘Fire’ in a theater with the intent to cause panic, nor does it protect someone who makes statements directed to incite imminent lawless action. See, e.g., Schenk v. United States, 249 U.S. 47 (1919); and Brandenburg v. Ohio, 395 U.S. 444 (1969).

The U.S. Supreme Court has also found several exceptions to the Fourth Amendment’s protections against warrantless search and seizures. See, e.g., Horton v. California, 496 U.S. 128 (1990) [“plain view” exception]; Arizona v. Gant, 556 U.S. 332 (2009) [search of vehicle incident to arrest]; Kentucky v. King, 563 U.S. 452 (2011) [“hot pursuit”/ exigent circumstances]; and Illinois v. Rodriguez, 497 U.S. 177 (1990) [consent to search].

Similarly, the New Hampshire Supreme Court has rejected challenges to New Hampshire statutes that were alleged to be contrary to Part I, Article 2-a of the New Hampshire Constitution (adopted in 1982) that provides in pertinent part that “[a]ll persons have the right to keep and bear arms in defense of themselves, their families, their property, and the state.”

In State v. Smith, 132 N.H. 756; 571 A2d. 279 (N.H. 1990), the New Hampshire Supreme Court rejected a constitutional challenge to N.H. RSA Section 159:3 prohibiting possession by convicted felons finding that the state right to “...keep and bear arms is not absolute” and concluding that the restriction is valid as long as it narrowly serves a significant governmental interest. 571 A 2d. at 758. The court held that the interests served by the statute were the protection of human life and property, and that the statute served those interest by prohibiting a category of persons likely to be too dangerous from possessing a firearm. 571 A2d. at 759.

In Bleiler v. Chief, Dover Police Department, 155 N.H. 693; 927 A2d. 1216 (N.H. 2007), the New Hampshire Supreme Court rejected a constitutional due process challenge to N.H. RSA Section 159:6-b authorizing the suspension or revocation by a police chief of a license to carry a concealed weapon, finding that there is a compelling state interest in

public safety, that the statute was a reasonable limitation, and that the did not subvert the self-defense aspect of the state constitutional right to bear arms. [11].

As an aside, both the Connecticut and Indiana state courts have found their respective extreme risk protection laws to be constitutional after challenge that they violated the Second Amendment and provisions of their respective state constitutions. See Hope v. State, 163 Conn. App. 36, 133 A3d. 519 (2016) and Reddington v. Indiana, 922 N.E. 2d. 823 (Indiana Ct. App. 2013).

HB 687-FN affords due process protections to the gun owner who is the subject of the petition

Chief among the anticipated objections to Extreme Risk Protection statutes are the due process considerations, particularly the *ex parte* hearings that precede a Temporary Order. While necessary to enable those concerned to be able to act on an emergent basis and to minimize the prospect of an intra-familial conflict with firearms still in the home that notice of an initial hearing might bring, the bill actually provides for a number of due process safeguards.

Specifically, HB 687 requires that:

- * only certain persons who have a personal relationship with the respondent or who are duly authorized law enforcement officers may seek such an order;
- * the petition seeking the order be accompanied in each and every case by a sworn written affidavit containing specific information as prescribed in the bill and factual allegations in support of the petition;
- * false allegations contained in the sworn affidavits and petitions filed with the intent to harass are subject to criminal penalties;
- * a neutral and detached judge has to make a finding of reasonable cause to believe that the respondent poses an immediate risk of causing bodily injury to him/herself or others by having a firearm in his/her custody or control before he/she can issue a temporary order *ex parte*;
- * the party against whom such temporary *ex parte* relief is issued may file a written request for a hearing and receive an expedited hearing within 5 business days;
- * the court must find by clear and convincing evidence after a hearing that the respondent poses a significant risk of causing bodily injury to himself or herself by having a firearm before it can issue a (permanent) extreme risk protection order. "Clear and convincing evidence" is an extremely high standard in civil proceedings (e.g., it is greater than "preponderance of the evidence") ; and

* the permanent Extreme Risk Protection Order cannot exceed a period of 12 months.

Unless one is prepared to conclude that family members, all of New Hampshire law enforcement, and disinterested judges have no legitimate concerns about mental health or violent behavior of their family members/fellow citizens and all instead are solely interested in depriving gun owners of their firearms for no legitimate reason, the requirements to be met by petitioners and the courts in HB 687-FN collectively serve to ensure protection for the respondent gun owner in these extraordinary circumstances.

New Hampshire laws already permit persons to seek *ex parte* relief.

Separate and apart from N.H. RSA Chapter 595-A that allows law enforcement to make *ex parte* applications to courts for search warrants, several New Hampshire laws already permit *ex parte* applications for relief. Some examples:

N.H. RSA Section 173-B:4, I. - *Protection of Persons from Domestic Violence.*

N.H. RSA Section 633:3-a, III.-a. - *Stalking*

N.H. RSA Section 463:7, I. - *Guardianship of Minors*

N.H. RSA Section 458-A:5-a - *Emergencies, Ex Parte Relief, Uniform Child Custody Jurisdiction Act*

Common to each of the above cited statutes are elements regarding the prospect of an immediate, irreparable injury and the requirements for a supporting affidavit and a prompt hearing granted to the respondent- consistent with the features of HB 687-FN now before you. Parenthetically, I find it somewhat incredible that some opponents of HB 687-FN may accept without manifest, vocal, and continued objection the premise that the custody and guardianship of one's children can be subject to a temporary *ex parte* order but that the temporary removal of one's firearms under certain specific circumstances should not be.

Consequently, New Hampshire statutes already contain provisions providing for *ex parte* applications for judicial relief. Presumably, the legislature and the courts have already weighed in on the constitutionality and the necessity of *ex parte* relief in those statutes and have found the *ex parte* provisions to contain appropriate procedural safeguards.

For the foregoing reasons, I would urge the Committee to support HB 687-FN.

Respectfully submitted,

Kevin Perkins
871 Islington Street, Suite 3B
Portsmouth, New Hampshire 03801-4253

Footnotes

1. www.cdc.gov/nchs/fastats/injury.htm and www.cnn.com/2018/12/13/health
2. Miller M., Hemenway D. *et al.*, "Lethality of Suicide Methods", Harvard School of Public Health hsph.harvard.edu/means-matter/case-fatality
3. Miller M., Azrael D., Barber C., "Suicide Mortality in the United States: The Importance of Attending to Method in Understanding Population-level Disparities in the Burden of Suicide." *Annual Review of Public Health* 2012; 33:393-408.
4. Masters K. "A Psychiatrist Debunks the Biggest Myths Surrounding Gun Suicides", *The Trace*, November 2, 2015.
5. Swanson, Jeffrey *et al.*, "Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?" *80 Law and Contemporary Problems* 179-208 (2017).
6. Kivisto, Aaron J. & Phalen, Peter Lee, "Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981 -2015", *Psychiatric Services*, June 1, 2018; <https://doi.org/10.1176/appi.ps.201700250>.
7. Everytown for Gun Safety. "Mass Shootings in the United States: 2009-2017." <http://every.tw/IXVAmcc>. December 2018.
8. March 14, 2018 NRA video is at www.youtube.com/watch?v=7sNikIO506A.
9. "America's Complex Relationship with Guns", Pew Research Center, June 22, 2017 and Smith T. and Son J., "Trends in Gun Ownership in the United States, 1972-2014," March 2015.
10. For each calculation, I identified the total number of adults in each state based on data provided by materials referenced in the footnotes and multiplied that by the percentage of gun owners in that state also provided by the materials in the footnotes. I then identified the number of extreme risk protection orders (or equivalent) granted by that state. Thereafter, I divided the number of extreme risk protection orders in a state by the total number of gun owners in that state to find the percentage of gun owners affected by the extreme risk protection orders in that state. The percentages in all cases examined were miniscule.
11. Kalesan B., Villareal, M., *et al.*, "Gun Ownership and Social Gun Culture", as published in *Injury Prevention*, May 20, 2015.

Under pressure, NRA voices support for gun violence restraining orders

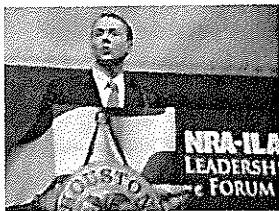
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Nicole Gaudiano, USA TODAY Published 3:25 p.m. ET March 19, 2018 | Updated 2:23 p.m. ET March 23, 2018



(Photo11: Steve Ueckert, AP)

WASHINGTON —Facing intense public pressure, the National Rifle Association is starting to talk about the types of gun violence restraining orders it would support after years of opposing them.

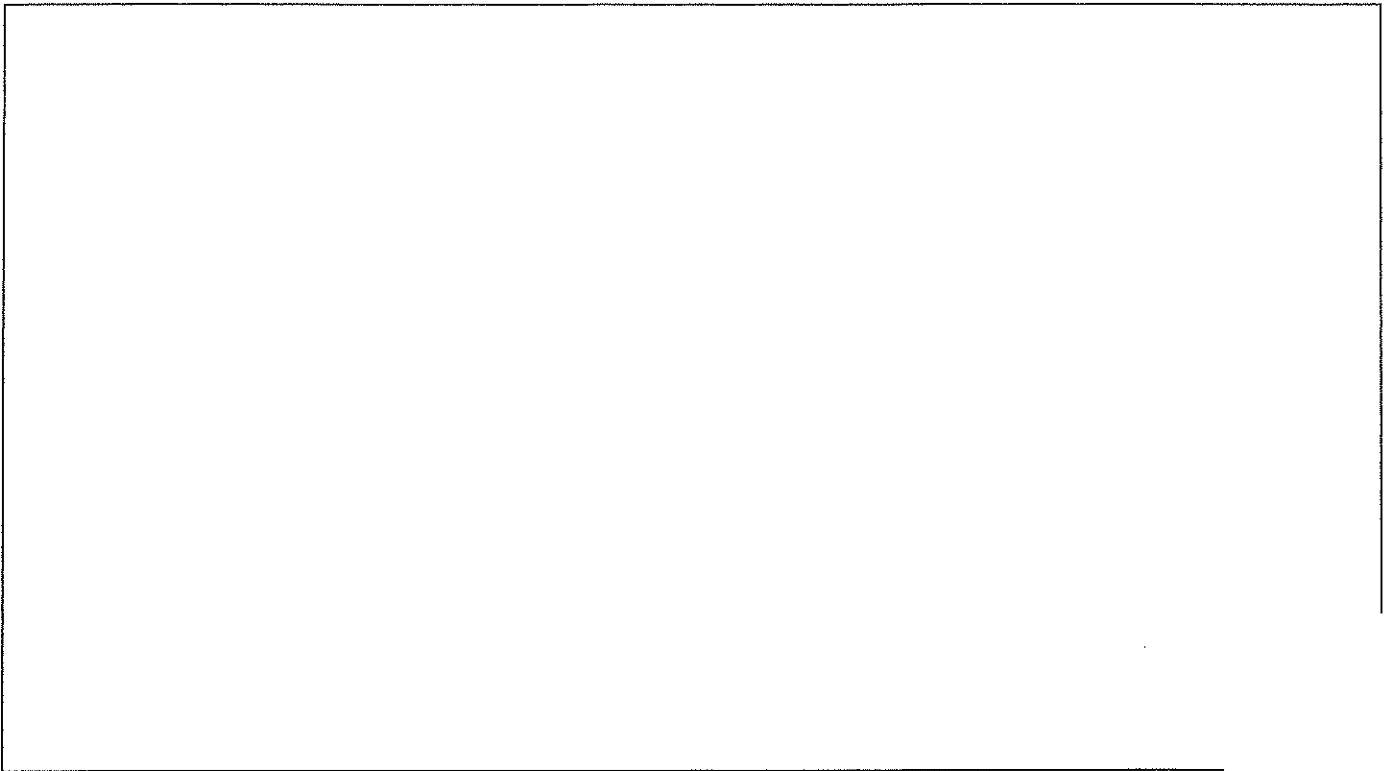
The orders, also known as "extreme risk protection orders," allow a court to temporarily restrict individuals' access to firearms when they exhibit "red flags" that they are a danger to themselves or others. Such "red flag" laws have received additional attention following the Valentine's Day mass shooting in Parkland, Fla.

The NRA has fought "red flag" legislation in at least 17 states as "anti-gun." But in a recent NRATV video, the group's top lobbyist said Congress should provide funding for states to adopt "risk protection orders."

"This can help prevent violent behavior before it turns into a tragedy," Chris Cox said.

Gun-control advocates say it's unclear whether the comments represent a new opening to pass legislation — especially given the NRA's history of resistance to such laws.

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In August, the NRA offered what appeared to be blanket opposition to gun violence restraining orders (<https://www.nra.org/articles/20170818/american-bar-association-continues-to-attack-gun-owners-due-process>), saying on its website that they diminish due process and have "obvious potential for abuse."

Earlier this month, the NRA helped defeat a "red flag" law in Utah. And on Friday, the association urged its members to lobby against legislation in Maryland because it "lacks basic due process protections and is ripe for abuse."

"The NRA fought red flag laws for years," said John Feinblatt, president of Everytown for Gun Safety. "If they're serious about supporting them now, they'll signal as much to their lobbyists in the 22 states where red flag bills are currently pending."

Sen. Richard Blumenthal, D-Conn., said, "It's one thing to put out videos attempting to sound reasonable – it's quite another to actually support and help pass life-saving legislation."

NRA spokeswoman Jennifer Baker insisted the NRA hasn't changed positions.

"None of the pieces of legislation that have been introduced have included adequate due process so we've opposed them," she said. "Our position has always been dangerous people should not have access to firearms."

Indeed, the NRA's support for such measures hinges on a multitude of requirements, which the association says are key to protecting Second Amendment rights and due process.

On Friday, NRA posted the lengthy list of conditions for a process it can support on its YouTube channel, as a comment beneath the Cox video. Among them:

- Criminal penalties for those who bring "false or frivolous" charges.
- A determination by a judge, by "clear and convincing evidence," that the person poses a significant risk of danger.
- A requirement that a judge determine whether the person meets the standard for involuntary commitment.
- If the order is granted, the individual should receive community-based mental health treatment.

"To be effective and constitutional, they should have strong due process protections and require that the person get treatment," Cox says in the video.

Read more: [Some officials wanted Florida school shooting suspect forcibly committed in 2016 \(/story/news/nation/2018/03/19/some-officials-wanted-florida-school-shooting-suspect-forcibly-committed-2016/437615002/\)](https://www.usatoday.com/story/news/nation/2018/03/19/some-officials-wanted-florida-school-shooting-suspect-forcibly-committed-2016/437615002/)

[House passes school safety bill as students protest inaction on gun violence \(/story/news/politics/2018/03/14/congress-turns-school-safety-students-protest-inaction-gun-violence/422217002/\)](https://www.usatoday.com/story/news/politics/2018/03/14/congress-turns-school-safety-students-protest-inaction-gun-violence/422217002/)

Baker, the NRA spokeswoman, couldn't point to a federal or state bill that the organization supports, but she said, "We're confident that there will be a bill introduced that provides adequate due process while ensuring that people who are a danger to themselves or others don't have access to firearms."

The NRA statements coincide with [student protests across the country against congressional inaction \(/story/news/2018/03/14/thousands-students-across-u-s-walk-out-class-today-protest-gun-violence/420731002/\)](https://www.usatoday.com/story/news/2018/03/14/thousands-students-across-u-s-walk-out-class-today-protest-gun-violence/420731002/) on gun violence. Last Wednesday, thousands of students staged "National Walkout Day" events, marking the one-month anniversary of the shooting deaths of 17 students and staff at Marjory Stoneman Douglas High School. The accused gunman, Nikolas Cruz, was long-known to law enforcement as troubled.

"My observation here is that the man did everything but take an ad out in the paper, 'I'm going to kill somebody,'" Sen. Lindsey Graham, R-S.C., said at a Wednesday Senate Judiciary Committee hearing.

After the shooting, Florida became the sixth state to pass a red flag law. (The NRA sued the state of Florida to block part of the law but didn't take a position on the red flag provision.) Several other states introduced versions of "red flag" bills in response to the shooting.

President Trump, as part of his response to the shooting, called on all states to adopt extreme risk protection orders and directed the Department of Justice to provide technical assistance to states that want to implement the orders.

In Congress, other bills are pending and some are forthcoming.

A House bill would give states incentives to allow family members or law enforcement to get court orders to temporarily stop dangerous individuals from purchasing or possessing a gun. Sen. Dianne Feinstein, D-Calif., sponsored the Senate version of the bill – and took Cox's statement as a sign of support.

"Now there can be no excuse from Republicans to oppose our legislation," she said in a statement.

However, Baker said Feinstein's bill doesn't offer "meaningful due process," uses a low evidentiary standard and doesn't require the individual seek treatment.

Graham and Sen. Richard Blumenthal, D-Conn., proposed legislation to create an extreme risk protection order process for federal court. Baker said their bill is "not workable." The NRA opposes efforts to create a federal law tasking federal agents with seizing firearms in federal court, according to the YouTube post.

Blumenthal said federal law is critical to ensure protection through a national safety net, since many states won't adopt red flag laws "over gun lobby opposition."

"The NRA wants a Catch-22: oppose a federal statute, supposedly relying on the states, and then oppose state laws, as it has consistently done," Blumenthal said.

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*Attachment A
(cont)*

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NRA Signals Openness To Gun Removal Laws — With Conditions

March 19, 2018 · 7:06 PM ET



MARTIN KASTE



Chris W. Cox, executive director of the NRA's Institute for Legislative Action, speaks during the Conservative Political Action Conference last year.

Alex Wong/Getty Images

Lately, the NRA has relied heavily on videos to communicate with the public and its supporters, and video is how it announced its position on legislation to temporarily remove guns from people thought to pose a threat.

()

"We need to stop dangerous people before they act," says Chris W. Cox, executive director of the NRA's Institute for Legislative Action. "So Congress should provide funding to states to adopt risk protection orders."

On the surface, this is good news for gun control groups, which have been campaigning for such laws in states around the country. They say this kind of law might have allowed an early intervention to stop the troubled young man who killed 17 people in Parkland, Fla., last month.

Chris W. Cox- We need to stop dangerous people before they act



YouTube

Gun control groups have assumed the NRA opposes such laws, which are often referred to generically as "red flag laws."

"The NRA has put out press releases about red flag laws calling them 'Firearms Surrender Bills,' which is completely inaccurate and incendiary rhetoric," says Shannon Watts, founder of Moms Demand Action, affiliated with Everytown for Gun Safety.

So if the NRA now supports such bills, it would represent a big change. But Watts is skeptical.

"I suspect this is an attempt by the NRA to look moderate, but the devil's in the details," Watts says. She says the test is whether the NRA will continue to work against state red flag bills.

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THE TWO-WAY

Across The Country, Students Walk Out To Protest Gun Violence

The NRA wouldn't give NPR an interview about its plans, but one of its representatives in Florida was quoted in the Tampa Bay Times last month saying the group would not support a version of red flag legislation there "until we see it has sufficient protections."

And that appears to be the sticking point. The NRA's support for red flag laws comes with the condition that there be high legal thresholds for temporary gun removals — higher than most gun control activists are calling for.

About a day after the NRA posted the video, negative reactions from supporters of gun rights forced it to add a clarifying note, saying the association did not support the kind of red flag laws that have already passed in other states. In 2014, California passed legislation allowing family members to ask judges to temporarily remove guns from a person who appears to pose a threat; in 2016, voters in Washington state approved a similar law.

"The NRA strongly opposed these laws because they do not protect due process rights. We will continue to oppose confiscation schemes such as these," the group wrote on its YouTube page.

The note goes on to say that red flag laws should "require the judge to make a determination of whether the person meets the state standard for involuntary commitment," and the removal of a gun must be accompanied by mental health treatment.

NATIONAL

Florida Gov. Rick Scott Signs Bill That Tightens Gun Restrictions In The State

LISTEN · 3:54

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Transcript

Dr. Garen Wintemute, the director of the University of California Firearm Violence Prevention Research Center and a proponent of red flag laws, says that condition goes too far.

"The requirement for mental health treatment is inappropriate, because 1) these orders don't necessarily involve mental health problems," Wintemute wrote in an email to NPR, "and 2) when they do, the requirement for treatment should be determined by a mental health professional—remember that the judge won't have such information in the vast majority of cases."

Still, Wintemute, an emergency department physician, believes the NRA's willingness to entertain the possibility of red flag laws is a positive development.

"I see this as a welcome instance of convergence in support of a focused, effective intervention and am looking forward to more such convergences," Wintemute writes.

gun control nra

(U)

77

Testimony in Support of HB 687 – Extreme Risk Protection Orders

Thank you, Chairman Cushing. My name is Cindy White, I am from Hopkinton, and I am an attorney, a former New Hampshire Senior Assistant Attorney General and prosecutor. I am testifying in support of HB 687. I will submit a written copy of my testimony, including citations to the research and statistics I will be discussing.

