

Bill as  
Introduced

HB 687-FN - AS AMENDED BY THE HOUSE

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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

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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.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand 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.

**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
Funding Source:	<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



HB 687-FN - FINAL VERSION

8Jan2020... 2790h  
30Jun2020... 1630EBA

2020 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

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 687-FN - FINAL VERSION

8Jan2020... 2790h  
30Jun2020... 1630EBA

19-0007  
04/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty*

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.

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

3 159-E:2 Jurisdiction and Venue.

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

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

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

10 159-E:3 Commencement of Proceedings; Petition; Hearing.

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

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

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

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

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

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

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

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

1 V. No filing fee or fee for service of process shall be charged for a petition or response under  
2 this section, and the petitioner or respondent may proceed without legal counsel. A law enforcement  
3 officer shall serve process under this section. Any proceeding under this chapter shall not preclude  
4 any other available civil or criminal remedy.

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

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

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

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

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

20 159-E:4 Temporary Relief.

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

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

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

35 IV. Temporary orders issued under this section shall prohibit the respondent from  
36 purchasing, possessing, or receiving any firearms and ammunition for the duration of the order and  
37 shall further direct the respondent to relinquish to a law enforcement officer all firearms and

1 ammunition in the control, ownership, or possession of the respondent or any other person on behalf  
2 of the respondent, and any license to carry a loaded pistol or revolver issued to the respondent under  
3 RSA 159:6, for the duration of the protective order. The court shall require proof, which may be in  
4 the form of a verbal attestation under oath or sworn affidavit, that the respondent has surrendered  
5 any firearms or ammunition owned by the respondent or in his or her custody, control, or possession.

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

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

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

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

23 159-E:5 Relief.

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

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

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

1 receiving a firearm or ammunition, the court shall consider any relevant, reliable, and material  
2 evidence.

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

7 V. During the hearing, the court shall determine if a mental health evaluation or chemical  
8 dependency evaluation is appropriate and may order such evaluation if the court finds there is clear  
9 and convincing evidence that the respondent has a serious mental illness or recurring mental health  
10 condition that is likely to lead to the respondent being a danger to themselves or others. A mental  
11 health evaluation ordered pursuant to this paragraph shall comply with the requirements of RSA  
12 135-C.

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

20 159-E:6 Contents of Extreme Risk Protection Orders.

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

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

24 (b) The date the order was issued.

25 (c) The date the order expires.

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

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

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

31 (g) The following statement:

32 "To the subject of this extreme risk protection order: This order will remain in effect until the date  
33 noted above. If you have not done so already, you shall surrender immediately to the (insert name of  
34 local law enforcement agency) all firearms and ammunition that you own or that are in your custody,  
35 control, or possession and any license to carry a loaded pistol or revolver issued to you under RSA  
36 159:6. You may seek the advice of an attorney as to any matter connected with this order."

1           II. If the court issues a temporary extreme risk protection order under RSA 159-E:4, the  
2 court shall inform the respondent, in writing, that he or she is entitled to request an expedited  
3 hearing as provided in RSA 159-E:4, V. The court shall provide the respondent with a form to  
4 request such a hearing.

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

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

11           159-E:7 Notification; Reporting of Orders.

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

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

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

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

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

33           159-E:8 Surrender of Firearms and Ammunition.

34           I. Upon issuance of any extreme risk protection under this chapter, including a temporary  
35 ex parte extreme risk protection order, the court shall order the respondent to surrender to the local  
36 law enforcement agency all firearms and ammunition owned by the respondent or in his or her

1 custody, control, or possession and any license to carry a loaded pistol or revolver issued to the  
2 respondent under RSA 159:6.

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

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

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

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

36 VI. If a person other than the respondent claims title to any firearms or ammunition  
37 surrendered or seized pursuant to this section and he or she is determined by the law enforcement



1 agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be  
2 returned to him or her, if:

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

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

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

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

17 159-E:9 Return and Disposal of Firearms and Ammunition.

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

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

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

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

1           III. Law enforcement agencies shall not release firearms and ammunition without a court  
2 order granting such release. The law enforcement agency may charge the respondent a reasonable  
3 fee for the storage of any firearms and ammunition taken surrendered or seized to an extreme risk  
4 protection order. The fee shall not exceed the actual cost incurred by the law enforcement agency for  
5 the storage of the firearms and ammunition. The respondent may make alternative arrangements  
6 with a federally-licensed firearms dealer for the storage of firearms, at the respondent's own  
7 expense, upon approval of the court. Such firearms shall be turned over to the appropriate law  
8 enforcement agency for transfer to the storage facility. Retrieval of such firearms shall be through  
9 the law enforcement agency responsible for their transfer to the storage facility pursuant to a court  
10 order as prescribed in this paragraph.