New Hampshire needs to pass this bill. It is a carefully crafted piece of legislation that helps protect public safety while safeguarding due process rights. A number of states have laws providing for Extreme Risk Protection Orders (ERPO) or very similar Firearm Removal Laws, including four other New England states. ERPO laws have bi-partisan support. The 2018 Federal Commission on School Safety, established by President Trump, **recommended that states adopt ERPO laws.**¹ The Commission explained the need for these laws:

Too often following a mass shooting we learn that people who knew the shooter saw warning signs of potential violence but felt powerless to do anything. If the person has not yet broken any law and may not meet the mental health standards for involuntary commitment, what can be done?²

ERPO laws provide a way to **temporarily** remove guns from people exhibiting **dangerous** behavior. Many people who commit violence against themselves or others exhibit warning signs, including violent acts, threats of violence or suicide, or violations of protective orders. 80% of people considering

¹ Final Report of the Federal Commission on School Safety, Dec. 2018, pp. 14, 94

² Final Report, Federal Commission on School Safety, p. 89

suicide show some sign of their intention and people who threaten or talk about suicide are 30 times more likely to kill themselves than the average person.³ An FBI study found that in the weeks before an attack, active shooters displayed an average of four to five warning signs, including threats to harm others and acts of physical aggression, and that domestic partners were the most likely to observe such behaviors by adults.⁴

ERPO laws provide an opportunity to intervene to prevent a person from accessing firearms during a time of crisis, before dangerous warning signs escalate into firearms suicide or violence. They are effective in helping to reduce gun violence. A 2018 study found that Firearm Removal Laws in Connecticut and Indiana were associated with significantly reduced firearms suicides.⁵ ERPO laws are supported by 89% of Americans.⁶

HB 687 is carefully written and contains many procedural safeguards. First, the bill limits those who may petition for an ERPO order. Family, household members, or intimate partners may apply for an order because they are usually the ones closest to a person who are likely to know about signs of dangerousness. ~~If others have observed warning signs, they must go to a law enforcement officer.~~

³ *Suicide*, Mental Health America, <http://www.mentalhealthamerica.net/suicide>

⁴ Silver, J. et al, *A Study of Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013*, June 2018, <https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view>

⁵ Kivisto, A.J. et al, *Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates*, *Psychiatric Services*, June 2018; 69(8) 855-62 (risk-based firearms seizure laws associated with reduced firearms suicides)

⁶ Sit, Ryan, *Americans Overwhelmingly Support the Recent Backlash Against the Gun Industry: Poll*, *Newsweek*, March 6, 2018 (ERPO laws supported by 89% of Americans)

can also
~~who will assess the information and decide whether to apply.~~ The petitioner has to file a petition in court, and an affidavit **swearing under oath** to specific facts.

(proposed RSA 159-E:3, I, II) The petitioner must also swear that the information in the petition is true and that he or she understands that making a false statement will result in criminal prosecution. (proposed RSA 159-E:3, VI) If someone were to file a petition containing allegations known to be false or with the intent to harass the respondent, he or she would be subject to prosecution for a class A misdemeanor. (proposed RSA 159-E:3, III; proposed RSA 159-E:11, I)

If there is a request for a temporary ERPO, a judge will hold an *ex parte* hearing and consider whether the petitioner has shown ^{*probable*} **reasonable cause** to believe the respondent poses an immediate ^{*and significant*} risk of causing bodily injury to self or others by having access to a firearm or ammunition. (proposed 159-E:4, I) The **reasonable cause** standard of proof is essentially the same level of certainty as probable cause, the standard used for arrests, search warrants, and grand jury indictments.

The respondent has a right to an expedited hearing, where he or she can challenge the petitioner's information and present evidence. (proposed RSA 159-E:4, V) The judge applies a higher standard of proof at this stage and will not issue a longer-term ERPO unless he or she finds **clear and convincing evidence** that the respondent poses a **significant risk** of causing bodily injury to self or others by having a firearm or ammunition. (proposed RSA 159-E:5, I) The clear and

convincing evidence standard of proof is a high burden, more difficult to meet than the preponderance of the evidence standard used in civil trials.

The due process protections afforded respondents are significant. Additionally, no orders are issued unless a neutral and detached judge considers the evidence and finds reasonable cause and/or the much higher standard of clear and convincing evidence that the respondent poses an immediate or significant danger to self or others by having a gun. ERPOs are temporary. Upon their expiration, the respondent's firearms and ammunition will be returned and he or she is free to have and buy guns again.

This bill would help reduce senseless gun violence by empowering law enforcement and those close to a person undergoing a crisis to intervene when they see warning signs, before it is too late. It is a reasonable, common sense approach that balances the need to ensure public safety with the rights of all parties. I ask you to vote OTP on HB 687.

(21)

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 **HB687 Inexpedient To Legislate**.

I understand the intent of this bill. It aims to stop people who **may** pose an immediate risk of harm to themselves or others. The operative word here is "**may**". The extreme measures in this bill not only remove a person's due process rights, but undermines and defies search and seizure rules that our country has lived by for centuries.

You must understand that while no crime has been committed, red flag legislation compels police to go into someone's home and confiscate firearms that have not been used in any crime, and there is no way to prove ahead of time that they will be!!!

There is no probable cause, no crime committed, only an accusation or a supposition that a crime will occur. There is no room for this sort of legislation in the "Live Free or Die" State! This instead, is the stuff of some Tom Cruz science fiction movie where pre-crime units track down people for crimes they have not committed.

And what of the jilted girlfriend or angry co-worker or spite filled neighbor that wants to "get even" with some innocent unsuspecting gun owner? This bill will make it very easy for people to exact revenge in the form of a possible Gestapo like visit to some unfortunate person's house. Are you aware of news articles from States that have passed this awful legislation where people have died as a result of these kinds of police raids? How is the public better served by this? And if there is no bloody end, it will take a long time and a lot of money for the person being victimized by said "petitioner" to get their property returned, only to possibly fall victim to yet another "petitioner". That is just insanity.

No, I am sorry - this sort of legislation has no place in our great State and you as legislators making public policy should be wise enough to place this bill in the nearest trash can where it belongs.

Please show all Granite Staters that you truly believe that we are still a State that respects the Rule of Law and the Rights of our Citizens. Show us all that you still have the utmost respect of Search and Seizure Rules, Due Process and Constitutional Law. Show us all that you have the courage to adhere to your Oath of Office instead of partisan agendas.

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

Opposing HB 687-FN

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IN THE YEAR OF OUR LORD March 5th, 2019

Good Day Criminal Justice Committee Members,

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

HB 687-FN -AN ACT relative to extreme risk protection orders.

My Rebuttal: Due Process exists for a reason and for this reason I am here today to oppose this legislation. My understand is that this act strips the Rights of an individual based on the perceived notion that a private individual or family member or law-enforcement officer can arbitrarily strip the Rights away from an individual based on the opinions of another person's perceived notion of another person's plan to do harm to themselves or to others. This in of itself casts doubts that this act follows the law, or the Bill of Rights and violates several articles of the same stated document. Due process is completely left out of this act and it is my opinion that this could be open to abuse any number of different ways.

As a support of gun Rights and as a person that believes strongly in our US Constitution as well as our New Hampshire Constitution, which guaranty the perseverance of Rights. It is my belief that if this act is to be made into law, just my presence, without carrying a firearm, may be perceived to intimidate someone, just simply because I express my Rights and support of them. It is possible that if some social justice warrior decides that I offended them, to then call the police, or visit a judge and under this act have my Rights and my arms stripped without due process. This perplexes me that this is even being considered without due process being considered. Which if this act was to become law, nearly everyone in this chamber will at some point confronted with this ruling for the simple fact that we opposed this law and support our Rights. In short this act, according to the US Constitution, is a violation of several articles of The Bill of Rights, namely the Second, Fourth, Fifth, and Fourteenth Amendment rights to convene a "secret court" (*ex parte* proceeding) to strip law-abiding citizens constitutional rights with no hearing whatsoever.

Let's consider this for a moment.

Opposing HB 687-FN

If someone is at risk of harming themselves or others, then protective custody is a viable solution that is already a proven deterrent and voids the need for this act.

And I would like to share this that was posted on social media.

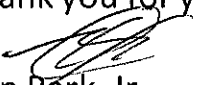
“Should a man who beats his wife be allowed to own a gun?”, and my reply is somewhat involved.

Let’s consider for a moment a man beats his wife, and this act takes away his rights, as the law should take the man into custody and book him for beating his wife. Nothing improper has happened; he beat his wife and was arrested as a suspect in an act to beat his wife. He is a suspect and suspects’ rights are forfeited until Due process is handled in court. However let’s consider that the woman decides to get a firearm to protect herself and her life. What if the husband that beats his wife says, my wife's a danger and threatening to shoot me! It's a two way street and this could go wrong on so many levels.

I side with the US Constitution above all else.

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 an act that should be met with I TL Inexpedient To Legislate.

Thank you for your time and attention,


Ken Park, Jr.
Loudon, NH

HB 687-FN - AS INTRODUCED

AN ACT relative to **extreme risk protection** orders.

ANALYSIS - This bill establishes a procedure for issuing **extreme risk protection** orders to **protect against persons who pose an immediate risk of harm to themselves or others.**

Extreme & Immediate – without due process

- Went through all **15 pages** of this bill and not one word about the rights to due process for the accused. Accused is essentially left out of the loop except being notified of the decision. Why?
- **Nothing about legal counsel being provided**
- IX. Goes so far as stating, ... **the court shall not be bound by the technical rules of evidence** and may admit evidence which it considers relevant and material.
- the court shall consider any relevant evidence, including but not limited to ... (a) An act or threat of violence **within the past 24 months (Typo? 24 Hours? Months is not Immediate! This completely contradicts the opening statements of immediate risk!)**... whether or not such violence or threat of violence involves a firearm (How about other instruments that could be used to cause grave bodily injury or death to another person like a vehicle, knives. Blunt objects, etc..?).
- .. forward ... the same day such order is issued to the department of safety, which in turn shall forward a copy to the Federal Bureau of Investigation, or its successor agency, for inclusion in the National Instant Criminal Background Check database. (essentially a permanent, without due process **Where do they take the person's name off of the NICS list? Happens even though they never committed a crime!**)
- BTW. This is going to **ruin their life, especially if the individual is actually innocent.** I am an employer. Been in business for 30 years. Employers don't need to do background checks to find out about applicants. Just Google and Facebook and other social media site pop up even if the individual does not have accounts of their own. All it takes is a family member or other acquaintance to post anything about this process and it is now public information. Is it really fair to ruin someone's life without due process or does it not matter because we are talking about gun owners?
- Lopsided this bill -**False allegations or harassment** = ruin someone life = **Class A misdemeanor** but if the accused, who has had their **constitutional rights** taken without due process, **violates this order it is a class B felony** even if no harm was done and if they are ultimately found innocent.
- **The respondent shall have the burden of proving by clear and convincing evidence that the respondent no longer poses a significant risk (This is the exact opposite of how our judicial system is supposed to work)**
- **All justified** because they are likely to **cause grave bodily injury or death** to themselves or another innocent person.

Protection – remove the threat

- Again, went through all **15 pages** of this bill and **not one word** about **detaining** the threat up front to determine if they are indeed likely to cause grave bodily injury or death to themselves or another innocent person.
- If you truly believe they are **so heinous** that they are likely to carry out those acts, so convinced that you are taking away their constitutional rights without due process, why are you leaving them on the streets to carry out those acts? **Steal my Rover?**
- (g) Whether the respondent has used, or **has threatened to use,** against himself or herself or others **any weapons?** (Why wouldn't these other "weapons" be removed from their possession?)
- V. **During the hearing (7 to 14 days later), the court shall consider whether a mental health evaluation is appropriate** and, if such determination is made, **may order such evaluations** if appropriate. (if someone is likely to cause grave bodily injury or death to another innocent person: **they have a mental health issue**)

SUICIDE RE: FGMUS

Remedy:

- **Detain them until it is determined whether there is an actual risk. If not, let them go, otherwise resolve the risk!**

Other Interesting point

159-E:13 Standard Forms. - ... instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, **including representatives of gun violence prevention groups, judges, and law enforcement personnel. (What about groups who teach firearms safety? Is the intent of this legislation to disarm or protect the general public?)**

Judicial Branch	FY 2020
Protective Orders	\$166
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120

FY 2018 Average Cost of Incarcerating an Individual \$40,615

This is an attack on me because I dare own a gun. It screams gun owners do not deserve due process. I am an independent!

MARK HARWOOD

mharwood@visible-edge.com

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Testimony for HB 687- by Robin Skudlarek

Good Morning/Afternoon to the Committee. I would like to thank all of you and the Committee Chair for allowing me to speak today.

My Name is Robin Skudlarek and I've lived in NH for 28 years, and at my current home in Londonderry for 19 years where we've raised both of our boys. I've been a volunteer with Moms Demand Action for 5 years and I am here to speak about HB 687, the Extreme Risk Protective order bill.

In my time as a volunteer I've learned a great deal about on gun safety but I also have a close view of the lives impacted by the epidemic of gun violence that is unique to our country. My family has been personally affected by this overwhelming epidemic. Every day 100 Americans are killed with guns and hundreds more are shot and injured, this means over 36,000 people are shot and killed each year and those numbers are rapidly increasing. Mass shootings are on the rise but what doesn't get enough attention, or make the news, is that nearly two-thirds of gun deaths are suicides. A NH resident dies every four days by suicide by gun. It's tragic and unacceptable, particularly given that we have many ways to reduce this affliction on our society. Our veterans and their families are most acutely impacted by firearm suicide at an alarmingly high rate.

We know that attempted suicide by gun is far more lethal than other means of ending one's life. One of the many ways in which we can prevent suicide by gun is by having Red Flag Laws or ERPO (Extreme Risk Protective Order) legislation. Tragic acts of gun violence, including mass shootings and gun suicides, are often preceded by "red flags", warning signs that indicate that a person poses a significant risk of harming themselves or others with a gun. These warning signs include things like threats of violence; threats of suicide, and other dangerous behaviors like abuse of drugs or alcohol. . Eight states and DC passed Red Flag laws with bipartisan support in 2018, more than doubling the number of Red Flag laws nationally. The majority of those bills were signed into law by Republican governors. Just last week New York became the 14th state to enact this life-saving policy.

ERPO laws have been effective in preventing suicides. In the ten years since Indiana passed its Red Flag law, the state's firearm suicide rate decreased by 7.5 percent. In Connecticut, the Red Flag Law was associated with a 14 percent reduction in firearm suicide rate once enforcement of the law increased significantly in 2007. **Red Flag Laws** empower family members and law enforcement officers, the people most likely to see these warning signs, to intervene by enabling them to seek a court order temporarily restricting a person's access to guns when they are in crisis.

A tragedy like the one that happened to my family. Fifteen years ago, a close family member attempted suicide by a gunshot to the head. Evidence shows that most people who attempt suicide do not die - unless they use a gun. Across all suicide attempts not involving a firearm, less than 5% will result in death. But for gun suicides, those statistics are flipped: approximately

85% of gun suicide attempts end in death. And the vast majority of all those who survive do not go to die by suicide. My family member somehow survived his suicide attempt, his gunshot to the head. Miraculous would be a more appropriate word. He somehow survived, but not without deficits. Part of the bullet was unable to be removed, and it is still there to this day. He spent a couple of weeks in the hospital, but because he had no health insurance, which is an entirely separate issue, he was quickly sent home without any follow up care whatsoever. Before shooting himself he was on the verge of eviction from his apartment. After his attempted suicide, and between visits to the hospital, we had to clean-out his apartment and move his things into storage, wondering whether he would survive and what survival would mean to him. He was depressed, he was in a crisis, and he had a gun. We knew he was suicidal. He had exhibited signs and symptoms, and we all knew he had a gun. He wasn't my child. He was an adult. Where was I to go to stop what I feared in my heart might occur? What I wouldn't give to be able to go back in time and petition the court for an Extreme Risk Protection Order(ERPO) and have his gun taken away, had that life-saving tool been available.

We know that the vast majority of those who survive a suicide attempt do not go on to die by suicide. My family member is one of those people. I'm so very happy that he survived. His life today is very challenging as are the lives of most who suffer from the debilitating effects of depression and other conditions that can lead to suicidal tendencies. We need tools like ERPO, to allow for intervention and, hopefully, to prevent another tragedy happening to someone else's loved one. Given the unique lethality of firearms as a means of suicide, addressing firearm suicide is an essential element of any strategy to reduce gun violence in this country.

House Committee Members, I humbly and sincerely ask that you support HB 687. Provide families and law enforcement this tool to prevent acts of gun violence and to protect people in crisis.



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Honorable Robert Cushing, Chairman
Criminal Justice and Public Safety Committee
Representatives Hall
107 North Main Street
Concord, NH 03301

March 4, 2019

Dear Chairman Cushing and Members of the Committee:

Thank you for the opportunity to testify today. My name is Vic Topo and I serve as the President/CEO of the Center for Life Management in Derry and Salem. Often referred to as CLM, we are one of the 10 community mental health centers in the state. Our catchment area consists of the 11 towns of Atkinson, Chester, Danville, Derry, Hampstead, Newton, Pelham, Plaistow, Salem, Sandown and Windham.

As the designated CMHC center for our region, we provide a broad range of community behavioral health services to children and adults. We typically serve about 5,000 people each year. I am here to speak in support of HR 687, the Extreme Risk Protective Orders legislation. My testimony today is a blend of some harsh facts associated with gun violence and my experiences over a 35 year career in caring for and administering programs for people who are at risk of suicide as part of their mental health condition.

Factually, in our great nation nearly 22,000 Americans die each year of suicide using firearms, 59 a day. Of the 22,000, 1,000 of them are kids and teens. Overall, two thirds of all gun deaths are suicides. Over half of all suicides involve use of a firearm. Data from the CDC shows that suicide is the 3rd leading cause of deaths for youth ages 10-24. In our state according to a 2017 report, suicide is the second leading cause of death for those between the ages of 10 and 34. The overall suicide rate is climbing and firearms are increasingly becoming the chosen method, especially among males.

Whether it's mass shootings, suicide or even accidental deaths, the common thread is the easy access to weapons by someone who is incapable of or unwilling to understand its deadly consequences. And so herein lies the justification for HB 687 and allowing others to intervene to prevent an act of gun violence. Following the strict criteria, temporary removal provides the opportunity for loved ones of a person at risk in coordination with the courts and law enforcement to save lives.

Finally, as recently mentioned in an editorial I wrote, I have a few unique experiences with employees over the course of my career that involve this issue and the risk associated with gun violence. One of the incidents that I did not write about though that I want to share with you involves a sudden and unexpected death of one of our employees at CLM in recent years. He was a seasoned, accomplished clinician who helped countless people over his career. Unfortunately, apparently as part of a decline in his mental health he became suicidal. He died of a gunshot wound. Looking back, we will never really know whether his death was preventable, however, temporarily eliminating the use of a weapon may have given him one more chance. Passage of HB 687 can be that one more chance.

Thank you for allowing me to share my support of this solution. If you have questions feel free to contact me via e-mail: vtopo@clmnh.org or by phone (603) 591-9170.

Respectfully submitted,

Vic Topo
President/CEO

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10 Tsienneto Road, Derry, NH 03038
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CONCORD MONITOR

Vic Topo: Suicide by firearm is a public health crisis

12/22/2018

We are all aware of the seemingly endless and senseless gun violence happening in our country. In many cases there has been a rush to judgment to link mental illness as the cause, even as mental health experts and advocates know there is no causal relationship and that people with mental illness are far more likely to be victims than perpetrators of violence.

But while much of our attention has been drawn to gut-wrenching mass shootings, an alarming rise in the suicide rate and use of firearms as the means has gone largely unnoticed. Here are a few facts that shed light on the issue:

- Nearly 22,000 people die each year of suicide using firearms, which translates to 59 deaths on a typical day in America.
- The rate is climbing 19 percent each year and of the 22,000, approximately 1,000 are kids and teens.
- Two-thirds of all gun deaths are suicides.
- Over half of all suicides involve the use of a firearm.

According to 2017 data, the trend in our state is not only consistent with the national picture, it's actually getting worse. Suicide is now the second leading cause of death in New Hampshire for those between the ages of 10 and 34. Moreover, the overall suicide rate is increasing for all ages and, more specifically, firearms are increasingly becoming the chosen method of suicide for males of all ages.

Faced with these facts, isn't it time that we in New Hampshire and the nation as a whole come to grips with this crisis? Once we acknowledge the seriousness of the threat, we can begin to identify the biggest drivers of it. Which leads to the biggest driver of all: access. Whether it's mass shootings or suicide, or accidental gun deaths, the common thread in almost every case is the ease of access to weapons, which is likely to continue into the foreseeable future.

From a problem solving standpoint, if we can get better at informing and educating about the risks associated with access and the profiles of people who are most at

risk for a gun violence episode, we would likely see a sharp decline in the number of gun deaths such as suicide, among others.

This hit close to home for me very early in my leadership career. A person employed by my mental health center, a director of emergency services, was unable to come to work for several days and chose to voluntarily admit herself to a psychiatric unit in a nearby city.

She had bipolar disorder and was experiencing a relapse. She tendered her resignation and during the termination process, a loaded revolver was found in her filing cabinet. We learned that the gun was purchased on one of her lunch hours as her symptoms were worsening.

The takeaway for me was shocking, in that this high-performing, very competent professional on my staff came so close to potentially becoming one of the statistics referenced in this article.

So what can we as individuals, organizations and communities do to decrease gun violence that results in severe injury and/or death? Below are just some actions we can take:

- Build a comprehensive public awareness campaign to inform people of the responsibility and risks associated with possessing firearms, especially as it involves family members at risk of harming themselves and/or others.
- Provide factual information regarding firearms as the primary means for many (especially males) to attempt suicide.
- Continue building on the strategy developed in New Hampshire that brings together the N.H. Firearms Safety Coalition and suicide prevention groups. This includes voluntary gun safety efforts like the Gun Shop project.
- Pass legislation, referred to as “red flag laws,” that provides a legal mechanism for the temporary removal of firearms from individuals at risk for gun violence and dangerousness.
- Establish close working relationships with local and state law enforcement for situations that need their involvement and intervention.
- Recognize and understand the efforts of gun safety and gun violence prevention organizations, such as Moms Demand Action for Gun Sense and Everytown for Gun Safety.
- Promote efforts such as Mental Health First Aid trainings provided by New Hampshire’s community mental health centers; and the Connect Program, a community-based approach to suicide prevention provided by NAMI-NH.

On Dec. 14, it was six years since the mass shooting at Sandy Hook Elementary School that took the lives of 20 innocent children and seven adults, including the shooter's own mother. That horrific incident and others like it, and the troubling increase in suicides by firearms in New Hampshire and elsewhere, mean that we need to see this as the public health crisis that it is. We need to take action now.

(Vic Topo is president and CEO of the Center for Life Management in Derry.)



Testimony of Arthur Gardiner

March 5, 2019

House Criminal Justice and Public Safety Committee

House Bill 687 - Extreme Risk Protection Orders

My name is Arthur Gardiner. I live in Hanover, New Hampshire. I am a retired lawyer. I have a son who suffers from mental illness. I am a member of NAMI NH, the New Hampshire affiliate of the National Alliance of Mental Illness, and I serve on the Board of that organization. I speak in support of House Bill 687. I am speaking in my personal capacity and not as a representative of NAMI New Hampshire.

Boiling down the technical terms, the proposed legislation would permit a court to issue an order preventing a person from possessing firearms or ammunition and taking away any already in his or her possession. The prohibition in the order cannot last for more than a year and it can only take effect after a hearing that shows clear and convincing evidence that the person poses a significant risk of causing bodily injury to himself or herself, or to others. The gun owner is given at least seven days notice of the hearing. Pending the hearing a temporary order can be issued by the court on a showing that there is reasonable cause to believe that the respondent poses an immediate risk of causing bodily injury to himself or herself or to others.

Some may suggest this provision is an inappropriate invasion of gun rights. I disagree. There is an obvious need for this protective remedy in the case of a person contemplating suicide because of serious depression or a person threatening others because of delusional fears. The danger posed by such a person to himself or herself or to others is enormously magnified if there is a firearm at hand. It is unthinkable that the law would grant an unrestricted right to be armed in such circumstances. This legislation makes it clear that there is no such unrestricted right.

In recognizing the personal Second Amendment rights of a gun owner, Justice Antonin Scalia in the Heller decision, made absolutely clear that the right of gun ownership is tempered by reasonable social necessities. In particular, he states explicitly in that opinion, and I am quoting, that "...nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons or the mentally ill." District of Columbia v. Heller, 554 U.S.570 at 626.

The Trump Administration advocates the adoption of appropriately crafted Extreme Risk Protection Order laws. The Final Report of the Federal Commission on School Safety dated December 18, 2018 presented to the President by the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Homeland Security, and by the Acting Attorney General recommends that states should adopt laws to restrict firearm access by individuals found to be a danger to themselves or to others. At the time of that Report last December, thirteen states had adopted such laws. The evidentiary standards and hearing procedures set forth in the legislation before you are generally consistent with those suggested as appropriate in the School Safety Report.

I would like to call your attention to one provision of Bill 687 that I believe should be changed. Section 159-E:5 enumerates factors that should be taken into account by a court considering the issuance of a protective order. One such factor is stated to be "[e]vidence of the respondent having a serious mental illness or recurring mental health condition." This formulation is too broad because most mental illnesses or conditions do not in any way contribute to violent behavior. The factor should be stated as "[e]vidence of the respondent having a serious mental illness or condition *that increases the likelihood of violence.*"

Thank you for your time.

A question for each member of this Committee:

Have you read the Federal constitution and the New Hampshire Constitution? IF so do you understand what you have read.

We wouldn't be here if you understood what you have read, if you read it at all.

The constitution of New Hampshire is the fundamental law of the state of New Hampshire, with which all state laws must comply:

Article 2-a → The bearing of Arms

"All persons have the right to keep and bear arms in defense of themselves, their families, their property and the State."

The second Amendment of the United States Constitution reads: A well regulated Militia being necessary to the Security of a Free state, ~~the~~ the right of the people to keep and bear arms, shall not be infringed,

The key word is INFRINGED

We are here at this hearing because Bill 687 is an infringement

Pure and Simple !!!

Presented by: Millard Martin Jr
Lancaster

III Economic Growth

The main objective of the present paper is to study the growth process in the Indian economy. The paper is divided into three parts. The first part discusses the growth process in the Indian economy. The second part discusses the growth process in the Indian economy. The third part discusses the growth process in the Indian economy.

The growth process in the Indian economy is characterized by a high rate of growth. This is due to a number of factors, including a high rate of investment, a high rate of savings, and a high rate of technological progress. The growth process in the Indian economy is also characterized by a high rate of inflation. This is due to a number of factors, including a high rate of money growth, a high rate of government spending, and a high rate of technological progress.

The growth process in the Indian economy is also characterized by a high rate of unemployment. This is due to a number of factors, including a high rate of population growth, a high rate of technological progress, and a high rate of government spending. The growth process in the Indian economy is also characterized by a high rate of income inequality. This is due to a number of factors, including a high rate of technological progress, a high rate of government spending, and a high rate of income tax.

The growth process in the Indian economy is also characterized by a high rate of environmental degradation. This is due to a number of factors, including a high rate of technological progress, a high rate of government spending, and a high rate of income tax. The growth process in the Indian economy is also characterized by a high rate of social inequality. This is due to a number of factors, including a high rate of technological progress, a high rate of government spending, and a high rate of income tax.

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Testimony March 5, 2019

By Rose Kundanis

Keene, NH

HB687 Red flag

HB 687 is a bill that originated in my hometown of Keene, NH. A retired Keene police officer John F. Stewart saw a way to stop gun violence by identifying those gun owners who might become perpetrators. New Hampshire is not the first state to try to protect citizens from gun violence in a temporary way. Other states including Vermont have this law on their books. My state senator Jay Kahn is one of the sponsors.

"The bill establishes a procedure for issuing extreme risk protection orders to protect against persons who pose an immediate risk of harm to themselves or others."

I am in favor of this bill and believe it can protect citizens from gun violence in a temporary and focused way. In addition to protecting threatened citizens in "extreme risk," it also can protect the gun owner. Research I found that Psychiatry Services at Psychiatryonline had measured the effects of risk-based firearm seizure laws as these laws are known in Connecticut and Indiana on suicide rates from 1981-2015. Whereas Indiana had an aggregate decrease in suicides with 7.5% within 10 years of its enactment, in Connecticut, the law reduced firearm suicide by 13.7% following the post Virginia Tech period when enforcement increased.

Please vote "yes" on this bill to protect both gun owners and those of us who are threatened by guns.

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Testimony on HB 687, Extreme Risk Protection Orders

House Criminal Justice and Public Safety Committee

March 5, 2019

By Valerie Fagin,

Social Justice Associate at South Church, Portsmouth NH

Good Morning,

My name is Valerie Fagin and I live in Portsmouth, NH, Thank you to each member of The House Criminal Justice and Public Safety Committee for allowing me the opportunity to support passage of the HB 687 Bill today.

This red-flag law has the possibility of being a tool that could save lives by allowing the people who are most likely to notice when a loved one or community member becomes a danger to themselves. By having such a law in place family and community members can work together with law enforcement officers to seek a court order to temporarily restrict a person's access to firearms when they are in crisis.

Statistics show that 80% of people considering suicide give some sign of their intentions and an FBI study of the pre-attack behaviors of active shooters from 2000-2013 found that the average shooter displayed 4-5 concerning behaviors over time, often related to the shooters mental health, problematic interpersonal interactions, or other signs of violent intentions. In many of these shootings, people who knew the shooter observed these signs, but federal and state laws provided no clear legal process to restrict his or her access to guns even temporarily.

Extreme Risk Protection Order law could have saved many lives on:

May 23 , 2014 when a young man who's parents alerted the police that their son who was likely to do harm to himself and others shot himself after shooting and stabbing 15 people. 6 of his victims died in a small college town of Isla Vista,CA

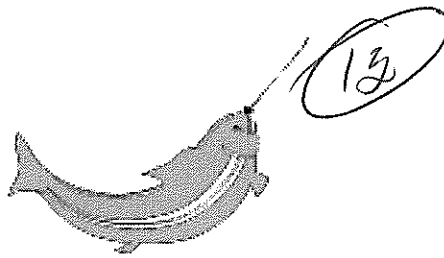
Similarly, in January 2011, a shooter whose parent's became so concerned about his behavior ended up taking his shotgun away however could not take any further action to restrict his access to guns, ended up killing 6 people and wounding 13 others including congresswomen Gabrielle Giffords, in a parking lot in Tucson, Arizona.

On Valentines Day, 2018 a 20 year old man whom his guardian described as a "Ticking Time Bomb" massacred 17 students at Marjory Stoneman Douglas HS in Parkland, FL.

All these shooters showed significant signs of being a danger to themselves and others however no action to prevent such horrific shootings could take place without a preventive bill such as the Extreme Risk Protection Order law.

As a forever supporter of Sandy Hook Promise, I am committed to doing whatever I can to stop Gun Violence before it happens and ask each of you as my elected officials to please support and pass the HB 687 and empower families, friends, community members and law enforcement officers to prevent warning signs from escalating into tragedies.

Thank you for your time and consideration.



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

Testimony

House Bill HB 687-FN

Committee on Criminal Justice and Public Safety

Representatives' Hall

5 March 2019 / 10:00 a.m.

HB 687-FN – based on a provably unsound key assumption – 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, any person – deemed so “dangerous” that s/he may not possess firearms – needs to be in custody. A person, whose mental illness and/or malice makes him/her a clear-and-present danger, if left at liberty, can acquire myriad devices to inflict lethal damage on him/herself or on others. Seizing such a person’s firearms is futile. To think otherwise bespeaks a terrifying want of logic.

To ensure no one loses his/her liberty for other than good cause shown, all “respondents” must be represented by an attorney of her or his choice, with all such costs – at that attorney’s usual hourly rate – being met from public funds. That attorney’s invoices must be paid within 30 days of delivery. Should a court order be needed to obtain payment, the unpaid amount owed shall be doubled.

Absent this provision, this bill ensures a “respondent” will be railroaded. Public defenders – always over-loaded – will never have enough time. Few can write a check for \$15,000, an amount likely barely enough to cover an attorney’s preparations for the first Court hearing. Litigation, done properly, is hugely costly.

I litigated to recoup my unlawfully-revoked Massachusetts concealed carry license. After 45 months and well over \$100,000, the Supreme Judicial Court overturned the revocation. As a non-attorney representative of a friend, I appeared before the NH Supreme Court, to appeal from the Department of Safety’s unlawful refusal to renew an armed security guard license. That appeal succeeded. Writing the brief took several hundred hours: I charged not a penny, per Court rules. This litigation makes employers shy away from my friend and so has near-bankrupted him. The State should make him whole. Key point: litigation is very costly. Few can afford it.

Even further, a falsely-accused “respondent” absolutely *must* have a right of private action to ensure a perjurer is punished. If a prosecutor won’t charge a perjurer, the “respondent’s” attorney must be authorized to bring charges, so that a perjurer is held to account. The costs of such private actions must be met from public funds, as they’d be if a prosecutor had filed charges.

Finally, police agencies which seize firearms should be strictly responsible for their care. Police forces own firearms and should know how to care for them. A police agency, which seizes firearms and ammunition, within 24 hours must provide a detailed receipt, backed-up by sharp and clear photos. If a factory-new firearm is returned scratched and rusty, an exonerated “respondent” must be reimbursed so that s/he can buy a like firearm. If firearms cannot lawfully be returned, they should be turned-over to a person designated by the accused person, who can keep them.

To improve public safety, require confinement of those found by a Court to be so likely to be violent, that they are 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.

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Testimony of Larry Cleveland

HB 687

Tuesday, March 5, 2019

Before I give my testimony, I just want to say that I am totally outraged that we have to take days off from work to defend the rights underwritten by both the NH and US Constitution every time Democrats take power. Let me remind all of you, the oath you took to uphold those Constitutions.

I would get into the clear violations this bill poses to due process, the 5th Amendment and the 14th amendment, but if we are to this point, I'm guessing most here could not care less.

The prime sponsor of this bill, Rep. Altschiller, surely believes this will save lives. Or do she and her cosponsors just want gun confiscation? I believe if they were truly concerned about NH residents and the safety to themselves and others around them, they would take a different approach.

In 2016, (confirmable stats only go back two years), there were 132 related gun deaths in NH. In comparison, there were 485 drug related deaths. This means someone is 3.67 times more likely to die from drugs than guns.

If the sponsors were truly serious about people's safety, they would replace the wording containing all references to firearms with references to drugs and paraphernalia.

If you can violate one's protections under due process, the 5th and 14th Amendments, and remove firearms because of a story told by someone who may have been in your life at some point, surely you could do the same with heroin and other drugs, right?

I call on the sponsors to be honest. This has nothing to do with anyone's safety, because if it truly was, this would be about drugs. This has to do with the sponsors being hoplophobes and their fantasy of gun confiscation. Innocent people will die if this bill becomes law. It has already happened where this so-called law exists.

I urge the committee to vote HB 687 Inexpedient to Legislate.

Dear Representatives,

OUR STATE NEEDS AN EXTREME RISK PROTECTION ORDER LAW TO HELP PREVENT MASS SHOOTINGS AND GUN SUICIDES.

In February, students ran out of their high school in Parkland, Florida after a person shot and killed 17 students and staff, and wounded 17 others. The alleged shooter's mother had contacted law enforcement about his behavior on numerous occasions. There were clear red flags for violence. The call for an Extreme Risk Protection Law — also known as a Red Flag Law — was renewed following the more recent mass shooting at a 18+ night in Thousand Oaks, CA.

States across the country have passed ERPO laws which empower family and law enforcement to petition for a court order that temporarily restricts a person's access to guns when they pose a risk to themselves or others.

PASSING AN EXTREME RISK PROTECTION ORDER LAW MUST BE YOUR NUMBER ONE PRIORITY FOR 2019.

Sincerely,

New Hampshire Moms Demand Action for Gun Sense in America
and more than 660 New Hampshire gun safety supporters



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BumbleBrie Bourn, Dover, NH

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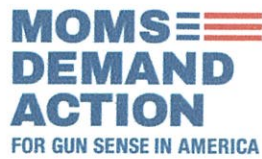
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Donna Reardon, Concord, NH

Sydney, Keene, NH

Cynthia Hagan, Bedford, NH

Robert Parkinson, Franklin, NH

LouAnn Cogswell, Charlestown, NH

Starr Hope, Moultonborough, NH

Judith Reed, Keene, NH

eleanor M. Vader Vander Haegen, Keene, NH

natalia dworjany, Dover, NH

Tammy Marie Siekmann, Londonderry, NH

Janice Lachance, Merrimack, NH

Jane Sawyer, Jaffrey, NH

Ann Barrett, Portsmouth, NH

Christine St. George, Brookline, NH

James Steiner, Hollis, NH

Carolyn Clark, Bow, NH

Brian Mellen, Merrimack, NH

Sheenagh Donato, Charlestown, NH

Melody Houston, Nashua, NH

Robert Hamm, Keene, NH

Amber Thompson, Groveton, NH

Linda Frank, Franconia, NH

Julia Steed Mawson, Pelham, NH

Kaitlyn Llewellyn, Manchester, NH

Jennifer Wallace, Dover, NH

Michael C, Exeter, NH

Joyce Hamilton, North Hampton, NH

Grace Newman, Salem, NH

Nancy Cribari, Hampton, NH

Linda Kress, Peterborough, NH

robert parkinson, franklin, NH

Ezra Mann, North Haverhill, NH

Mary Goodnow, Peterborough, NH

Robin Lubguban, Bethlehem, NH

Dana Mosher, Bow, NH

Lori Dechard, Newmarket, NH

Karen Cornelius, Goffstown, NH

Ann Birner, Portsmouth, NH

Peter Jones, Frankestown, NH

Ronald Luchsinger, Enfield, NH

Nadia Roberts, Auburn, NH

Fred Buck, Hampton, NH

Jerome DiMauro, Salem, NH

Andrea Jean Polychrones, New Boston, NH

Andy Olsen, Manchester, NH

Karla Bouvier, Amherst, NH

Savannah Speckman, Dunbarton, NH

Emily Nowak, Londonderry, NH

Henry M. Smith, Newmarket, NH

Patricia Brooks, Dalton, NH

Monica Staples, Nashua, NH

Mark Edelstein, Laconia, NH

Lonn Sattler, Barrington, NH

Olivia Kidney, Windham, NH

Eduardo Mota, New Boston, NH

wanda colbath, Laconia, NH

GerryAnne Dubis, Bow, NH

Kathleen Cahill, Hollis, NH

Stephen Leighton, Portsmouth, NH

Susan Dromey Heeter, Dover, NH

Cheryl Clapp, Center Conway, NH

Sabrina Totty, Salem, NH

BErnie Cameron, Deerfield, NH

Fredrick Orkin, Grantham, NH

Fran Haas, Stratham, NH

sarah colombo, east kingston, NH

P Amidon, Antrim, NH

Patricia Toussaint, Sanbornville, NH

Michela Hites, Londonderry, NH

lynda kanteres, manch, NH

Estee Richards, Raymond, NH

Thomas Frangos, Portsmouth, NH

Carmine Frele, Center Conway, NH

Colleen Madden, Pages Corner, NH

Camille Youngmartin, Rochester, NH

Helen Tremblay, Brookline, NH

Deborah Savage, Amherst, NH

Laura Horne, Milford, NH

Robert Miller, Lebanon, NH

Corina Gregoire, Manchester, NH

Franck Diamant, Nashua, NH

Jennifer Waruszyla, Pelham, NH

Zoe Lehneman, Laconia, NH

Ailish Husband, Manchester, NH

Kathleen Smith, Salem, NH

Patricia Greene, Canaan, NH

Erica Mcconologue, Bristol, NH

Kevin McKeen, Amherst, NH

Anne Grossi, Bedford, NH

Nicholas Kropelin, Merrimack, NH

Robert Como, Manchester, NH

Denise Clark, Milford, NH

Mo Baxley, Laconia, NH

Susan Scenna, Wilton, NH

Jessica Boezeman, Concord, NH

Cathleen Hodson, Rye Beach, NH

Janice Emery, Derry, NH

Elizabeth Marietta, Meredith, NH

Kristyne Groves, Dunbarton, NH

Lori Curry, Seabrook, NH

Sean Laine, Westmoreland, NH

william johnson, Londonderry, NH

Kristin Connolly, Rye, NH



Elise Annunziata, Portsmouth, NH

Elizabeth George, Portsmouth, NH

Dani Obrien, Manchester, NH

Douglas Smith, Wolfeboro, NH

Robert Leese, Amherst, NH

Margaret Langsenkam, Exeter, NH

Allyn Lanoue, Hollis, NH

donald minor, hampstead, NH

Judy Heintz, Raymond, NH

Marilyn Moran, Hampstead, NH

Erika Belisle, Hooksett, NH

Janet Cunningham, Nashua, NH

Alexandra Barker, Windham, NH

Lis a Correa, Newbury, NH

Sally Johnson, Sugar Hill, NH

Ron Fortier, North Hampton, NH

Margaret Lambert, Auburn, NH

Sarah Bragg, Concord, NH

Robert Emory, Meredith, NH

Gary Lowe, Portsmouth, NH

Nancy Marty, Hampton, NH

Margaret Williams, Milford, NH

Ellen Cole, Bradford, NH

Logan Moulton, Hooksett, NH

P A, Exeter, NH

Caitlin, Bow, NH

Nancy Roberts, Peterborough, NH

Jan Hutchins, Somersworth, NH

Carol Haber, Salisbury, NH

Patricia Middleton, Greenfield, NH

Joni Remar, Hollis, NH

Susan Lowe, Shelburne, NH

Elizabeth Anderson, Exeter, NH

Andrew Griesinger, Meredith, NH

Susan Repplier, Wolfeboro, NH

John Sedleski, Manchester, NH

John Xavier, Meredith, NH

Rebecca Lazinsk, Manchester, NH

11

My name is Deb Howard. I am a Moms Demand Action for Gun Sense volunteer from North Hampton NH. I am here to ask you to vote in favor of HB 687. I am not alone in urging the passage of this bill—I am submitting to the committee a petition signed by 663 New Hampshire residents in support of this bill.

At a time when over a hundred Americans are dying every day from gun violence, we can't wait to address the crisis. We need to stand up to gun lobby pressure and pass stronger gun laws. As a mom of two, I know that we owe this to our children. Our children should be able to learn without fear of gun violence and they need to know that we are doing everything in our power to protect them.

A common thread in many mass shootings and other acts of gun violence is that family members of the shooters had noticed their loved ones engaging in dangerous behaviors and were concerned about their risk of harming themselves or others—even before any violence occurred. This bill will create a civil court order issued by a judge that would temporarily stop a person in crisis from accessing firearms. The order could only be issued based on evidence provided by a family member or police officer that clearly demonstrates that a person poses a risk of harming themselves or others with a firearm.

New Hampshire already has a means to remove guns from people under Domestic Violence Restraining Orders or stalking orders and this bill is modeled on that current law, creating a fair and well established process for courts to issue these lifesaving orders. Unfortunately, there are gaps in current law that means there's way to remove firearms from people who pose a serious risk of harm, even when they display dangerous warning signs but don't meet the requirements for a domestic violence restraining order or an involuntary mental health commitment, which would prohibit them from having guns. This is a serious gap which could lead to avoidable tragedies.