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

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

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

21           159-E:10 Termination and Extension of Orders.

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

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

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

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

36           (d) The law enforcement agency holding any firearm or ammunition or license to carry a  
37 loaded pistol or revolver that has been surrendered or seized pursuant to this section shall be

1 notified of the court order to vacate the extreme risk protection order. The court shall also provide  
2 notice as required by RSA 159-E:7, V.

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

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

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

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

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

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

19 (e) The court shall also provide notice of the extension of the order as required in RSA  
20 159-E:7, V.

21 159-E:11 Violation of Extreme Risk Protection Order; Penalties.

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

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

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

33 159-E:12 Orders Enforceable.

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

36 II. Any comparable extreme risk protection order issued by any other state, tribal, or  
37 territorial court, including an ex parte order, shall be deemed valid if the issuing court had

1 jurisdiction over the parties and matter under the law of the state, tribe, or territory, and the person  
2 against whom the order was made was given reasonable notice and opportunity to be heard. There  
3 shall be a presumption of validity where an order appears facially valid.

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

6 159-E:13 Standard Forms.

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

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

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

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

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

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

34 II. The clerk of the circuit court may create a community resource list of crisis intervention,  
35 mental health, substance abuse, interpreter, counseling, and other relevant resources serving the  
36 county in which the court is located. The court may make the community resource list available as  
37 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.

**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
Funding Source:	<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

# Committee Minutes



# SENATE CALENDAR NOTICE

## Judiciary

Sen Martha Hennessey, Chair  
Sen Shannon Chandley, Vice Chair  
Sen Melanie Levesque, Member  
Sen Sharon Carson, Member  
Sen Harold French, Member

Date: June 19, 2020

### HEARINGS

Wednesday

06/24/2020

(Day)

(Date)

Judiciary

REMOTE

8:00 a.m.

(Name of Committee)

(Place)

(Time)

8:00 a.m.	<b>HB 1375</b>	relative to cancellations of commercial insurance policies.
8:05 a.m.		Hearing on proposed Amendment #2020-1548s, to HB 1375, relative to cancellations of commercial insurance policies.
8:35 a.m.	<b>HB 1249</b>	relative to the legal representation of children in the juvenile justice system.
8:40 a.m.		Hearing on proposed Amendment #2020-1550s, to HB 1249, relative to the legal representation of children in the juvenile justice system.
9:10 a.m.	<b>HB 687-FN</b>	relative to extreme risk protection orders.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. To sign-in and/or speak in support or opposition, please register in advance by using this link:

[https://www.zoom.us/webinar/register/WN\\_QH1esiFMQNC5q9CjM5O\\_jA](https://www.zoom.us/webinar/register/WN_QH1esiFMQNC5q9CjM5O_jA)

2. To submit your testimony to the committee, please send all documents via email to [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us)

3. To listen via telephone: Dial (for higher quality, dial a number based on your current location):

1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833

4. Or iPhone one-tap: 13126266799,,94954573376# or 19292056099,,94954573376#

5. Webinar ID: **949 5457 3376**

6. To view/listen to this hearing on YouTube, use this link:

<https://www.youtube.com/channel/UCjBZdtrjRnQdmg2MPMiWrA>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-3043).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 1375**

Rep. Hunt

Sen. French

**HB 1249**

Rep. Berrien

Rep. Martin

Sen. Hennessey

Sen. Carson

**HB 687-FN**

Rep. Altschiller

Rep. Fenton

Rep. Espitia

Rep. Mulligan

Sen. Hennessey

Sen. Dietsch

Rep. Rice

Rep. Gordon

Sen. Reagan

Sen. Bradley

Rep. Knirk

Rep. Backus

Sen. Watters

Sen. Sherman

Sen. Kahn

Jennifer Horgan 271-2609

Martha S. Hennessey

Chairman

**Senate Judiciary Committee**  
*Jennifer Horgan 271-2609*

HB 687-FN, relative to extreme risk protection orders.