The legal process in this bill ensures that family members and police officers who recognize signs of danger have the tools they need to prevent tragedies. It also includes robust due process to protect individuals' rights. **No final order could be issued until a full hearing is held, at which all parties have an opportunity to appear and present evidence.** Temporary orders can be issued in cases where they're necessary to ensure public safety, but those orders last only for a short time (as little as 3 days and no more than 14) before a final hearing must be held. The burden of proof is on the petitioner, and the petition has to be filed under oath. The bill makes it a criminal offense to file a false petition or to use the process to harass another person. This bill will also give people an opportunity to have an order terminated early if they can present evidence to show they are no longer a danger to themselves or others. This bill would **not** restrict access to firearms simply because someone has sought mental health help or is living with a mental health diagnosis. Instead, it would require a finding by a judge that a person poses a serious risk based on a pattern of dangerous behavior.

ERPO laws are a tool to address mass shootings. When a person is in crisis, loved ones and law enforcement are often the first to see the warning signs, as we saw in instances like the

Parkland or Isla Vista shootings. A nationwide study of mass shootings from 2009 to 2017 revealed that in half of the mass shootings the shooter exhibited at least one red flag prior to the shooting, that they posed a danger to themselves or others before the shooting. This tool was used to prevent tragedy in Vermont just last year. On April 12 last year, the day after an ERPO law was enacted, Vermont law enforcement obtained an ERPO against an 18-year old who had planned a mass shooting at Fair Haven Union high school. The would-be murderer kept a diary called "Journal of an Active Shooter," in which he detailed his plans to cause more casualties than any previous school shooting.

ERPO laws are a vital tool to prevent suicide. Preventing a suicidal person's access to firearms could save their life. Research shows that access to gun increases the risk of death by suicide by three times.^[1] With a fatality rate of about 85 percent, guns are much more lethal than other means of attempting suicide. Nine out of 10 people who survive a suicide attempt do not die by suicide at a later date.

Because firearms are an especially lethal means of self-harm, temporarily preventing a person in crisis from accessing firearms can mean the difference between life and death.

Between 2013-2017, nearly 1,200 New Hampshire residents died by suicide. Nearly half of all suicide deaths in New Hampshire were carried out with a gun, killing over 550 New Hampshire residents.^[2] On average, one New Hampshire resident dies by suicide by gun every 4 days. This bill, by preventing suicidal people from accessing guns during a crisis, will likely save lives.

States with Extreme Risk Laws have seen positive results and are saving lives.

In 2018 alone, eight states passed Red Flag Laws, more than doubling the number of laws nationally.^[3] As of February of 2019, there are 14 states with Red Flag Laws on the books.^[4] And New York just enacted a law last month.

5]

Following Connecticut's increased enforcement of its Red Flag law, a study found that one suicide was averted for approximately every 11 gun removals carried out under the law.^[6]

In summary, this bill will save lives by giving law enforcement and New Hampshire families a tool to prevent warning signs from escalating into tragedy. It will help prevent gun violence tragedies like mass shootings and suicides while also protecting citizens' Second Amendment rights and rights to due process. Every life is worth saving and this bill will save lives. Please vote in favor of HB 687. Thank you.

[1] Anglemeyer A, Horvath T, Rutherford G. The accessibility of firearms and risk for suicide and homicide victimization among household members: A systematic review and meta-analysis. *Annals of Internal Medicine*. 2014; 160: 101–110.

[2] Everytown for Gun Safety analysis; Centers for Disease Control and Prevention, National Center for Health Statistics. Underlying Cause of Death 1999-2017 on CDC WONDER Online Database, released December, 2018. Data are from the Multiple Cause of Death Files, 1999-2017, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/ucd-icd10.html> on Jan 11, 2019 11:43:21 AM

[3] DE, FL, IL, MD, MA, NJ, RI, VT

[4] CA, CT, DE, FL, IL, IN, MD, MA, NJ, OR, RI, VT, WA

[5] Kivisto AJ, Phalen PL. Effects of risk-based firearm seizure laws in Connecticut and Indiana on Suicide Rates, 1981-2015. *Psychiatric Services*. 2018; 69(8): 855-862.

[6] Swanson JW, Norko M, Lin H, et al. Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides? *Law and Contemporary Problems*. 2017; 80: 179-208.

March 5, 2019

10

Dear Honorable Members of the NH House Criminal Justice and Public Safety Committee;

My name is Jennifer Brackett Piskovitz and I am a voter from Exeter, NH. I regretfully could not attend the hearing today due to work obligations.

I am in support of HB 687 as proposed. I am grateful for the leaders in our legislature who have put this bill forward on behalf of communities like mine desperate for sensible gun violence preventative measures that ensure public safety while balancing the rights of individuals.

The ease with which a gun can be accessed by a New Hampshire resident considering suicide is extremely concerning. According to Everytown for Gun Safety's analysis of data obtained from the 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), nearly half of all suicide deaths in New Hampshire between 2013-2017 were carried out with the help of a gun. We lost over 550 people in our small state in this way in just a short 4-year timeframe. It is sobering to learn that statistic works out to 1 New Hampshire resident dying every 4 days from suicide by gun.

These were people's loved ones. These were people who, in crisis, deserved to be protected. My loved ones deserve this protection. Your loved ones do, too.

The time is now for New Hampshire to join the 13 states, plus the District of Columbia, who are leading the rest of the country in better supporting individuals in crisis by empowering family members and law enforcement officers to be able to legally intervene in a crisis. This is just one of the important tools citizens deserve that may prevent a suicide or other gun-related tragedy.

We can make a positive difference together. I respectfully ask you to please do your part to help New Hampshire pass HB 687, a sensible gun violence prevention bill that helps ensure public safety while still upholding the rights of those involved.

Thank you very much for your service to our state.

Jennifer Brackett Piskovitz
Exeter, NH
jennbrackett@comcast.net

March 5, 2019

From the Desk of Representative Camarota

9

Re: House Bill 687

Dear Criminal Justice & Public Safety Committee members:

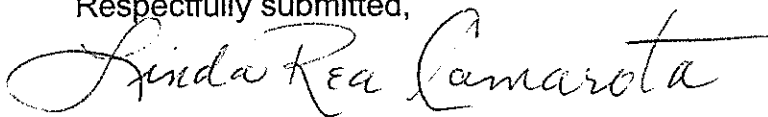
Distinguished committee members - you and I took an oath on December 5, 2018 to abide by the United States and New Hampshire Constitutions. Today, I request that you ask yourself this question: "If I believe that House Bill 687 violates one or both of the aforementioned Constitutions (Second, Fourth, & Fourteenth Amendment rights), would I have to **vote Inexpedient to Legislate to uphold my oath** to the citizens of New Hampshire? I respectfully request that my written testimony be added to the public record related to HB 687.

HB 687 deprives individuals of their Second, Fourth and Fourteenth Amendment rights without due process by allowing ex-parte hearings, conducted by telephone to allow judges to order the confiscation of someone's guns without the person being present. The person's property and the ability to protect oneself has been taken away without due process. Americans retain their Constitutional right to face their accuser and have their day in court before punishment is dispensed. Equity concerns arise when the economically disadvantaged have no ability to incur legal costs to **prove their innocence**. In America, we are innocent until proven guilty. House Bill 687 leaves citizens **vulnerable to false claims, hoaxes**, as we have witnessed all too often in our recent history. **Evidence, not hearsay or dramatics, should be required before infringing on one's ability to protect self and family.** What if the table was turned and a spouse reports that the mother of his child is a threat and the mother's only protection against a stalker or spouse, is her legal firearm but it has been confiscated under this legislation? A thorough investigation was not performed, evidence was not gathered, and it resulted in the stalker harming or killing the mother. We, as legislators, cannot or should not penalize law abiding citizens (without due process) while it is the criminal who we need to focus on.

Please be thoughtful regarding this bill. Unforeseen negative consequences, as mentioned in the above example, can be suffered, and then it is too late for those harmed. **Please vote Inexpedient to Legislate.**

Thank you.

Respectfully submitted,



Representative Camarota
Hillsborough District 7



8

Testimony on HB 687, Extreme Risk Protection Orders
House Criminal Justice and Public Safety Committee
March 5, 2019

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

I want to thank the House Criminal Justice and Public Safety Committee for your attention and interest in the issue of gun violence and public safety. As you are probably aware, 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 rather an issue of public health. And for us as physicians we come of course to this public health crisis because we treat the results of this gun violence, the blood, injuries and death, in our emergency rooms, our surgical suites and our hospitals, and for survivors, in our offices and rehab centers. As we have expressed in multiple medical journals, physicians are the “last lane” in the tragedy of gun violence in our country, and we cannot and will not remain silent in the face of this epidemic.

The extent of gun violence in our country is simply astounding. General statistics show that gun violence in the US is approximately 25 times the rate in other similar western democracies with equivalent demographics. As you are probably aware, on November 6, 2018 the National Rifle Association, in response to a position paper on gun violence by the American College of Physicians, tweeted “self-important anti-gun doctors to stay in their lane.” Our response, as physicians, is our own Twitter hashtag #ThisIsOurLane and it has indeed gone viral. Simply speaking, physicians want to reduce as much as possible the epidemic of gun violence in our land.



Robert Leatherbee
33 Court Street
Exeter, NH 03833
robleatherbee@comcast.net
Supports HB 687-FN

Thank you, Mr. Chairman and Honorable members of the Criminal Justice and Public Safety Committee for the opportunity to testify. My name is Robert Leatherbee and I am from Exeter. I am here today in support of House Bill 687 relative to Extreme Risk Protection Orders.

I wish to express my support of this bill from my perspective as a gun owner and lifelong registered Republican.

You have heard testimony from my wife, Dr. Margaret Tilton, regarding our son George, who died by suicide in 2017. Knowing George's struggles with depression, and how rapidly he could cycle from stability and doing well to experiencing the depths of despair, my firearm was kept locked in a gun safe.

Keeping firearms locked up in our own home was all we could do to restrict his access to this lethal means. Despite his psychiatric hospitalizations and his encounters with law enforcement while being an immediate risk to himself, George was able to walk into a gun store and purchase a handgun, which he did twice. The Exeter police skillfully talked him into surrendering his first one after a concerned friend contacted them worried about his safety.

If such Extreme Risk Protection was available under the law, we would have petitioned for it and George would likely be alive today.

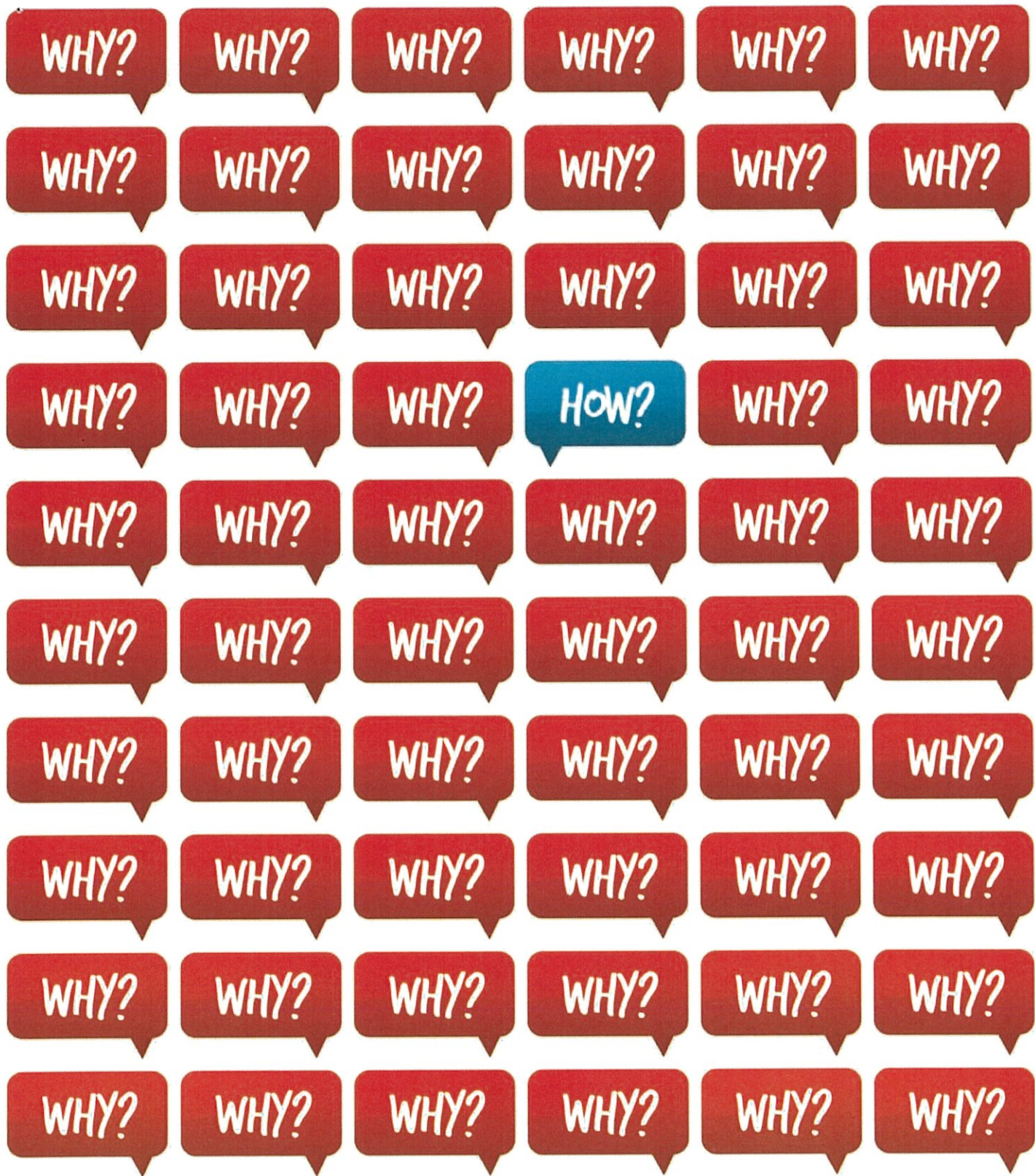
George's decision to take his own life was sudden. Three days before his death, on November 21st, 2017 George kept his appointment with his psychiatrist in Boston. Two days later, prior to going into work on Thanksgiving Day, he had a long, upbeat phone conversation with his uncle, who said he sounded great, full of plans and dreams for the future. On the morning of November 24th, the day after Thanksgiving, he filled his prescriptions at CVS.

Just a few hours later, George was found inside his car at the Dover train station, having died by a self-inflicted gunshot wound.

Although people who attempt suicide typically face multiple long-term and short-term problems, research tells us that in many cases the actual decision is made within minutes of the suicide. George's story illustrates how having lethal means at hand during moments of impulsivity and volatility can result in a fatal outcome.

I believe we need laws to limit gun access in extreme, objectively reviewed circumstances. I am a believer in limited government, and I see in this proposed bill a reasonable balance of preservation of individual rights and protection of public safety.

Thank you.





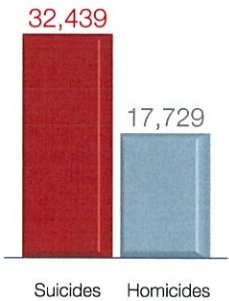
WHO?

Who is most affected by suicide?

Suicide hurts all of us—parents, children, siblings, friends, lovers and spouses. The loss for society is psychological and financial. Understanding suicide requires looking at all of the factors that underlie this complex and intensely emotional issue and applying logic and reason, even in the face of sadness and despair.

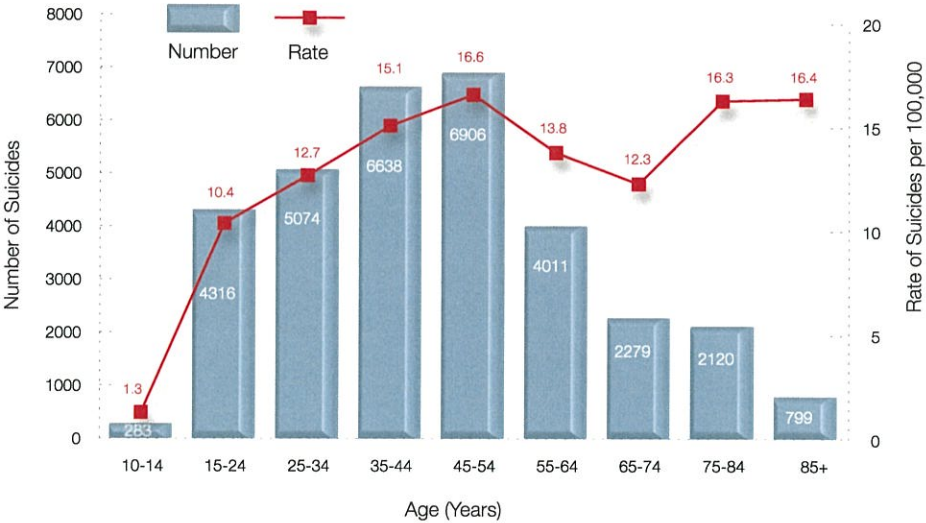
Suicide is the 11th leading cause of death in the U.S. and the fourth leading cause for males under 65.¹ For each death, about 45 people attempt and survive.² Those who die are more likely to be male, older, and to use more lethal methods.^{3,4}

Suicide and Homicide, 2004¹



Suicides outnumbered homicides almost two-to-one in 2004.

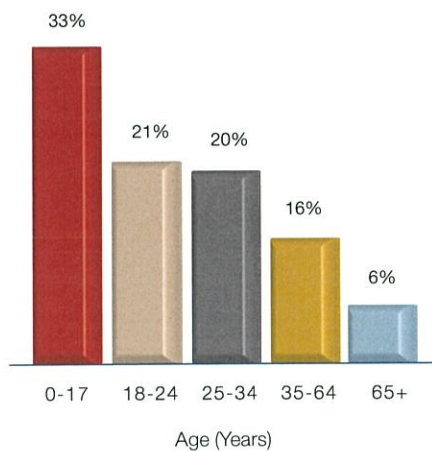
Suicides by Age, 2004¹



WHEN?

When do people take their lives?

Percentage of Suicides with a Crisis on the Day of Suicide (by age)⁵



A study of people who nearly died in a suicide attempt asked:⁶

“How much time passed between the time you decided to complete suicide and when you actually attempted suicide?”

- 24% said less than five minutes
- Another 47% said an hour or less

Although some people who die by suicide plan their act carefully, many don't. In fact, many take their lives within 24 hours of a crisis— like an argument with a family member or a relationship break-up.

One third of youths who died by suicide had faced a crisis within 24 hours, according to the police or medical examiner investigation report.⁵

WHERE?

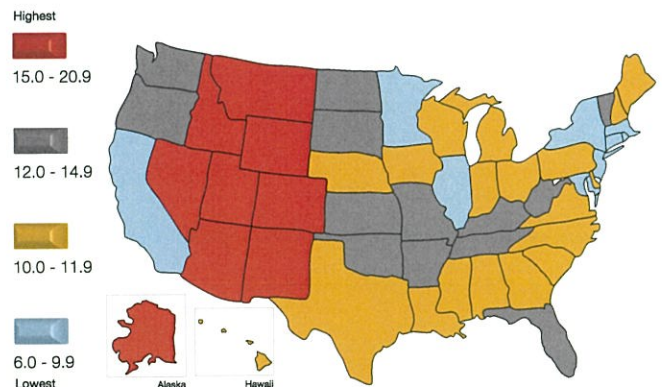
Where do suicides occur?

About three-quarters of suicide incidents occur at home. Most (85%) die at the scene and never make it to the hospital.⁵

Suicide rates are highest in rural areas, in the west (excluding California) and, to a lesser extent, in parts of the south and northern New England.⁷

Suicide Rates by State, 2000-2004¹

(Age-adjusted rates per 100,000 population)





Why do people take their lives?

Many factors lead individuals to try to end their lives. Drug and alcohol dependence and abuse, depression and certain other mental illnesses, impulsiveness and aggressiveness, family history of suicide, parental psychopathology, previous attempts, and recent losses or setbacks (like a relationship break-up, arrest, or job problem) are risk factors for suicide deaths and attempts.^{8,9} Cultural factors also play a role. Feeling hopeless is probably the most common theme.

Suicide attempts (whether fatal or nonfatal) rarely occur “out of the blue.” Attempters typically face multiple problems—some long term, some short term. The moment when they take action, however, is often during a brief period of heightened vulnerability.

One of the most powerful risk factors for suicide deaths is the ready availability of highly lethal methods. In the U.S., that means guns.



How?

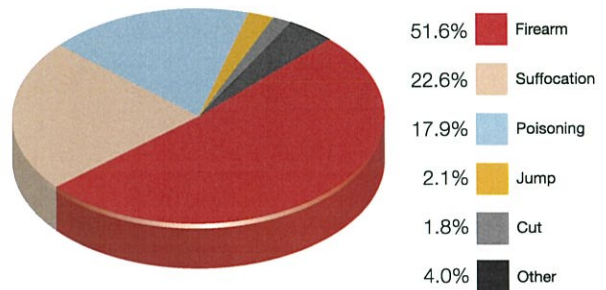
How do people most commonly complete suicide?

- More use a firearm than every other method combined.¹
- Most nonfatal attempts are overdoses, followed by cutting. Less than 1% use a gun.¹

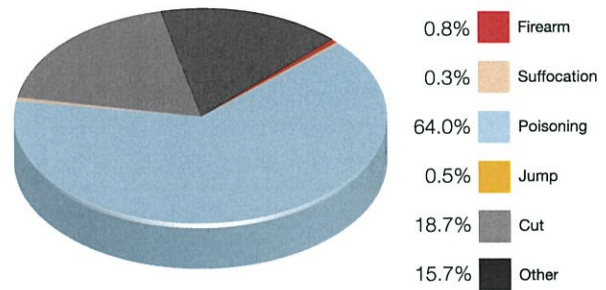
How do we know firearms are a risk factor for suicide?