**Hearing Date:** June 24, 2020

**Time Opened:** 10:08 a.m.

**Time Closed:** 12:39 p.m.

**Members of the Committee Present:** Senators Hennessey, Chandley, Levesque, Carson and French

**Members of the Committee Absent :** None

**Bill 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.

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**Sponsors:**

Rep. Altschiller

Rep. Fenton

Rep. Knirk

Rep. Backus

Rep. Espitia

Rep. Mulligan

Sen. Watters

Sen. Sherman

Sen. Hennessey

Sen. Dietsch

Sen. Kahn

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**Who supports the bill:** Please See Sign-In Sheets

**Who opposes the bill:** Please See Sign-In Sheets

**Who is neutral on the bill:** Please See Sign-In Sheets

**Summary of testimony presented in support:**

**Representative Altschiller** (submitted written testimony)

- This creates an extreme risk protective order (ERPO).
- It is a public safety bill with public health applications.
- The intention is to address the gap in current NH statute that leaves families and law enforcement powerless when families see a loved on in crisis who is exhibiting suicidal ideation or threats to harm other people.
- NAMI NH developed a White Sheet on suicide ideation.
- In NH suicide is the second leading cause of death for 10-34-year-olds.
- Nearly half of those suicides are with a firearm.
- From 2013-2017 nearly 1,200 NH residents died by suicide and nearly half of those were done with a firearm.
- When someone uses a firearm to attempt suicide, that attempt is lethal 90% of the time.

- With other causes of death like cancer or overdoses as a State we engage in awareness programs and campaigns, create drug abuse prevention programs, pass legislation, engage in public outreach, and institute support programs.
- One measure will not prevent all future tragedies, but a collaboration of prevention, training, and outreach will help turn things around.
- The ERPO is designed to put a speed bump in front of someone to prevent access to the most lethal means to do themselves or others harm.
- This temporarily relieves a person who has demonstrated that they are a danger to themselves or those around them access to firearms.
- There are currently three statutes that relieve people of their rights to have access to firearms: domestic violence restraining order (RSA173-B), stalking statute (RSA 633:3) those are both criminal; the third involuntary emergency admissions (RSA 135-C) which is a civil statute.
- The backlog for admission into the State Psychiatric Hospital is weeks long. On February 25, 2020 there were 36 adults waiting in emergency rooms, June 18<sup>th</sup> there were 21, and yesterday, 28 were waiting.
- There is a gap between when someone has committed a crime and is deemed too dangerous to have access to firearms while that crime is being adjudicated and there is a high bar for an involuntary commitment to a state hospital.
- Families who see loved ones' behavior escalate have only a well check from local police as an option. Sometimes those offer partial relief, but other times they were not successful, and nothing could be done.
- This bill fills that gap, providing a tool to help those families in crisis.
- Families are on the frontlines for noticing these signs of crisis.
- Under this bill the court shall issue a temporary ERPO if it finds by a preponderance of the evidence that the respondent poses an immediate and significant risk.
- If and when an ERPO is issued a hearing must be held within seven days after filing a petition or within four days after the petition is served to the respondent, whichever occurs later.
- A respondent can request the hearing be expedited and the courts must hold that hearing in no less than three and no more than five business days after that request.
- Family and loved ones must file this under penalty of perjury.
- Petitioners must appear in court to defend their petition.
- There are no circumstances where an anonymous petition can be filed.
- A final order can not be put in place until a final hearing is held with both petitioner and responder present.
- This can be put in place for no longer than 12 months.
- This mirrors the processes and procedures we already have in NH
- The need for this has been recognized by the White House and Congress.
- In March 2018 the White House issued a White Sheet calling on every state to adopt ERPOs.
- Legislation has been filed in both bodies of Congress.
- 19 states and DC have ERPOs in place.

- In none of these states has there been a successful constitutional challenge to these laws.
- This legislation is crafted to reflect the needs of NH with stakeholders across the state.
- The Brady Campaign to Prevent Gun Violence reported that 42% of mass shooters exhibited warning signs before committing their crimes
- Suicide is preventable.
- Provided a petition to the Committee with over 770 signatures from citizens in NH in support of this.

**Ken Norton (NAMI) (submitted written testimony)**

- Close to 2/3 of the gun violence deaths in the US are suicides.
- The bill is focused on dangerousness, looking at access, and recognizing that the removal of firearms should be temporary.
- A 2018 CDC report identified NH as having the third highest increase in suicide deaths nationwide.
- On March 18, 2019 the NRA took an official position in favor of ERPOs.
- NRA Executive Director of Legislative Action, Chris Cox said “We need to stop dangerous people before they act. So Congress should provide funding to states to adopt risk protection orders. This can help prevent violent behavior before it turns into a tragedy. These laws also allow courts to intervene and temporarily remove firearms when a person threatens violence to themselves or others.”
- On December 18, 2018 President Trump’s federal Commission on School Safety issued a final report that dedicated a whole section to ERPOs.
- The report states that President Trump has called on states to adopt ERPOs to protect the rights of law-abiding citizens.
- The report states, “The available evidence suggests that the older risk warrant laws may have a positive impact on suicide prevention...States should adopt ERPO laws that incorporate an appropriate evidentiary standard to temporarily restrict firearms access by individuals found to be a danger to themselves or others.”
- This bill provides efficient due process, that suicide is preventable, and that this is an important mechanism.

**Representative Knirk**

- This bill is a public health approach for dealing with gun violence.
- The majority of firearm deaths are due to suicide.
- Access to a firearm 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 that person to obtain help.
- Although first responders do everything they can, most individuals that attempt suicide by gun die before reaching the hospital.
- After mass shootings, gun rights groups frequently call for addressing mental health problems and this bill provides a tool to do that.
- This does not seek to restrict access to firearms simply because someone has sought mental health help or is living with a mental health diagnosis.
- Restricting access 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 or suicides, we often hear that there were warning signs.
- An ERPO allows a family to call for help before the person is hurt.
- CT ERPO law was associated with a 14% reduction in the state's firearm suicide rate.
- This bill is a commonsense public health approach to the problem of gun violence.

**Representative Horrigan** (submitted written testimony)

- This bill keeps firearms out of the hands of those that should not have them, not just because of the risk of suicide but also because of shooting someone else.
- The effects on that shooter are also at hand, as that is a very unnatural thing.
- These are the most dangerous weapons that exist for the purpose of killing another living thing, whether through hunting or practicing for kill another creature.
- There is a lot of due process in this bill.
- A Maryland man, Gary Willis, was killed by police when his mother filed a petition, it was a terrible tragedy, but it was not the fault of the red flag law.

**Representative Mulligan** (submitted written testimony)

- 86% of Americans are in favor of ERPOs.
- This bill will save lives.
- Filing this petition will not be available to angry neighbors, frustrated co-workers, or those with a grudge.
- Petitioners must swear in court that their statements are true under penalty of perjury.
- This has been upheld by the US Supreme Court.
- ERPOs are a civil order that are designed to protect the public safety when there is an extreme risk.
- The courts are not under any obligation to grant the ERPO.
- It is not a criminal proceeding. There are no arrests, fingerprinting, or criminal records, and no one is prosecuted in the criminal courts.
- ERPOs do not prevent people from ever having a firearm again.

**Representative Stevens** (submitted written testimony)

- A lot of her constituents want to reduce gun violence and this bill does that.
- Has been in the mental health profession for over 30 years and can testify that red flag laws save lives.
- Has done hundreds of assessments and countless involuntary admissions.
- A decade ago, was doing an assessment and the entire family showed up with a look of terror; she was hamstrung from not being able to legally consider certain evidence. Interviewed everyone and had to discharge that person even though everything in her training screamed red flag. 10 hours later the exact scenario the entire family shared with her took place. That was the tragedy that could have been avoided had there been red flag laws.
- The Honorable Bob Clegg quoted her social media post and believes he misunderstood. Made that remark relative to the article that was attached to the post. That quote minus the article makes it appear she is making a political statement on the current unrest but those were remarks specific to the article.

Does not believe the he meant to be misleading because it is circulating online without the article.

#### **Representative Coursin**

- Has spent 40 years as a family doctor and a psychiatrist.
- Grew up with firearms and has great respect for that.
- Hears that it is wrong to intervene by allowing ex-parte hearing and because of concerns that something might happen without anything actually happening.
- Commitments to a locked psychiatric facility are justified based on probable cause in the absence of a hearing or even a specific event of actual physical harm.
- The argument of the lesser constraint of temporary restriction to access to a firearm requires greater protections does not stand up.
- In his experience with involuntary commitments he has not seen abuse by the petitioners, and when there has been abuse it has been done by the patient.
- The burden of proof is greater with an ERPO and the penalties for perjury are high for a false petition.
- You can never rule out that no abuse will occur as with any constraining legislation but the numbers of that will be vanishingly small.
- In the most recent study out of California looking at 1,000 cases from 2016-2019 there is no evidence there was abuse, but there is evidence it averted mass shootings and suicide.