- All U.S. studies that have compared individuals who have died by suicide with “matched controls” (demographically similar people who did not die by suicide) have found that a gun in the home increases the risk of suicide.^{eg.10-14}
- This is true for people of all ages, but particularly for youths. It is true both for those with psychopathology and without.

Methods of Self-Harm, 2004¹



Fatal (Suicide)



Nonfatal

How?

How do guns differ from other means?

Guns are more lethal. They're quick. And they're irreversible. Once the trigger is pulled, death usually follows within minutes.

Attempters who take pills or inhale car exhaust have some time to reconsider mid-attempt and stop or be rescued before it's too late. The method itself may fail. Even many of those who use hanging can stop mid-attempt.¹⁵

Won't an attempter just substitute another method if no gun is available?

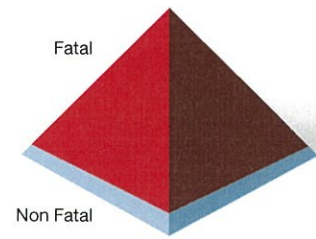
Often yes. But any method they substitute will be less likely to kill them—in some cases a lot less likely. Some attempters will die—particularly those who are very purposeful and determined, but more will live than if they had used a gun.

Will they go on to die by suicide later?

90% of those who attempt suicide and survive—even those making very serious attempts like jumping in front of a train—do not go on to die by suicide later.¹⁶ Some 20–25% make another nonfatal attempt, but very few die by suicide, even 10–20 years later.

85%

of firearm suicide attempts are fatal.¹



90%

of survivors of near-lethal suicide attempts do not commit suicide thereafter.¹⁶



How?

How do we keep our families safe?

Recommendations for families

Weigh the pros and cons.

Some families have decided that having guns at home, especially with kids present, is too great a risk and choose to dispose of their guns. Storing guns for sport or hunting in a location away from the home is another option.

Temporarily remove guns.

There may be times when it makes sense to temporarily remove guns from the home. If a family member is going through a difficult time—such as dealing with depression, a drug or alcohol problem, a difficult divorce, an arrest, etc.—temporarily having someone else hold the guns could prevent a suicide and save a life.

Store guns securely.

Families who choose to keep guns at home can make sure they are properly stored. Store guns locked and unloaded with ammunition locked separately. A securely locked cabinet or safe or case provides good protection. Make sure it truly can't be opened by an unauthorized person (e.g., no glass fronts, no flimsy locks). Trigger locks also provide added safety.



How?

How do we keep our communities safe?

Recommendations for state suicide prevention groups

Train providers.

Train mental health and medical providers on how to talk with suicidal and at-risk patients and their families about reducing access to guns at home. Most currently do not.¹⁹ The Suicide Prevention Partnership is funding CALM trainings (Counseling on Access to Lethal Means) in New Hampshire for mental health providers and is expanding the program to primary care and emergency department providers. Other states are beginning to follow suit.

Change policy.

Encourage professional groups (like your state social workers association and state hospital association) to add a “means matter” policy to their current suicide prevention protocols to ensure that all suicidal or at-risk patients and their families are counseled about reducing access to guns at home.

Expand options.

Work with local police and other public safety groups to expand options for families who want to permanently or temporarily remove their guns. Many police departments currently have no policy or protocols in place to dispose of or store weapons and aren't able to help families. Work with them to explore some feasible options.



In Loving Memory of:
George Henry Tilton V
March 23, 1994
November 24, 2017

MeansMatter
Suicide, Guns & Public Health

www.meansmatter.org



National Alliance on Mental Illness

NAMI New Hampshire

March 5, 2019

Honorable Robert Renny Cushing, Chairman
House Criminal Justice and Public Safety Committee
107 North Main Street
Concord, New Hampshire 03301

Dear Mr. Chairman and Committee Members:

My name is Kenneth Norton and I am the Executive Director of NAMI NH, the National Alliance on Mental Illness. I have worked extensively in the field of suicide prevention as a Licensed Independent Clinical Social Worker in NH, as well as in suicide prevention public health efforts in NH and nationally. I have served as a subject matter expert on suicide prevention for the Department of Defense, Defense Center on Excellence and the Substance Abuse Mental Health Services Administration. I have also served as a member of the Steering Committee of the National Suicide Prevention Lifeline for over a decade. And I also serve on NH's legislatively established Suicide Prevention Council of which there are several other members here to testify today. NAMI NH's primary focus for HB 687 is as a mechanism to preventing suicide that end we are here to testify in support of HB 514.

At the outset, I want to acknowledge there are many parts of this bill that are controversial. From a mental health perspective NAMI NH has been criticized for supporting this bill because of the inclusion of mental illness as one of the determining criteria for removal of firearms. But in weighing the potential this bill has for adding to the fear, prejudice, negative attitudes and "stigma" faced by people with mental illness, we believe the potential benefit of saving lives/preventing suicide supersedes these other issues. However, we would like to see the language about mental illness focus in more on danger to self or others. Therefore, we recommend adding to section 159-E:5 III section (b) (page 5 line 29). Evidence of the respondent having a serious mental illness or recurring mental health condition *which poses a significant risk of danger to themselves or others*.

The United States Surgeon General has identified that suicide is a major public health issue in the US and one that is largely preventable. However, we have done little as a state or a society to prevent suicide. Having responded to many suicide deaths, I can attest that the impact of a single death is profound and ripples out to the family, friends, schools, workplaces, first responders and beyond. In addition to the human impact, it also has a significant economic impact with the estimates of the cost of each suicide death being \$1.3 million dollars – predominantly in lost wages. Overall economic impact of suicide deaths and attempts in the US was estimated at \$93.4 billion in 2016. It is important to note that 90% of people who survive a suicide attempt do not go on to die by suicide. However, unlike almost every other method of suicide, use of a firearm in a suicide attempt is almost always lethal and leaves little opportunity for intervention.

Find Help, Find Hope.

NAMI New Hampshire • 85 North State Street • Concord, NH 03301
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Toward that end, restricting access to lethal means – in this case firearms, is an important suicide prevention strategy and one that is recommended in the National Strategy for Suicide Prevention.

I would like to clarify a few facts about suicide in NH. In a report released by the US Center for disease control in June of 2018 looking at suicide rates across the US, New Hampshire was identified as having one of the largest increases in suicide rates compared to other states. As indicated by the chart in New Hampshire, suicide (green) is the second leading cause of death ages 15-34, third leading cause ages 35-44 and fourth leading cause of death ages 45-54. In 2017 there were 255 suicide deaths with 124 of them or 49% involving a firearm. That number closely reflects the last 5 years in New Hampshire with a total of 1,139 suicide deaths and 538 or 47% using a firearm.



NH Leading Causes of Death: 2013-2017

Rank	Age Groups										
	<1	1-4	5-9	10-14	15-24	25-34	35-44	45-54	55-64	65+	All Ages
1	Congenital Anomalies 23	Congenital Anomalies 15	Malignant Neoplasms 15	Malignant Neoplasms 15	Malignant Neoplasms 15	Malignant Neoplasms 15	Malignant Neoplasms 15	Malignant Neoplasms 208	Malignant Neoplasms 2654	Heart Disease 10,793	Malignant Neoplasms 13,808
2	Other Sepsis 23						Malignant Neoplasms 254	Heart Disease 548	Heart Disease 1,258	Malignant Neoplasms 8,817	Heart Disease 12,921
3	Malignant Neoplasms 25				Heart Disease 19	Malignant Neoplasms 24				Chronic Low Back Pain 3,571	
4	Cerebrovascular Disease 11	Influenza & Pneumonia 11	Berth's Neoplasms 11	Berth's Neoplasms 11	Heart Disease 43	Heart Disease 116	Heart Disease 116		Chronic Low Back Pain 362	Cerebrovascular Disease 8,117	Chronic Low Back Pain 2,482
5	Pharyngeal Cancer 11	Heart Disease 11	Heart Disease 11	Congenital Anomalies 11		Congenital Anomalies 12	Low Back Pain 100	Low Back Pain 100	Low Back Pain 204	Alzheimer's Disease 1,610	Cerebrovascular Disease 2,274
6	Influenza & Pneumonia 11	Malignant Neoplasms 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Chronic Low Back Pain 11	Cold 11	Diabetes Mellitus 20	Diabetes Mellitus 93	Diabetes Mellitus 264		Alzheimer's Disease 2,144
7	Respiratory Disease 11	Berth's Neoplasms 11	Congenital Anomalies 11	Influenza & Pneumonia 11	Diabetes Mellitus 11		Chronic Low Back Pain 11	Chronic Low Back Pain 11	Chronic Low Back Pain 11	Diabetes Mellitus 1,177	Diabetes Mellitus 1,274
8	Malignant Neoplasms 11	Diabetes Mellitus 11		Neurosis 11	Congenital Anomalies 11	Chronic Low Back Pain 11		Diabetes Mellitus 11	Diabetes Mellitus 11	Alzheimer's Disease 1,177	
9	Meningitis 11			Pneumonia 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Cerebrovascular Disease 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Alzheimer's Disease 1,177	
10	SEDI 11				Berth's Neoplasms 11	Diabetes Mellitus 11	Congenital Anomalies 11	Diabetes Mellitus 11	Diabetes Mellitus 11	Alzheimer's Disease 1,177	

Source: CDC WISQARS, 2013-2017



With the tragic increase in mass shootings, and the resulting media coverage and statements from political leaders of both parties, the public's perception of the relationship between firearms and mental illness has become distorted. Toward that end I offer the following reframe:

- Gun violence has focused on mass shootings and homicide, however close to two thirds of the gun violence deaths in the US are the result of suicide
- The public debate has focused on purchase, but it should be about access to firearms
- Political leaders have focused on mental illness, but we should be focusing on *dangerousness*
 - There are some people who *do not* have a mental illness and are *dangerous*
- Debate, particularly the area of background checks, has focused on lifetime bans. However, for those with mental illness or who may be suicidal, they recover; hence temporary removal of firearms can be sufficient

NAMI NH believes that this bill addresses each of these concerns by looking at access, focusing on dangerousness, and recognizing the removal of firearms should be temporary. Let me be very clear about one point. NAMI NH believes that the best course of action for someone who is a potential danger to themselves or others is for family members and/or friends to intervene and

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seek to voluntarily remove firearms from the individual and or have them engage in treatment voluntarily. We recognize that this bill is an extreme measure and should only be considered when other less intrusive alternatives have been attempted.

Toward that end on page 2 section II outlining what needs to be included in the petition, (starting at line 12) we recommend an amendment to add in after line 20 (d) *Identify what steps if any have been taken to voluntarily remove firearms from this individual.*

Beyond taking voluntary steps, families who have a loved one who is at risk for suicide have very few options. If the individual has a mental illness and has posed an imminent danger to themselves or others during the past 30 days because of that mental illness and refuses to seek treatment voluntarily, the family can petition for the person to be evaluated and admitted against their will (Involuntary Emergency Admission). This typically involves police/law enforcement and use of handcuffs and restraints and often includes being boarded in emergency departments for days or weeks before again being placed in restraints and transported to an inpatient psychiatric facility. While admittedly temporary removal of firearms is an extreme measure it is far less extreme than an involuntary hospitalization. It is also important to note that the length of stay for most psychiatric hospitalizations is about 10 days. Family and friends may not have had the ability to remove firearms during that time, or there are no family and friends to serve in that role. Discharge from a hospital is a period of known high risk for suicide and having someone who is a danger to themselves return to their homes without having removed access to firearms adds to that risk.

Although you will likely here testimony to the contrary today, please be aware that the National Rifle Association has taken an official position in favor of Extreme Risk Protective Orders. On March 18, 2018 the National Rifle Association released a video called *We Can Prevent Violence and Protect Freedom*. In the video NRA Executive Director of Legislative Action Chris Cox stated. "... *We need to stop dangerous people before they act, so Congress should provide funding for states to adopt Risk Protection Orders. This can help prevent violent behavior before it turns into a tragedy. These laws allow courts to intervene and temporarily remove firearms when a person threatens violence to themselves or others. To be effective and constitutional, they should have strong due process protections and require that the person get treatment. These proposals can be done right now, while they won't solve everything, they will help lead to a broader discussion on how to address a culture of violence in America...*" A link to the video can be found here: <https://youtu.be/m14GPQITogo>

On December 18, of 2018, President Trump's *Federal Commission on School Safety* issued its final report which dedicated a whole section to Extreme Risk Protective Orders. The report notes that: *President Trump has called on states to adopt ERPO's that protect the rights of law abiding, citizens* (p 89). The report notes under Commission Observations "*The available evidence suggests that the older risk warrant laws may have a positive impact on suicide prevention. We do not know whether they impact gun violence more generally, and it appears not studies have yet evaluated the more recent ERPO's in other states* (p 90)." It then goes on to make a recommendation "*States should adopt ERPO laws that incorporate an appropriate*

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evidentiary standard to temporarily restrict firearm access by individuals found to be a danger to themselves or others (p 94)." A copy of the report can be found here:
<https://www2.ed.gov/documents/school-safety/school-safety-report.pdf>

NAMI NH believes that House Bill 687 provides enough due process to protect an individual's 2nd amendment rights while providing the ability to safely remove firearms from an individual who is a potential danger to themselves or others. We ask you to vote HB 687 as ought to pass.

I am happy to answer any questions which you may have.

Respectfully,



Kenneth Norton, LICSW
Executive Director

Find Help, Find Hope.

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Chairman and members of the committee,

Thank you for the opportunity to testify today. My name is Stephanie Pelley. I am a resident of Concord and I am the mother of children with mental health issues.

I am here today to ask that you please pass House Bill 687.

Before I start my testimony, can I ask how many people here are here on behalf of a loved one they have lost or a family member who struggles with suicidal tendencies, or who struggles themselves? Thank you for your courage and support today.

I am a mother of a 17 year old who has Bipolar disorder and who struggles with suicidal ideation. I am here today to tell you that after each suicide attempt my daughter has made, once her crisis is over she has told us that she does not want to die. But...in that moment she saw no way out. She thought her family and friends would be better off without her and that our lives would be easier if we did not have to deal with her and her bipolar. She felt alone in crowd of people who loved her. She knew we would move heaven and earth for her yet felt there was nothing that could be done to help her. She felt that taking her life was the only option to relieve her depression and pain.

If at any point during any of her attempts she had access to a gun, I would be here in memory of her not here today to advocate for her future.

There is no taking back a gun shot.

This bill has been carefully crafted and will not take away people's rights to own a gun IF they are not a danger to themselves or others.

As a proud employee of NAMI NH's children's department I know my story is not unique.

As a mother of a multiple suicide attempt survivor I would I would like to thank all of the strong and brave family members who have lost a loved one and are here today to testify and advocate. You have lived my greatest fear and you stand

here today to help save the life of my daughter and many others. I cannot thank you enough for your courage.

Members of the committee I ask you to please follow the lead of these family members, and be courageous and strong. Please show me and every other parent of a child who struggles with suicidal tendencies that their lives matter and you will work to keep them safe. Please show these families who have taken the time to come here and testify in memory of their loved ones that their loss is not in vein. Please show them that as a state we have learned from their losses and will protect others who need help going forward. Please pass House Bill 687.

Thank you for your time.

Stephanie Pelley

10 Walker St #3

Concord NH 03301

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My name is Jaye Rancourt. I am an attorney and shareholder at Brennan Lenehan Iacopino & Hickey in Manchester, New Hampshire. I am a former president of the New Hampshire Bar Association, a former member of the State of NH Profession Conduct Committee, a member of the Supreme Court's Access to Justice Commission and current vice-chairperson the State of New Hampshire Judicial Conduct Committee. I testify today on behalf of the New Hampshire Association of Criminal Defense Lawyers.

We have reviewed House Bill 687-FN, An Act relative to extreme risk protection orders. Our main concern regarding this piece of legislation is that the bill fails to define important relevant terms, fails to have certain due process protections in place and creates an inequitable division between those who can afford to undergo certain treatment options and those who cannot.

First and foremost, while the bill uses the term, "significant risk" and "extreme risk, those terms are never defined anywhere in this statute. The name would seem to indicate a major event which would precipitate this threshold showing. However, when you look at proposed RSA 159-E:5, III (indicating what the court should look at in issuing such an order) the precipitating events the court should look to are somewhat mundane and would not necessarily indicate that the person should not possess a firearm.

Focusing mainly on proposed RSA 159-E:5, III events such as stalking a person (no use of force or threat) is to be considered. Whether a person abuses alcohol or drugs is a factor to be considered. As far as I know, there is no study to say that an alcoholic poses any greater danger than any other person. Further, upon what evidence is the Court to rely? Is the Court to rely solely upon the testimony of an ex-spouse to assert alcohol abuse without supporting evidence?

Section III(a) does not indicate that any threats of violence against himself or herself need be credible. Mental health professionals are trained to differentiate between credible threats, which should be taken seriously, and offhand comments such as "I wish I was dead." Such comments are sometimes uttered by those who have no current intent to harm themselves. However, the statute draws no such distinction.

Section III(b) states the court will consider evidence of a serious mental illness or recurring mental health conditions. Does this require expert testimony? If not, can a petitioner simply say, "my ex-husband is a sociopath" and that is okay for the court to consider? Shouldn't diagnosis of mental health disorders require something more than the accusation of one person?

Section III(d) states that a previous existing risk protection order will be considered. Does this mean a final order after a hearing and an opportunity to be heard? If that is the intention, the statute is worded poorly and would seem to include an ex-parte temporary order of protection which it may have later been proven to be false.

Section III(f) states that a previous conviction or "adjudication withheld." What does this mean? Does this mean a placed on file without a finding would qualify? If so, that should not be the case because there has never been a finding of guilt. Why should this be used against a person? Many individuals agree to have charges, for which they are not guilty, placed on file without a finding rather than face the uncertainty of a criminal trial. As it remains a not guilty plea, this is not a conviction. It should not later be used against a person to remove firearms from their possession.

Proposed RSA 159-E:5, IV would seem to state that a law enforcement officer or other individual can swear out a statement that will be used against the respondent and then need not appear for a hearing as it uses the term "or." Due process is not provided if a firearm could be removed from a person without the need for an individual to appear in court and be subjected to cross-examination.

Proposed RSA 159-E:5, V could enable a Court to order mental health or substance abuse evaluations. Who pays for this? If the individual cannot afford the evaluation, they'd never get their firearms back. This creates an unequal disparity between those who are able to afford to have an evaluation performed and those who cannot. The poor should not be penalized unnecessarily.

There are additional burdens on the poor. 159-E:9, return of the firearm section requires the respondent to take many steps in order to get their firearms returned. Section III under that statute requires that they pay a fee for storage. What if they can't pay the fee? They don't get their firearms back. What if they are poor and can't afford the charges? Section VII requires that they request the return within one year, what if they don't? They lose their firearms. What if they can't afford to get them returned within the one year? They lose their firearms or they are forced to sell them? Such burdens place an unequal burden on the poor and serves to force the poor to relinquish their firearms when a person of means in the same situation can simply pay the storage fees and have their firearms returned to them.

RSA 159-E:13 excludes defense attorneys from having any input into devising the forms and materials that will create this petition.

In general this bill creates many of the inequities, particularly for the poor. This bill welcomes disgruntled ex-spouses and partners to make allegations against their former partners or spouses and provides for very little protections to protect against unsubstantiated and false allegations. The bill does not require the rules of evidence be followed. The bill does require that opinions regarding substance abuse and mental health disorders be substantiated by professionals qualified to make those assessments.

4

Margaret Tilton, M.D.
33 Court Street
Exeter, NH 03833
margaret.tilton@outlook.com
Supports HB 687-FN

Thank you, Mr. Chairman and honorable members of the Criminal Justice and Public Safety Committee.

My name is Margaret Tilton and I have lived in Exeter for 22 years. I am a physician and the mother of 2 young adult children who have lived with mental illness, I am here today in support of House Bill 687.

It is difficult for me to share my son George's story. My testimony will be personal, painful, and, frankly, stigmatizing.



As a little boy, George was a delightful, exuberant child who charmed everyone who met him. At age 9, he was diagnosed with depression. As an adolescent, his depression became increasingly severe and resistant to treatment. His first psychiatric hospitalization, for being suicidal, was at age 17.

During George's freshman year at UNH his roommate called campus police because George was depressed and had expressed suicidal thoughts. This was one of 3 incidents when campus police were involved because he was suicidal. A similar incident occurred during his junior year at Plymouth state in 2015. One of these resulted in his 2nd voluntary psychiatric hospitalization.

In March of 2016 I was awakened around midnight by Exeter police at our door. A friend had called the police, reporting that George was suicidal and had just purchased a firearm. George acknowledged he had bought a gun but initially said it was for protection for his apartment in Dover. I will never forget the officers' skill in establishing rapport and building trust with my son. He admitted to them that in fact he had bought the gun because he was depressed. They convinced him to surrender his firearm and talked him into letting me take him to the ER. This resulted in his 3rd psychiatric admission.

Concerned that George would try to get his gun back, I called the police department and was reassured to hear he would need a court order to reclaim it. That would have been true, except that, because no crime had been committed, he could have demanded it the day he got out of the hospital and they would have had to give it to him.

He was also free to walk into a gun shop and legally purchase a handgun, which is what he did in early November 2017. I noticed a large withdrawal from his savings account in the exact amount he had taken out 18 months earlier to buy the first gun. I confronted him about it and there was a story about needing cash for a heating oil delivery at his house. But George had told his coworkers he had purchased a gun, saying it was for protection against intruders. Those who knew he struggled with depression were very concerned for his safety.

Now George wasn't interested in hunting, or marksmanship, or self-defense. He had never even fired a gun. His only purpose in obtaining a firearm was to ensure that if he attempted suicide, he would be successful. He always had access to other means, including his multiple psychiatric medications. It is significant that, despite so many episodes of being suicidal, George had never made an actual suicide attempt. The day after Thanksgiving in 2017, less than 3 weeks after he purchased the second handgun, George fired it for the first time. It was his first and only suicide attempt and the last thing he did in his life.

Like all survivors of suicide loss, my family and I will carry this grief for the rest of our lives. There is meaning to be found in the way George navigated his challenging life. He was a kind, generous young man who always wanted to help others. He took his medication and kept his appointments. He didn't do drugs and never so much as tasted alcohol. He was 23 years old and proud of his success at what he called 'adulting'. But he needed more help. His behavior had escalated and had sent up red flags and warning signs.

The evidence was there – it wasn't about a diagnosis or having accessed mental health services. It was a pattern of behavior: severe recurrent mental illness, multiple threats of violence against self, recent acquisition of a firearm. These should have been tripwires for a more robust response.

There can be no meaning in George's senseless death unless we create that meaning.

All of us, George's family, friends, roommates, and law enforcement tried to do the best we could for him with the means available to us. We know there are better tools out there. I ask you to give us access to them.

George Henry Tilton V, 23, of Dover, formerly of Exeter, died on November 24. He had struggled bravely with severe recurrent depression for many years and could no longer continue his fight.

George was born in New Jersey and lived in Exeter from the age of 3. He attended the Cornerstone School and Great Bay Charter School. As a graduating senior, he received the Faith and Service Award from Holy Trinity Lutheran Church, in recognition of his contributions to his church and community. George received his Associate's degree from The Thompson School at UNH in culinary arts/dietetics in 2014. While at UNH, he was very involved with Active Minds, a campus organization that seeks to destigmatize mental illness. He was pursuing his goal of earning a degree in Social Work at the time of his death. George especially valued his job at Crossroads House, an organization that serves people experiencing homelessness in Portsmouth. He often expressed his deep respect and empathy for the residents. He wanted nothing so much as to help people and felt he had found his purpose in his work there.

George is survived by his mother, Margaret Tilton, his stepfather Robert Leatherbee, his sisters Grace Singh and Alice Tilton and their husbands, and stepsiblings Kristen LeRoy and Daniel Leatherbee and their spouses and children. He leaves behind many loving aunts, uncles, and cousins.

He was predeceased by his father George Henry Tilton IV, who died when George was a baby, by his infant sister Molly, by his aunt Kathleen, and by his beloved grandparents.

George was a gifted cook and baker who loved to delight his family and friends, and sometimes the local fire department, with his creations. He was passionate about video games, satirical humor, podcasts, and a wide range of music from Baroque to thrash metal. He cast a wide net, finding inspiration in movements and leaders from around the world. He was proud of his rigorous adherence to the 'Straight Edge' philosophy, whose followers abstain from alcohol, tobacco, and recreational drugs.

Visitation will be at 1:00, followed by a funeral service at 1:30 on Saturday, December 2nd at Holy Trinity Lutheran Church in Newington, NH.

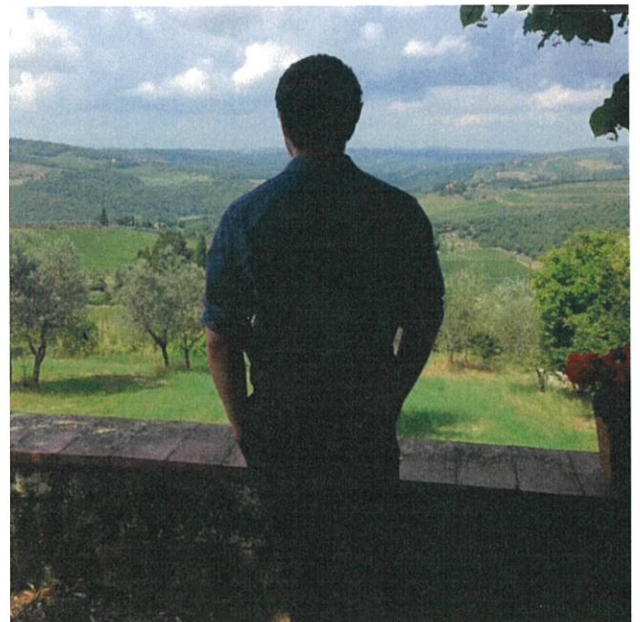
In lieu of flowers, donations in George's memory may be made to the National Alliance on Mental Illness – New Hampshire. His heartbroken family asks that you offer words of love and acceptance to anyone you know who lives with mental illness.

Faith and Service Essay

George Tilton, April 2012

I like helping people; it's just how I am. I volunteered at soup kitchens in elementary school and continued to do it in junior high. I volunteered several times during my high school years at Holy Trinity: Serving meals, painting houses, and most notably, traveling down to Guatemala to help out at an orphanage. I also enjoyed serving as an acolyte and ushering on Sundays. I feel compelled to help people and I enjoy doing it too. I wouldn't have these opportunities if I didn't go to Holy Trinity. Holy Trinity has, over the years, shaped me into what I am today. Through these volunteering trips, I have been exposed to very high standards of service and these standards have shaped my morals.

I have been blessed to have been raised up as a Christian in Holy Trinity; I have been surrounded by very upright, intelligent, and motivated people who guided me along the right path. As I transition from high school and into college, I realize I can do more to help people if I have a college education. As a nutritionist, I will be able to help more people than I have ever helped before. People need help eating and I can give them the advice they need to make healthy choices. I am inspired to help people because Holy Trinity has instilled those traits into me over many years of service and faith.





Statement by Jeanne Hruska, Political Director ACLU-NH
House Criminal Justice and Public Safety Committee
House Bill 687
March 5, 2019

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (ACLU)—a non-partisan, non-profit organization working to protect civil liberties throughout New Hampshire for over fifty years. I appreciate the opportunity to testify today regarding HB687. The ACLU-NH is not taking a position on the overall bill, but has a number of concerns with how it is currently written. We understand that an amendment is being put forward and that it may address a few of the concerns we lay out below. We encourage the members of this committee to review this legislation closely and ensure it is as narrowly tailored as possible, should it move forward.

Predicting the future is inherently guesswork. The public safety goal of this bill is laudable; however, it pursues that goal by targeting people for actions not yet taken. The court system is designed primarily to respond to actions that have already occurred, thereby “proving” that something has happened and harm occurred as a result. So far, human kind has not yet gained the ability to prove the future and there are inherent risks in trying to do so, including to due process. In empowering the court to take action against someone who has not committed a crime, it is imperative that the legislature exercise care, be hyper-vigilant to protecting due process, and ensure the legislation is as narrowly tailored as possible to prevent abuse and unintended consequences.

A 12-month ERPO should require an *ongoing* and immediate risk. As we understand, the amendment already in the works would ensure that a temporary ERPO rightfully require an “immediate and significant risk.” The immediacy makes particular sense given the purpose of a temporary ERPO. We would recommend that a 12-month ERPO be predicated on a type of risk warranting a 12-month measure, namely an “ongoing” and significant risk. If the risk is not ongoing, why should an ERPO stay in place for upwards of 12 months?

Need a higher standard than a “reasonable cause to believe.” We are concerned by the use of “reasonable cause to believe” as the standard for granting a temporary ERPO. We understand that an amendment may change this to “probable cause,” which is an improvement in that it is a more familiar standard; however, it is still a very low bar to meet. The bill rightfully uses the well-known and higher legal standard of “clear and convincing” for granting a 12-month ERPO. We would recommend using “preponderance of the evidence” as the standard for temporary ERPOs. This is a lower standard than “clear and convincing,” which helps respond to the urgency involved in situations where temporary ERPOs are sought. At the same time, it raises the bar from the very low threshold of probable cause.

Technical rules of evidence exist for a reason. We are concerned by the provision in this bill releasing courts from following the technical rules of evidence. When operating in the world of predictions and guesswork, the guardrails ensured by the rules of evidence seem all the more important. Without the rules of evidence, we allow rampant abuse of hearsay, such as “Person A told me that Person B said...” Moreover, it opens the door for lay people to offer “expert” opinions about someone’s mental health or substance use. At a minimum, we would at least bind the courts to the rules pertaining to hearsay and underscore the importance of “reliable” evidence. In the legislation, this option would read

as follows: In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence, *except the rules relating to hearsay*, and may admit evidence which it considers relevant, *reliable*, and material.

Ensuring certain evidentiary standards is particularly important with 12-month ERPOs. A one-year ERPO is a significant deprivation of someone's liberty and calls for the guardrails provided by the rules of evidence.

Qualify drug or alcohol use. One of the types of relevant evidence listed is "corroborated evidence of the abuse of controlled substances or alcohol by the respondent." This would suggest that drug or alcohol use in isolation could be factors towards the granting of an ERPO. Alcohol or drug abuse by itself does not tell someone about a user's behavior while under the influence of such substances. We would recommend qualifying this more, such as with the following: "Corroborated evidence of the abuse of controlled substances or alcohol by the respondent *and a pattern of violent behavior when using such substances.*" There may be other ways to sufficiently qualify this factor to prevent alcohol use on its own from being considered a factor warranting an ERPO.

Condition when a mental health evaluation can be sought. We are concerned by the provision allowing the court to order a mental health evaluation or chemical dependency evaluation. We are unaware of other situations when a court can order such an evaluation outside of the determination of whether someone is competent to stand trial. At a minimum, we would condition the ordering of such an evaluation on a specific finding that "there is clear and convincing evidence that the respondent has a serious mental illness or recurring mental health condition that is likely to lead to the respondent being a danger to themselves or others by having a firearm or ammunition in his or her custody or control." Otherwise, someone against whom the court decides not to issue an ERPO could still be subjected to a court-ordered mental health or chemical dependency evaluation.

How does a person prove they don't have something? Under this legislation, a court would "require proof that the respondent has surrendered any firearms or ammunition owned by the respondent or in his or her custody, control, or possession." How does someone prove this? It is in essence asking someone to prove a negative. We would recommend including examples in the legislation, such as by mentioning that proof could be in the form of a sworn affidavit.

We understand that should this bill be enacted, there would be a three-month window prior to the bill taking effect during which time necessary forms would be created. This may include a form that satisfies the provision on proof. If this is the intention, we would recommend having the bill explicitly call for the creation of this specific form during the three-month interim.

Be mindful of the fourth amendment. This bill would allow courts to issue a search warrant of a respondent's residence without any evidence of a crime committed. The fourth amendment exists to prevent unreasonable searches and seizures. It is overcome by demonstrating probable cause that a crime has been committed and that evidence related to that crime will be found at the specified location. It is difficult to understand how this would be met with an ERPO that can be granted prior to the commission of a crime.

The ACLU-NH thanks the committee for its consideration of these issues. We encourage the members of this committee to review this bill closely, and should it decide to support the bill, to consider an amendment to ensure the provisions are written clearly, narrowly, and in accordance with due process.

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HB 687 Representative Jerry Knirk, Carroll 3

This bill is a public health approach to dealing with gun violence. A public health approach is one which deals with a health problem that causes either injury or death on a population level not just on an individual level. Rather than try to decrease gun violence deaths by improving our care in the emergency room and operating room, which is already quite good, a public health approach strives to prevent the injury to begin with. For example, we have achieved much more in reduction of smoking deaths by public health efforts to decrease smoking than we have with new ways to treat lung cancer.

When you look at gun violence as a public health problem, one notes that though school shootings or other mass shootings grab the headlines, the majority of our firearm deaths are due to suicide. Nearly two thirds of US annual gun deaths are suicides. Guns are much more lethal than other means of attempting suicide, with a fatality rate of approximately 85%. Access to firearms - meaning personal or household gun ownership - increases the risk of suicide by three times. If a gun is not easily accessible, the attempt is less likely to result in death, allowing the person to obtain help for factors in their life that lead them to consider suicide. Our first responders, emergency physicians, and trauma surgeons do a superb job trying to save the lives of gunshot victims. However, when suicide is attempted by firearm, most people die before they even reach the hospital. Improving our care system at the hospital will not make a significant impact. Instead we need to try to prevent the suicide attempt by firearm.

After mass shootings, gun rights groups call for addressing mental health problems. This bill provides a tool to do that. It is important to understand that it does not advocate for restricting access to firearms simply because someone has sought mental health help or is living with a mental health diagnosis. Restricting access to guns with an ERPO requires a finding that a person poses a serious risk to themselves or others based on a pattern of dangerous behavior.

After mass shootings we often hear the story that there were a number of behavioral warning signs that had people worried. An ERPO law allows the family to call for help before people are hurt. Though we don't talk about very much about suicide, there are often warning signs there as well. The spouse may note the despondency of her husband after the loss of a job, notice the purchase of a new gun, and then statements like "the world is going to be better off without me". With this law available that spouse can have the opportunity to protect her husband from what appears to be a significant risk of him harming himself.

Connecticut's ERPO law was associated with a 14% reduction in the state's firearm suicide rate. This is a common sense public health approach to the problem of gun violence and should be supported.

NOW HEARING

HB 687-FN

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 230

LECTURE 10: ELECTROSTATIC POTENTIAL

Time	Topic
0:00	Introduction
0:15	Electric Potential
0:30	Work Done by Electric Field
0:45	Equipotential Surfaces
1:00	Electric Potential of Point Charge
1:15	Electric Potential of Dipole
1:30	Electric Potential of Continuous Charge Distributions
1:45	Summary

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # 3/5/19 (HB-687) Date 3/5/19
 Committee CJ

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep John Plumer					X
Rep Bob Kennedy			HILLS 21		X
REP DICK MARPLE	MORRIS		#24		X
PAUL LACASSE		SULLIVAN			X
Rep Liz McConnell			Brentwood 11	✓	
Ellen Cole	Bradford NH			✓	
Rep Suzanne Val	Hillsborough		Nashua W.3	✓	
Rep Gaby Grossman	Exeter, NH			✓	
Rep Glenn Trent				✓	
Thomas Denne	Bradford NH		self		X
REP PAUL BERCH	CHESHIRE	603 399 4960		✓	
Sarah Heidebrecht	Lyme, NH	603 480 9031			X
Linda Abbott	M.D., Norwich, VT	802-644-5286			X
Marva Garber	MANCHESTER	603 218 3611	self	✓	
Mindi Messner			Self	✓	
Rep. Deanna Jarvis			Belknap 2		X
Rep. Gary Hopper					✓
Rep Peter Tordjian	Atkinson, Rock #14				✓
Margaret Kris					X
St. Rep. Katherine Rogers				X	
St. Rep. Kristina Schultz				X	
Stacy Brown				X	

1912 JULY 13

RECEIVED FROM THE OFFICE OF THE

COMMISSIONER OF THE GENERAL LAND OFFICE

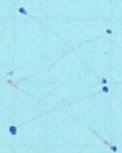
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St. Rep. Katherine Rogers
St. Rep. Kristina Schultz



SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 687 Date 3/5/19
 Committee CJ

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep. Douglas Lep	28 School St.	532-8556	Cheshire-9	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REP DIANNE SCHUETT			MERR 20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Lisa Barber	Rock 18	- Exeter		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Raymond Howard Jr	Belknap 8			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Michael Gunski	Hillsborough 6			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep GEORGE FREEMAN	ALTON			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Linda Gould	Bedford			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Deb Hobson	Rock 35			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Darlene Gildersteeve	17 Pamela Dr Hoptonton NH		SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cody Jacobsen	Concord		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Prestley	Concord		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KELSEY DOUVILLE	BEDFORD		SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Yakubovich	Hooksett		Merrimack #24	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Robm Walkup	NewLondon		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Casey Conley			Dover Ward 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep SCOTT WALLACE				<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ray Michael				<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Nicole Klein	Knight		Ward 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REP CAM KENNEY			STAFFORD 06	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ellen Cole	Bradford NH			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Sue Newman	- Nashua			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Francesca DeGgs	- Grafton 16			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Wendy Thomas				<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

LECTURE 10

LECTURE 10

LECTURE 10

LECTURE 10

LECTURE 10

LECTURE 10

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 687 Date 3/5/19

Committee CRIM JUST

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Deb Howard	North Hampton		Moms Demand Action	<input checked="" type="checkbox"/>	
Became Cameron	Deerfield		Moms Demand Action	<input checked="" type="checkbox"/>	
KAREN CORNELIUS	GEFFSTOWN		MOMS DEMAND ACTION	<input checked="" type="checkbox"/>	
Rep. Judy Aron	Sullivan 7 Acworth				<input checked="" type="checkbox"/>
NATHANIEL THOMPSON	373 Thornton		THE CONSTITUTION		<input checked="" type="checkbox"/>
JOHN PRATT	104 GALE RD. GILMANTON				<input checked="" type="checkbox"/>
Greg Seppala	145 Robbins Rd Rindge		SELF		
Rep. Jim Whittemore	44 Gible Rd. Hudson		Self #1537		<input checked="" type="checkbox"/>
Cheryl Dean	SUBSISTANT TPK Northwood		Self		<input checked="" type="checkbox"/>
Michael Fraser	87 Londonderry rd wickham		self	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Melissa Rigazio			SELF	<input checked="" type="checkbox"/>	
Anthony Lamoly	Morris NH		self		<input checked="" type="checkbox"/>
Peggy Ann	Plymouth NH			<input checked="" type="checkbox"/>	
Rep. DAVID LOVE	DERRY Rock 6				<input checked="" type="checkbox"/>
James Dean	Northwood		Self		<input checked="" type="checkbox"/>
Bruce Couturier	Deering		Self		<input checked="" type="checkbox"/>
Fred Godbout	Milton NH				<input checked="" type="checkbox"/>
Marina Aitschiller	Stratham, NH		self	<input checked="" type="checkbox"/>	
Timothy P. Ballard	Chichester N.H.				<input checked="" type="checkbox"/>
Lockwood	HOTCHKISS	Registered voter	Lacoata Self		<input checked="" type="checkbox"/>
Jane B. Johnson					<input checked="" type="checkbox"/>
Patricia Luff				<input checked="" type="checkbox"/>	
Steven Beaufwage					<input checked="" type="checkbox"/>

TABLE NO. 10

TABLE NO. 10

TABLE NO. 10

TABLE NO. 10

TABLE NO. 10

TABLE NO. 10

No.	Name of the person	Age	Sex	Religion
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SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 687 Date 3/5/19
 Committee CRIMJUST

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Sen Jay Mahn	SD#10			X	
Kathy Wyle	25 Driscoll Rd	603-529-0715	Deering	X	
Keith F. Thompson	31 South Main St		Brookline	X	
Rep Jason Franklin			Rock 37		X
Deborah Jakubowski			Loudon NH	X	
Tasha Dworjanyn			Dover, NH	X	
Suzanne Sonneborn			Rye, NH	X	
Tim Kerecuch			Concord	X	
Rep Timothy Horryon			Stafford	X	
Paul Saulon			Rumney	X	
CHRISTINA MCKILLOP			WEARE, NH		X
ALAN OLSEN			WAKEFIELD		X
Iwan Wallace			Lempster, NH		X
Linda Matlage			Concord	X	
Laura Aronson			Manchester	X	
Fredene Peter Farschild			Concord	X	
Dan Lelair	142 Wamac Rd		Swanzey NH		X
Stephanie Plante	210 Beaver St #1		Keene NH	X	X
Maura Kowalcwski	JTB40		Granite Con NH		X
Timothy Silverwile	5 Wade Ave		Allenstown		X
Lester Cuff	50 Stratham Heights Rd		self	X	
REP ALAN BERSTEIN	NOTTINGHAM		Rock 2		X
Ann Haaser				X	

SIGN UP SHEET

DATE: _____

NAME

PHONE

ADDRESS

STREET

APARTMENT NO. _____

CITY _____

STATE _____

ZIP _____

CITY _____

STATE _____

ZIP _____

CITY _____

STATE _____

ZIP _____

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APARTMENT NO. _____
CITY _____
STATE _____
ZIP _____

X

X

X

X

X

X

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 687 Date 3/5/19

Committee CEIN JUST

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
M. Gretchen McBride	29 Court St Exeter	603 913-2711	myself	✓	
Arthur Bingham	46 Gibson St Keene		myself		✓
P. Touche	9 meadow lane	503 851 851	myself	✓	
J. Walker	Downer Dr Pembroke	508 851 851			✓
Kirk Beswick	127 Pinnacle Ridge Rd Meredith	581 851 7	Myself		✓
Carol Bostic	2 Main Avenue South Hampton	NH 03829	Self		✓
Kelley Williams	78 Ash St Man NH	3104 603 486 9323	Myself		✓
Tony DiFranco	1335 Milligan Ave Manch VT	603 231 3457	Self		✓
Kimberly Morin	3 Badin St Brentwood NH				✓
Rod D'Amore	457 Festina rd. Farmington NH				✓
Rep. Rosemary Rony	Hillsborough NH			✓	
Zach Billings	253 Wellington Rd, Ridge NH	508-395-2326	self		✓
Kathleen Schumann	302 E Rummy Rd Rummy	605-786-9233	Self		✓
Jay O'Neil	80 Twist Hill Rd Dunbarton	605-774-8755	NHACPL		✓
Rep. Heesher Nunez			HILLS 37		✓
NORMAND DUGAETTE	2 Webster	03076			✓
Liz Anne Platt	Concord, NH		self	✓	
JAMES Cross	MANCHESTER NH.				✓
KELLIE Cross					✓
LEXIE Cross					✓
Joanne Foster	7 Hancock St Portsmouth NH	03801		✓	
NANCY L. HANSEN	31 CRESVIEW TER, STRATHAM	03285		✓	
RANDAL DIFFIN	2# RANGE Rd. NORTHWOOD				✓

SHIN UP SHEET

TO THE CHAIRMAN OF THE BOARD

Dear Sir,

THE 20th

CELL 20th

I have the honor to acknowledge the receipt of your letter of the 15th inst.

in relation to the above mentioned subject.

I am sorry to hear that you are unable to attend the meeting.

I am sure that you will be able to attend the next meeting.

I am, Sir, very respectfully,
Yours faithfully,

W. J. B. [Signature]

W. J. B. [Signature]



SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 687 Date 3/5/19

Committee CRIM JUST

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Kevin Mitchell	Bilmar		WOLUH		✓
Clydie Bacon	Croydon			✓	
Tom Flaherty	WEARE				✗
Lynn Brooks	CONCORD				✗
JOHN COOK	CONCORD				✗
Sarah Zuech	Salisbury, NH				✗
Clare Barber				✓	
Ron Arcouette Jr	Farmington, NH				✓
Josh Billings	Rindge NH		Self		✗
Nicholas J Dorso	Jaffrey, NH		Self		✗
Linda Wentworth	Rochester, NH		2A		✗
William Lowell, Rep	Rockingham 20				✓
Jeanne Toyer	Concord, NH		Self	✓	
Seneca J Lamore	Monroe NH		Self		✗
House Spencer	Concord NH		Self	✓	
VALERIE TAGLIA	Portsmouth NH		Self	✓	
Robin Schnell	Portsmouth NH		Self	✓	
Gale Taylor	Concord NH		Self	✓	
Dennis Jakubowski	Loudon		Self	✓	
Paul Stewart	RINDGE				✓
Ray Ragnone	Rindge				✓
SM GREENBAUM					✓
Rep Glen Aldrich			Bilford/Meredith		✓

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 687 Date 3/5/19

Committee CRIM JUST

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
TERRI JANSTY	Belmont		WDLNH		<input checked="" type="checkbox"/>
Jessica A Coltr	Wofford		WDLNH		<input checked="" type="checkbox"/>
Heidi Ritter	Moultonborough			<input checked="" type="checkbox"/>	
Cheri Falk	Wilton		Self	<input checked="" type="checkbox"/>	
SUSAN COVENT	CANTON NH		SELF	<input checked="" type="checkbox"/>	
RICHARD MERKT	WESTMORELAND		SELF		<input checked="" type="checkbox"/>
Kate Day	182 Valley Park Dr		Sufford, NH self		<input checked="" type="checkbox"/>
REP. THOMAS WALSH	MERRIMACK 24				<input checked="" type="checkbox"/>
REP FRED DOUCETTE	SALEM		Rock #8		<input checked="" type="checkbox"/>
STEPHEN RASCAR	CANTON NH			<input checked="" type="checkbox"/>	
PATRICK RASCAR	CANTON NH			<input checked="" type="checkbox"/>	
Joe Ebert	Concord		NHSP		
Rep Glenn Cardelli			Carroll 4		<input checked="" type="checkbox"/>
Angela Christiana	Arlington MA			<input checked="" type="checkbox"/>	
Barbara Lucanile	Londonderry				<input checked="" type="checkbox"/>
Dennis Sullivan	Concord		#8		<input checked="" type="checkbox"/>
Cindy Sullivan	Concord		Ward 8		<input checked="" type="checkbox"/>
Rep Josh Yokela			Rock 33		<input checked="" type="checkbox"/>
REP DENNIS GREEN			Rock #13		<input checked="" type="checkbox"/>
Steven Stefanik	Mandestn				<input checked="" type="checkbox"/>
Mark Valone			Rock #7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ROGER BEVINS	ROSSINGHAM NH				
Stephen Moland	Litchfield NH				<input checked="" type="checkbox"/>

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To Register Opinion If Not Speaking

Bill # HB 687 Date 3/5/19
 Committee CRIM JUSTICE

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
CHARLES MARGOSIAN	8 White Dr Kingston		self		<input checked="" type="checkbox"/>
KATHY CAHILL	12 HOLT ST Concord		self	<input checked="" type="checkbox"/>	
STEVEN FOLIN	EXETER POLICE DEP		CAPT	<input checked="" type="checkbox"/>	
Peter Tilton	Exeter Police Dept		Sst	<input checked="" type="checkbox"/>	
Bill Peterson	10 Sugar Hill Rd, Ware		Citizen NH		<input checked="" type="checkbox"/>
Michael Padmore			NH Medical Society	<input checked="" type="checkbox"/>	
Danovan Fonten	6 Kerall Keene		Self	<input checked="" type="checkbox"/>	
BRIAN HOUSTON	8 DEERHAVEN DR		SELF	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Manny Espitia	Nashua		self	<input checked="" type="checkbox"/>	
Jillian Prick	11 Maylane Dr Salem		self		<input checked="" type="checkbox"/>
JOSEPH NOVELLO	11 MAYLANE DR		SELF		<input checked="" type="checkbox"/>
Cy Nicholas Aures	Chichester		self		<input checked="" type="checkbox"/>
Denise Rivard	Manchester		Self		<input checked="" type="checkbox"/>
JAMES CAFFEY	WARREN NH		SELF		<input checked="" type="checkbox"/>
Rep Samantha Fox	Bow		Merrimack 23	<input checked="" type="checkbox"/>	
Angela H. Huertas	Barthoff, NH		Self	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Chris Maidment	Peterborough		self	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
TYSON CALISORO	Lincoln NH		self		<input checked="" type="checkbox"/>
Betsy Cadbury	Pittsfield, NH		"	<input checked="" type="checkbox"/>	
Tray Hahn-Burdett	Bow, NH		self	<input checked="" type="checkbox"/>	
Peter Vincello	10 Mannview, Raymond NH		self		<input checked="" type="checkbox"/>
Quinn Litcher	73 Old Liberty Rd, NH		self	<input checked="" type="checkbox"/>	
Russell Winton	" " "		"	<input checked="" type="checkbox"/>	

STATE OF NEW YORK

IN SENATE

JANUARY 10, 1907

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR 1906

ALBANY:

ANDREW DEWEY, STATE PRINTER

1907

PRICE, 50 CENTS

PER COPY, 10 CENTS

BY MAIL, 15 CENTS

POSTAGE PAID BY ADDRESSEE

NEW YORK: 1907

ALBANY: 1907

ALBANY: 1907

ALBANY: 1907

ALBANY: 1907

ALBANY: 1907

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SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 687 Date 3/5/19

Committee CRIM JUSTICE

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Bob Harvey	Cochran Pl Warner	456-3189			✓
Joyce Meyer	6 Scarborough Dr. ^{Nashua}	603-921-8249	Moms Demand Ad.	✓	
Ralph Demicco	Chester Tpk Concord	483-2073			✓
Julie G. Nutter	81 Robinson Pl Nashua	988-0056	Mom	✓	
Lucy Grichta	32 Marmack Concord	13706	self	✓	
Marcell Dubel	48 New Boston Rd ^{Amherst St}		Mom's Demand		
MARK GEIGER	32 Spruce Ave Londonderry	899-5600	ME		✓
Larry Cleveland	26 S. Woodbound Rd. Pindge, NH				✓
Lee Ann Blumenshine	119 Rideout Rd Hollis, NH		WPK		X
Rep Joe Alexander			Hills - Co		X
Maura Willing	Concord NH		Self	✓	
Kay May	10 Candlewood Dr Amherst NH		Self	✓	
Paul Manovic	8 Neshera Dr Litchfield		NHFC		X
William Clapp	3 Crestview Stratham NH			✓	
John Molis	11 Colby Rd Newmarket		Self		X
Robert Clegg	Trotton NH				X
Ken Park Jr	Loudon				X
Rep. Harry Viens	Center Harbor	253-6240	Bellknapp 2		X
DONALD BECKINS	ROCHESTER	941-8223	STRAFFORD		X
SIO SORREDBURY	ROCHESTER	603-781-3225	STRAFFORD		X
REP MIKE HARRINGTON	STRAFFORD 3				X
Alvin See	Loudon		Self		✓
Nina L. Opdenbeche	Dover Ward 3			✓	

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 687 Date 3/5/19

Committee CT

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Norma Mackinley-Smith	Nashua		self	<input checked="" type="checkbox"/>	
Russell Hodgkins	39 Thornton Ferry Rd		self Amherst NH 03021		<input checked="" type="checkbox"/>
Donella Hodgkins	39 Thornton Ferry Rd		self Amherst		<input checked="" type="checkbox"/>
EDWARD MORSE	STRAFFORD		SELF		<input checked="" type="checkbox"/>
Mary Ellen Sikes			Moms Demand	<input checked="" type="checkbox"/>	
Norris Newnham	Conterbury		self	<input checked="" type="checkbox"/>	
Ray Jule	635 Hogg Hill Rd.		self Springfield NH		<input checked="" type="checkbox"/>
Nathaniel J. Conboy	79 Sunrise Hill Rd	344-5357	self Concord NH		<input checked="" type="checkbox"/>
STEPHEN FOWLER	5 RYANWAY		self NASHUA		<input checked="" type="checkbox"/>
Jason Kudo	Benton NH	03785	self		<input checked="" type="checkbox"/>
Markus Miller	Orford NH		self		<input checked="" type="checkbox"/>
JAMES BARRETT	GREENVILLE		SELF		<input checked="" type="checkbox"/>
Robert A. Daniel	474 Cartier St.		Freedom		<input checked="" type="checkbox"/>
Rep. Catherine Puchenne	O'Brien		Derry		<input checked="" type="checkbox"/>
David Murphy	9 Gilford Glowed	524-4794	self Gilford NH		<input checked="" type="checkbox"/>
Sen. Tom Sherman	/SD 24			<input checked="" type="checkbox"/>	
Hon. JR Hoell			NHFC		<input checked="" type="checkbox"/>
Ruth M Heath			self	<input checked="" type="checkbox"/>	
REP. JOHN POTUCEK	- ROCK 6 - DERRY				<input checked="" type="checkbox"/>

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 687 Date 3/5/19
 Committee CJ

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Andrea Boland	374 Durrell Rd Tamworth		WDL		X
Michelle Levell	Hillsborough		self		X
Alan Rice	Gun owners of America				✓
Laurie Oja	39 Norwood Rd Salem NH			✓	
Steve Malone	742 W. SWANZEY Rd SWANZEY NH			✓	✓
Robert F. W. Kousk	243 Winding Brook Ln. Newbury N.H. 03255				✓
Rep Dick Thinch	House Republican office				✓
Rep. Max Abramson	Rockingham 20				✓
Rep Alicia Lekas	Hills 37				✓
Morgan Reynolds	17 Richmond St 603-305-2386		MOMS	✓	
Rebecca O'Brien	Massachusetts		Moms Demand	✓	
Kelley O'Connell	26 Grant Rd Newmarket NH		Moms Demand	✓	
Kathleen Slover	346 Richards Ave Portsmouth NH			✓	
Michael Bean	3 Janet St Rochester, NH				✓
Richard Daigle	65 Hawthorne Dr. #105 Bedford NH				✓
Natatie Wells	125 Collins Rd Warner		self		X
Donna Dawey	26 Commercial St		Self		X
Rick Russell	4 Guy St Salem 603-327-5123		Self		X
ERIC McFARLIN	2 DURHAM, NEW DURHAM		SELF		X
caroline white	122 Taylor Rd, Hopkinton		Self	✓	

BIOM WP SHEET

PLEASE PRINT NAME AND NUMBER

NAME

NUMBER

PLEASE PRINT ALL INFORMATION

DATE	TIME	LOCATION	SPECIES	COUNT
X				

0-0

1000 10/12 10:00

TECHNICAL SHEET

DATE: _____

PROJECT: _____

Mr. M. J. ...
#10 ...

TERM SHEET

DATE: 10/15/2013

AMOUNT: \$100,000

TERMS: 12 MONTHS

RATE: 5.00%

DATE: 10/15/2013

AMOUNT: \$100,000

TERMS: 12 MONTHS

RATE: 5.00%

DATE: 10/15/2013

AMOUNT: \$100,000

TERMS: 12 MONTHS

RATE: 5.00%

DATE: 10/15/2013

AMOUNT: \$100,000

TERMS: 12 MONTHS

RATE: 5.00%

DATE: 10/15/2013

AMOUNT: \$100,000

TERMS: 12 MONTHS

RATE: 5.00%

FOOT UP SHEET

2. MEMBER COMPANY AND ADDRESS

MEMBER COMPANY NAME
ADDRESS

3. MEMBER BUSINESS

MEMBER BUSINESS
INDUSTRY
TYPE OF BUSINESS

MEMBER BUSINESS ADDRESS
CITY
STATE
ZIP

MEMBER BUSINESS PHONE
MEMBER BUSINESS FAX
MEMBER BUSINESS E-MAIL

MEMBER BUSINESS WEBSITE
MEMBER BUSINESS CONTACT PERSON

MEMBER BUSINESS CONTACT PHONE
MEMBER BUSINESS CONTACT FAX
MEMBER BUSINESS CONTACT E-MAIL

MEMBER BUSINESS CONTACT WEBSITE
MEMBER BUSINESS CONTACT ADDRESS

Fiscal Note

**HB 687-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to extreme risk protection orders.

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 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 A Misdemeanor	\$76	\$77
Routine Criminal Felony Case	\$481	\$486
Protective Orders	\$166	\$167
Issuance of Search Warrants	\$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.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.

Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2018 Average Cost of Incarcerating an Individual	\$40,615	\$40,615
FY 2018 Annual Marginal Cost of a General Population Inmate	\$4,620	\$4,620
FY 2018 Average Cost of Supervising an Individual on Parole/Probation	\$571	\$571
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

In addition, the Judicial Branch indicates the requirement in proposed RSA 173-D:2, VIII that protective orders issued be transmitted to the Administrative Office of the Courts which shall enter the information in a state database that is made available to state, county and local law enforcement departments. The Administrative Office of the Courts currently maintains databases of domestic violence orders, stalking orders and criminal bail protective orders. Two full-time and four part-time employees currently maintain these registries. The Branch states the infrastructure is in place for the database required in this bill; however, the extent to which the volume of "threat of violence" protective orders causes additional expenses resulting in the need for new employees and/ or new computer equipment is unknown.

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.

AGENCIES CONTACTED:

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

Bill as
Introduced

HB 687-FN - VERSION ADOPTED BY BOTH BODIES

8Jan2020... 2790h

2019 SESSION

19-0007
04/05

HOUSE BILL

687-FN

AN ACT

relative to extreme risk protection orders.

SPONSORS:

Rep. Altschiller, Rock. 19; Rep. Fenton, Ches. 8; Rep. Knirk, Carr. 3; Rep. Backus, Hills. 19; Rep. Espitia, Hills. 31; Rep. Mulligan, Graf. 12; Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Hennessey, Dist 5; Sen. Dietsch, Dist 9; Sen. Kahn, Dist 10

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

This bill establishes a procedure for issuing extreme risk protection orders to protect against persons who pose an immediate risk of harm to themselves or others.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to extreme risk protection orders.

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

1 1 Statement of Purpose. The general court finds that allowing family or household members or
2 law enforcement officers to petition for a court order to temporarily restrict access to firearms by
3 individuals who are found to pose an immediate risk to themselves or others would advance public
4 safety. This act shall not apply in cases of domestic abuse or stalking where the petitioner is eligible
5 to petition for relief under RSA 173-B or RSA 633:3-a.

6 2 New Chapter; Extreme Risk Protection Orders. Amend RSA by inserting after chapter 159-D
7 the following new chapter:

8 CHAPTER 159-E

9 EXTREME RISK PROTECTION ORDERS

10 159-E:1 Definitions. In this chapter:

11 I. "Extreme risk protection order" means a temporary, ex parte, or final order issued
12 pursuant to this chapter to temporarily restrict access to firearms by individuals who are found to
13 pose an immediate or significant risk to themselves or others.

14 II. "Family or household member" means:

15 (a) A spouse, ex-spouse, person cohabiting with another person, and a person who
16 cohabited with another person in the preceding 24 months but who no longer shares the same
17 residence.

18 (b) A parent or other person related by consanguinity or affinity, other than a minor
19 child who resides with the respondent.

20 III. "Firearm" means any weapon, including a starter gun, which will, is designed to, or may
21 be readily converted to expel a projectile by the action of an explosive.

22 IV. "Intimate partner" means a person who is currently or who, in the preceding 24 months,
23 has been involved in a romantic relationship with another, whether or not such relationship was
24 ever sexually consummated.

25 V. "Law enforcement officer" means a sheriff or deputy sheriff of any county, a state police
26 officer, a constable or police officer of any city or town, or a conservation officer.

27 VI. "Petitioner" means a law enforcement officer, family or household member, or intimate
28 partner of the respondent who files a petition for an extreme risk protection order under this
29 chapter.

30 VII. "Respondent" means an individual who is identified as the respondent in a petition filed
31 under this chapter.

1 159-E:2 Jurisdiction and Venue.

2 I. The district division of the circuit court shall have jurisdiction over all proceedings under
3 this chapter.

4 II. The petitioner may commence proceedings pursuant to RSA 159-E:3 in the county or
5 district where either the petitioner or the respondent resides.

6 III. Proceedings under this chapter may be transferred to another court upon the motion of
7 any party or of the court as the interests of justice or the convenience of the parties may require.

8 159-E:3 Commencement of Proceedings; Petition; Hearing.

9 I. A petitioner may seek relief under this chapter by filing a petition, in the county or
10 district where the petitioner or respondent resides, alleging that the respondent poses a significant
11 risk of causing bodily injury to himself or herself or others by having a firearm or any ammunition in
12 his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition.

13 II. A petition for an extreme risk protection order shall:

14 (a) Be accompanied by a written affidavit, signed by the petitioner under oath. The
15 affidavit shall contain specific factual allegations regarding the factors that give rise to petitioner's
16 belief that respondent poses a significant risk of causing bodily injury to himself or herself or others
17 by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing,
18 or receiving a firearm or any ammunition.

19 (b) Identify the quantities, types, and locations of all firearms and ammunition the
20 petitioner believes to be in the respondent's current ownership, possession, custody, or control.

21 (c) Identify if there is a known existing protection order in effect against the respondent
22 under RSA 173-B or any other applicable statute.

23 (d) Identify what steps if any have been taken to voluntarily remove firearms from the
24 respondent.

25 III. Any person who files a petition under this chapter containing allegations the petitioner
26 knows to be false, or who files a petition with intent to harass the respondent, shall be subject to
27 criminal penalties, as set forth in RSA 159-E:11.

28 IV. Notice of the pendency of the action and of the facts alleged against the respondent shall
29 be given to the respondent, either personally or as provided in paragraph V. The petitioner shall be
30 permitted to supplement or amend the petition only if the respondent is provided an opportunity
31 prior to the hearing to respond to the supplemental or amended petition. All petitions filed under
32 this chapter shall include the home and work telephone numbers of the respondent, if known.
33 Notice of the whereabouts of the petitioner may be kept confidential by order of the court for good
34 cause shown. Any answer by the respondent shall be filed with the court and a copy shall be
35 provided to the petitioner by the court.

36 V. No filing fee or fee for service of process shall be charged for a petition or response under
37 this section, and the petitioner or respondent may proceed without legal counsel. A law enforcement

1 officer shall serve process under this section. Any proceeding under this chapter shall not preclude
2 any other available civil or criminal remedy.

3 VI. The clerk of the circuit court shall supply forms for petitions and for relief under this
4 chapter designed to facilitate pro se proceedings. All such petitions shall contain the following
5 statement: "I swear that the foregoing information is true and correct to the best of my knowledge.
6 I understand that making a false statement on this petition will subject me to criminal penalties."

7 VII. The findings of facts shall be final, but questions of law may be transferred from the
8 circuit court to the superior court.

9 VIII.(a) The court shall hold a hearing within 7 days of the filing of a petition under this
10 section or within 4 days of service of process upon the respondent, whichever occurs later.

11 (b) The time frame established in this paragraph may be extended for an additional 7
12 days upon motion by the respondent for good cause shown. A recusal by the judge or any act of God
13 or closing of the court that interferes with the originally scheduled hearing shall not be cause for the
14 dismissal of the petition. The court shall reschedule any hearing under this section in an
15 expeditious manner.

16 IX. In any proceeding under this chapter, the court shall not be bound by the technical rules
17 of evidence and may admit evidence which it considers relevant, reliable, and material.

18 159-E:4 Temporary Relief.

19 I. A petitioner may request, and the court may enter, a temporary extreme risk protection
20 order with or without actual notice to respondent. The court shall issue a temporary extreme risk
21 protection order if it finds, by a preponderance of the evidence, that the respondent poses an
22 immediate and significant risk of causing bodily injury to himself or herself or others by having a
23 firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving
24 a firearm or ammunition.

25 II. If a temporary extreme risk protection order is requested, the court shall hold a
26 temporary ex parte risk protection order hearing in person or by telephone on the day the petition is
27 filed or on the business day immediately following the day the petition is filed.

28 III. The court shall determine, by a preponderance of the evidence, whether there is reason
29 to believe that the respondent poses an immediate risk of causing bodily injury to himself or herself
30 or others by having a firearm or any ammunition in his or her custody or control or by purchasing,
31 possessing, or receiving a firearm or ammunition. The court shall consider any relevant, reliable,
32 and material evidence.

33 IV. Temporary orders issued under this section shall prohibit the respondent from
34 purchasing, possessing, or receiving any firearms and ammunition for the duration of the order and
35 shall further direct the respondent to relinquish to a law enforcement officer all firearms and
36 ammunition in the control, ownership, or possession of the respondent or any other person on behalf
37 of the respondent, and any license to carry a loaded pistol or revolver issued to the respondent under

1 RSA 159:6, for the duration of the protective order. The court shall require proof, which may be in
2 the form of a verbal attestation under oath or sworn affidavit, that the respondent has surrendered
3 any firearms or ammunition owned by the respondent or in his or her custody, control, or possession.

4 V. The court may issue such temporary orders by telephone or facsimile. Such
5 telephonically issued orders shall be made by a circuit court judge to a law enforcement officer and
6 shall be valid in any jurisdiction in the state. Such orders shall be returnable to the circuit court
7 where the petitioner resides, unless otherwise ordered by the issuing judge. If non-telephonic
8 temporary orders are made ex parte, the party against whom such relief is issued may file a written
9 request with the clerk of the court and request an expedited hearing on such orders. Such hearing
10 shall be held no less than 3 business days and no more than 5 business days after the request is
11 received by the clerk. Such hearing may constitute the final hearing under RSA 159-E:3, VIII.

12 VI. A temporary extreme risk protection order shall expire upon the hearing on a final
13 extreme risk protection order under RSA 159-E:3, VIII.

14 VII. The court may subsequently issue a search warrant authorizing a law enforcement
15 officer to search for and seize any and all firearms and ammunition in the respondent's possession,
16 custody or control, if there is probable cause to believe respondent has firearms or ammunition and if
17 the court has reason to believe that such firearms or ammunition have not been relinquished by the
18 respondent.

19 VIII. The court shall state the particular reasons for denying or granting the petitioner's
20 request for a temporary extreme risk protection order.

21 159-E:5 Relief.

22 I. After notice to respondent and a hearing, and upon a showing by the petitioner that there
23 is clear and convincing evidence that the respondent poses a significant and ongoing risk of causing
24 bodily injury to himself or herself or others by having a firearm or any ammunition in his or her
25 custody or control or by purchasing, possessing, or receiving a firearm or ammunition, the court shall
26 issue an extreme risk protection order for a period not to exceed 12 months.

27 II. An extreme risk protection order issued under this section shall prohibit the respondent
28 from purchasing, possessing, or receiving any firearms and ammunition for the duration of the order
29 and shall further direct the respondent to relinquish to a law enforcement officer all firearms and
30 ammunition in the control, ownership, or possession of the respondent, and any license to carry a
31 loaded pistol or revolver issued to the respondent under RSA 159:6 for the duration of the order.

32 III. In determining whether there is clear and convincing evidence to believe that the
33 respondent poses an immediate risk of causing bodily injury to himself or herself or others by having
34 a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or
35 receiving a firearm or ammunition, the court shall consider any relevant, reliable, and material
36 evidence.

1 IV. A person, including an officer of the court, who offers evidence or recommendations
2 relating to a petition filed under this chapter either shall present the evidence or recommendations
3 in to the court in a sworn written affidavit, with copies to each party and his or her attorney, if one is
4 retained, or shall present the evidence under oath at a hearing at which all parties are present.

5 V. During the hearing, the court shall determine if a mental health evaluation or chemical
6 dependency evaluation is appropriate and may order such evaluation if the court finds there is clear
7 and convincing evidence that the respondent has a serious mental illness or recurring mental health
8 condition that is likely to lead to the respondent being a danger to themselves or others. A mental
9 health evaluation ordered pursuant to this paragraph shall comply with the requirements of RSA
10 135-C.

11 VI. The court may subsequently issue a search warrant authorizing a law enforcement
12 officer to search for and seize all firearms and ammunition in the respondent's possession, custody,
13 or control, if there is probable cause to believe respondent has firearms or ammunition and if the
14 court has probable cause to believe that such firearms or ammunition have not been relinquished by
15 the respondent. The court shall require proof, which may be in the form of a verbal attestation
16 under oath or sworn affidavit, that the respondent has surrendered any firearms or ammunition
17 owned by the respondent or in his or her custody, control, or possession.

18 159-E:6 Contents of Extreme Risk Protection Orders.

19 I. An extreme risk protection order issued under this chapter shall include all of the
20 following:

21 (a) A statement of the grounds supporting the issuance of the order.

22 (b) The date the order was issued.

23 (c) The date the order expires.

24 (d) Whether a mental health evaluation or chemical dependency evaluation of the
25 respondent is required and, if so, when the results of said evaluation must be provided to the court.

26 (e) The address of the court in which any responsive pleading should be filed.

27 (f) A description of the requirements for the surrender of all firearms and ammunition in
28 the control, ownership, or possession of the respondent under RSA 159-E:8.

29 (g) The following statement:

30 "To the subject of this extreme risk protection order: This order will remain in effect until the date
31 noted above. If you have not done so already, you shall surrender immediately to the (insert name of
32 local law enforcement agency) all firearms and ammunition that you own or that are in your custody,
33 control, or possession and any license to carry a loaded pistol or revolver issued to you under RSA
34 159:6. You may seek the advice of an attorney as to any matter connected with this order."

35 II. If the court issues a temporary extreme risk protection order under RSA 159-E:4, the
36 court shall inform the respondent, in writing, that he or she is entitled to request an expedited

1 hearing as provided in RSA 159-E:4, V. The court shall provide the respondent with a form to
2 request such a hearing.

3 III. If the court issues an extreme risk protection order under RSA 159-E:5, the court shall
4 inform the respondent, in writing, that he or she is entitled to request a hearing to vacate the order
5 in the manner provided in RSA 159-E:10. The court shall provide the respondent with a form to
6 request a hearing to vacate.

7 IV. The court shall state the particular reasons for granting or denying the petitioner's
8 request for an extreme risk protection order.

9 159-E:7 Notification; Reporting of Orders.

10 I. A copy of any order made under this chapter shall be promptly transmitted to the local
11 law enforcement agency having jurisdiction to enforce such order and, if such person has been issued
12 a license to carry a loaded pistol or revolver under RSA 159:6, notice shall also be promptly made to
13 the issuing authority of the license.

14 II. Extreme risk protection orders, including temporary extreme risk protection orders, shall
15 be promptly served on the respondent by the law enforcement officer. Modifications, extensions, and
16 any order vacating an extreme risk protection order shall be sent to the respondent's last address of
17 record. The respondent shall be responsible for informing the court of any changes of address. Law
18 enforcement agencies shall establish procedures whereby a law enforcement officer at the scene of an
19 alleged violation of such an order may be informed of the existence and terms of such order.

20 III. The clerk of the court shall enter any order issued under this chapter into a statewide
21 judicial information system on the same day such order is issued. The order shall remain in the
22 information system as long as the order remains in effect.

23 IV. The clerk of the court shall forward a copy of any order issued under this section the
24 same day such order is issued to the department of safety, which in turn shall forward a copy to the
25 Federal Bureau of Investigation, or its successor agency, for inclusion in the National Instant
26 Criminal Background Check database.

27 V. Any court-ordered changes, extensions, or modifications to the order shall be effective
28 upon issuance of such changes, extensions, or modifications and shall be mailed or otherwise
29 provided to the appropriate law enforcement agency, issuing authority, and transmitted to the
30 department of safety within 24 hours of the entry of such changes, extensions, or modifications.

31 159-E:8 Surrender of Firearms and Ammunition.

32 I. Upon issuance of any extreme risk protection under this chapter, including a temporary
33 ex parte extreme risk protection order, the court shall order the respondent to surrender to the local
34 law enforcement agency all firearms and ammunition owned by the respondent or in his or her
35 custody, control, or possession and any license to carry a loaded pistol or revolver issued to the
36 respondent under RSA 159:6.

1 II. The law enforcement officer serving an extreme risk protection order under this section,
2 including a temporary extreme risk protection order, shall request that the respondent immediately
3 surrender all firearms and ammunition owned by the respondent or in his or her custody, control, or
4 possession and any license to carry a loaded pistol or revolver issued to the respondent under RSA
5 159:6. The law enforcement officer shall take possession of all firearms and ammunition and any
6 license to carry a loaded pistol or revolver issued to them under RSA 159:6, which are surrendered.
7 Alternatively, if personal service by a law enforcement officer is not possible or is not required
8 because the respondent was present at the extreme risk protection order hearing, the respondent
9 shall surrender any firearms and ammunition owned by the respondent or in his or her custody,
10 control, or possession and any license to carry a loaded pistol or revolver issued to them under RSA
11 159:6, held by the respondent, in a safe manner to the control of the local law enforcement agency
12 immediately after being served with the order by service or immediately after the hearing at which
13 the respondent was present.

14 III. A law enforcement officer may, pursuant to RSA 159-E:4 and 159-E:5, seek a search
15 warrant from a court of competent jurisdiction to search for and seize any and all firearms and
16 ammunition owned by the respondent or in his or her possession, custody or control if the officer has
17 probable cause to believe that said firearms or ammunition have not been surrendered.

18 IV. At the time of surrender, a law enforcement officer taking possession of any firearm or
19 ammunition owned by the respondent or in his or her custody, control, or possession, or any license
20 to carry a loaded pistol or revolver issued to respondent under RSA 159:6, shall issue a receipt
21 identifying all firearms and the quantity and type of ammunition that have been surrendered, and
22 any license surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours
23 after service of the order, the law enforcement officer serving the order shall file the original receipt
24 with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

25 V. Notwithstanding RSA 595-A, upon the sworn statement or testimony of any person
26 alleging that the respondent has failed to comply with the surrender required by any order issued
27 under this chapter, the court shall determine whether probable cause exists to believe that the
28 respondent has failed to surrender any firearms or ammunition owned by the respondent in his or
29 her custody, control, or possession. If the court finds that probable cause exists, the court shall issue
30 a warrant describing the firearms or ammunition owned by the respondent or in his her custody,
31 control or possession and authorizing a search of the locations where any such firearms or
32 ammunition are reasonably believed to be found and the seizure of any such firearms or ammunition
33 discovered pursuant to such search.

34 VI. If a person other than the respondent claims title to any firearms or ammunition
35 surrendered or seized pursuant to this section and he or she is determined by the law enforcement
36 agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be
37 returned to him or her, if:

1 (a) The lawful owner agrees to store the firearm or ammunition in a manner such that
2 the respondent does not have access to or control of the firearm or ammunition; and

3 (b) The law enforcement agency conducts a background check to determine that the
4 lawful owner is not prohibited under state or federal law from possessing the firearm or
5 ammunition.

6 VII. Upon the issuance of any extreme risk protection order, the court shall order a new
7 hearing date and require the respondent to appear no later than 3 business days after the issuance
8 of the order. The court shall require proof that the respondent has surrendered any firearms or
9 ammunition owned by the respondent or in his or her custody, control, or possession. The court may
10 cancel the hearing upon a satisfactory showing that the respondent is in compliance with the
11 surrender order.

12 VIII. All law enforcement agencies shall develop policies and procedures regarding the
13 acceptance, storage, and return of firearms, ammunition, or licenses required to be surrendered
14 under this section.

15 159-E:9 Return and Disposal of Firearms and Ammunition.

16 I. If an extreme risk protection order is vacated or ends without extension, a respondent
17 may request, by motion to the court, the return of any and all firearms and ammunition that has
18 been surrendered to or seized by the law enforcement pursuant to this chapter. Upon receipt of such
19 a motion, the court shall schedule a hearing no later than 15 days after the expiration of the order.
20 The court shall provide written notice to the petitioner who shall have the right to appear and be
21 heard, and to the law enforcement agency which has control of the firearms and ammunition. The
22 scope of the hearing shall be limited to:

23 (a) Establishing whether the respondent is subject to any state or federal law or
24 court order that prohibits the respondent from owning or possessing a firearm or ammunition; and

25 (b) Under circumstances where the petitioner has requested an extension of the extreme
26 risk protection order, pursuant to subsection 10 of this chapter, whether the petitioner has
27 established by clear and convincing evidence that the respondent continues to pose a significant risk
28 of causing bodily injury to himself or herself or others by having a firearm or any ammunition in his
29 or her custody or control or by purchasing, possessing, or receiving a firearm or ammunition.

30 II. If the court finds that the respondent is not subject to any state or federal law or court
31 order prohibiting the ownership or possession of firearms, and, if applicable, the court denies the
32 petitioner's request to extend the extreme risk protection order, the court shall issue a written order
33 directing the law enforcement agency to return the requested firearms and ammunition to the
34 respondent.

35 III. Law enforcement agencies shall not release firearms and ammunition without a court
36 order granting such release. The law enforcement agency may charge the respondent a reasonable
37 fee for the storage of any firearms and ammunition taken surrendered or seized to an extreme risk

1 protection order. The fee shall not exceed the actual cost incurred by the law enforcement agency for
2 the storage of the firearms and ammunition. The respondent may make alternative arrangements
3 with a federally-licensed firearms dealer for the storage of firearms, at the respondent's own
4 expense, upon approval of the court. Such firearms shall be turned over to the appropriate law
5 enforcement agency for transfer to the storage facility. Retrieval of such firearms shall be through
6 the law enforcement agency responsible for their transfer to the storage facility pursuant to a court
7 order as prescribed in this paragraph.

8 IV. No law enforcement agency shall be held liable for alleged damage or deterioration due
9 to storage or transportation to any firearms and ammunition and specified deadly weapons held by a
10 law enforcement agency, so long as due care is used.

11 V. If an extreme risk protection order is vacated or ends without extension, the licensing
12 authority, if it has suspended a license to carry a loaded pistol or revolver issued to respondent
13 under RSA 159:6 pursuant to this section, shall reinstate such license only after confirming that the
14 respondent is currently eligible to have such license.

15 VI. The court shall provide written notice, sent via the United States Postal Service to the
16 last known address of the petitioner before the return of any firearm and ammunition surrendered
17 or seized pursuant to this chapter.

18 159-E:10 Termination and Extension of Orders.

19 I. The respondent may submit one written request for a hearing to vacate an extreme risk
20 protection order issued under RSA 159-E:5, starting after the date of the issuance of the order, and
21 may request one additional hearing after every extension of the order, if any.

22 (a) Upon receipt of the request for a hearing to vacate an extreme risk protection order,
23 the court shall set a date for a hearing. Notice of the request shall be served on the petitioner as
24 provided in RSA 159-E:7. The hearing shall occur no sooner than 14 days and no later than 30 days
25 after the date of service of the request upon the petitioner.

26 (b) The respondent shall have the burden of proving by clear and convincing evidence
27 that the respondent no longer poses a significant risk of causing bodily injury to himself or herself or
28 others by having a firearm or any ammunition in his or her custody or control or by purchasing,
29 possessing, or receiving a firearm or ammunition. The court shall consider any relevant, reliable,
30 and material evidence.

31 (c) If the court finds after the hearing that the respondent has met his or her burden of
32 proof, the court shall vacate the order.

33 (d) The law enforcement agency holding any firearm or ammunition or license to carry a
34 loaded pistol or revolver that has been surrendered or seized pursuant to this section shall be
35 notified of the court order to vacate the extreme risk protection order. The court shall also provide
36 notice as required by RSA 159-E:7, V.

1 II. The court shall notify the petitioner of the impending expiration of an extreme risk
2 protection order. Notice shall be received by the petitioner at least 30 days before the date the order
3 is set to expire.

4 III. The petitioner may, by motion, request an extension of an extreme risk protection order
5 at any time within 30 days before the end of the order.

6 (a) Upon receipt of the motion to extend, the court shall schedule a hearing to be held no
7 later than 14 days after the date the motion to extend is filed. The respondent shall be personally
8 served with notice of the motion to extend as provided in RSA 159-E:7.

9 (b) In determining whether to extend an extreme risk protection order issued under this
10 section, the court shall consider any relevant, reliable, and material evidence.

11 (c) If the court finds by clear and convincing evidence that the requirements for issuance
12 of an extreme risk protection order as provided in RSA 159-E:5 continue to be met, the court shall
13 extend the order.

14 (d) The court may extend an extreme risk protection order for a period that it deems
15 appropriate, up to and including but not exceeding 12 months, subject to an order to vacate as
16 provided in paragraph I or to another extension order by the court.

17 (e) The court shall also provide notice of the extension of the order as required in RSA
18 159-E:7, V.

19 159-E:11 Violation of Extreme Risk Protection Order; Penalties.

20 I. In addition to other applicable charges and penalties, a person shall be guilty of a class A
21 misdemeanor if such person knowingly files a petition under this chapter containing false
22 allegations, or if such person files a petition with intent to harass the respondent.

23 II. In addition to other applicable charges and penalties, a person shall be guilty of a class B
24 felony if he or she knowingly violates an extreme risk protection order issued under this chapter by
25 having in his or her possession, custody, or control any firearm or ammunition while the order is in
26 effect.

27 III. A person who completes and signs an application for purchase of a firearm and who
28 knows that such purchase is illegal because he or she is subject to an extreme risk protection order
29 shall be guilty of a class A misdemeanor for a first offense and a class B felony for a second or
30 subsequent offense.

31 159-E:12 Orders Enforceable.

32 I. Any extreme risk protection order issued under this chapter shall be effective throughout
33 the state.

34 II. Any comparable extreme risk protection order issued by any other state, tribal, or
35 territorial court, including an ex parte order, shall be deemed valid if the issuing court had
36 jurisdiction over the parties and matter under the law of the state, tribe, or territory, and the person

1 against whom the order was made was given reasonable notice and opportunity to be heard. There
2 shall be a presumption of validity where an order appears facially valid.

3 III. Any valid extreme risk protection order, as defined in paragraph II, shall be accorded
4 full faith and credit throughout the state.

5 159-E:13 Standard Forms.

6 I. The administrative office of the courts shall develop instructions and informational
7 brochures, standard petition forms, and extreme risk protection order forms. The standard petition
8 and order forms shall be developed after September 20, 2020 for use by January 1, 2021, for all
9 petitions filed and orders issued under this chapter. The instructions, brochures, forms, and
10 handbook shall be prepared in consultation with interested persons, judges, and law enforcement
11 personnel. Materials shall be based on best practices and available electronically online to the
12 public.

13 (a) The instructions shall be designed to assist petitioners in completing the petition and
14 shall include a sample of a standard petition and order for protection forms.

15 (b) The instructions and standard petition shall include a means for the petitioner to
16 identify, with only lay knowledge, the firearms the respondent may own, possess, receive, or have in
17 his or her custody or control. The instructions shall provide pictures of types of firearms that the
18 petitioner may choose from to identify the relevant firearms, or an equivalent means to allow
19 petitioners to identify firearms without requiring specific or technical knowledge regarding the
20 firearms.

21 (c) The informational brochure shall describe the use of and the process for obtaining,
22 modifying, and terminating an extreme risk protection order under this chapter, and provide
23 relevant forms. The brochure shall provide plain language explanations of these processes for both
24 petitioners and respondents. The brochure shall also clearly explain the legal requirements and
25 processes for the relinquishment and return of firearms pursuant to an extreme risk protection
26 order.

27 (d) The extreme risk protection order form shall include, in a conspicuous location,
28 notice of criminal penalties resulting from violation of the order, and the following statement: "You
29 have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court
30 can change the order and only upon written application."

31 (e) The court staff handbook shall allow for the addition of a community resource list by
32 the court clerk.

33 II. The clerk of the circuit court may create a community resource list of crisis intervention,
34 mental health, substance abuse, interpreter, counseling, and other relevant resources serving the
35 county in which the court is located. The court may make the community resource list available as
36 part of or in addition to the informational brochures described in paragraph I.

1 III. The administrative office of the courts shall distribute a master copy of the petition and
2 order forms, instructions, and informational brochures to all court clerks and shall distribute a
3 master copy of the petition and order forms to all clerks of the circuit courts. Distribution of all
4 documents shall, at a minimum, be in an electronic format or formats accessible to all courts and
5 court clerks in the state.

6 IV. The administrative office of the courts shall determine the significant non-English-
7 speaking or limited-English-speaking populations in the state. The administrator shall then arrange
8 for translation of the instructions and informational brochures required by this section to be
9 developed after September 20, 2020, which shall contain a sample of the standard petition and order
10 for protection forms, into the languages spoken by those significant non-English-speaking
11 populations and shall distribute a master copy of the translated instructions and informational
12 brochures to all clerks of the circuit court by January 1, 2021.

13 V. The administrative office of the courts shall update the instructions, brochures, standard
14 petition, and extreme risk protection order forms, and court staff handbook as necessary, including
15 when changes in the law make an update necessary.

16 159-E:14 Reporting.

17 I. No later than January 31 of each year, clerks of the circuit courts shall report to the
18 administrative office of the courts the following information:

19 (a) The total number of petitions for an extreme risk protection order, and the total
20 number of those petitions that requested the order be issued ex parte during the previous year.

21 (b) The total number of temporary extreme risk protection orders issued and the total
22 number denied during the previous year.

23 (c) The total number of extreme risk protection orders issued and the total number
24 denied during the previous year.

25 (d) The total number of extreme risk protection orders vacated upon petition by the
26 respondent during the previous year.

27 (e) The total number of extreme risk protection orders extended during the previous
28 year.

29 II. No later than April 1 of each year the administrative office of the courts shall compile
30 and publish on its website a report which aggregates the information received pursuant to
31 paragraph I and lists each category by county and type of court.

32 3 Effective Date.

33 I. RSA 159-E:13, as inserted by section 2 of this act, shall take effect September 20, 2020.

34 II. The remainder of this act shall take effect January 1, 2021.