#### **Clyde Bacon**

- Was a pilot in the Air Force for 11 years.
- Had an instructor pilot who shot himself to death
- In 1965 during the Vietnam Era he and his fellow soldiers faced death as a possibility, but they were all shocked someone with the talent and education of that instructor pilot would shoot himself.
- If there was a red flag law in place, then that may have been prevented.
- The military has a slogan "keep it simple stupid". The reality is that the most complicated of maneuvers can end up making the problem worse than they thought.
- Why not keep the laws simple, looking at the rights of people equally with the responsibilities people have?
- In peace time and war time leaders operate with the concept of 'acceptable losses.'
- The NRA and the talking heads that support the various gun lobby groups think and propose business proposals based on 'acceptable loses' to them.
- 87% of Americans are in favor sensible gun legislation.
- Legislators have a responsibility to answer the call of the majority of Americans who want sane gun laws.

#### **Robin Skudlarek (submitted written testimony)**

- Volunteers with Moms Demand Action.
- Her family has been personally affected by the gun violence epidemic.
- Every day more than 100 people die from gun violence, which is nearly 38,000 every year.
- Mass shootings are on the rise.

- In NH, a resident dies every three days from suicide with a gun.
- We have many ways to reduce this, like ERPOs.
- Tragic acts of mass violence are often preceded by red flags: violence, dangerous behavior, and other indications that a person poses a risk of harming themselves or others.
- Since the Parkland shooting in 2018, 15 states plus DC have passed red flag laws. Many of these laws were signed by republican governors.
- In the 10 years after Indiana passed its red flag law the state's firearm suicide rate decreased by 7.5%; CT's decreased by 14%.
- Red flag laws empower family members and law enforcement officers, the people who are most likely to see these warning signs.
- Suicide attempts not involving a gun are lethal less than 4% of the time.
- 15 years ago, her brother attempted suicide by gun to the head; he survived but with deficits including still having parts of the bullet in his head.
- He had exhibited signs and if they had this life saving tool it would have made a difference.
- He has not gone on to attempt suicide again.

#### **David Breault**

- Worked as a clinical social worker and has been involved in Moms Demand Action.
- Shared the story of someone who lost a loved one and how they wished they knew of a way to get the gun away from them.
- The pain those left behind live with can impact them for their entire lives.
- PTSD occurs in witnesses, family members, friends, helpers, etc.
- Refuses to accept that there is nothing we can do about gun violence in our society.
- Has worked with many suicidal people and knows that by responding in extreme situations and removing the means we can save lives.
- These people seem like they do not want help, but they do.

#### **Tracy Hahn-Burkett (Kent Street Coalition's Working Group on Gun Violence Prevention) (submitted written testimony)**

- After a gun tragedy often people talk about how there were signs and that it is not the gun it is person.
- Gun violence is a public health crisis that caused more loss of life since 1965 than all of the lives lost in every previous war in this country combined.
- Some speak to how safe NH is, but there are high rates of suicide in NH.
- This bill is one answer to this.
- Gun violence is too complex for any single cure-all.
- In CA one case study found 21 instances where ERPOs averted mass shootings.
- We are living in a time of increased social isolation and economic hardship.
- There has also been a huge spike in gun sales.
- It is critical that there exists some tool to remove firearms from those who are an imminent danger to themselves or others.

#### **Sonia Prince**

- Has heard from friends about a lot of their gun violence experiences that could have been prevented with laws like an ERPO.



- Has a client who has two little boys; went to their home last year and the husband was armed and has his dog because he has PTSD; he had also been hospitalized before for mental health issues. Does worry about the woman, her kids, and the husband.
- Thinks that is a situation where there could be prevention if he needs to be hospitalized again.
- In CA when there are patients who are severely ill who go to a mental health care hospital and admits they are a danger, the police then get a list and they go home to home to verify if people have registered guns and remove them.
- They had checked the vehicle of one individual and when they opened the trunk there were multiple guns and rope; they believed there was possible intent of doing something really damaging.
- Has a co-worker who lost a brother to suicide and she feels she could have saved her brother's life if she had access to an ERPO.

### **Rob Leatherbee**

- His son George died by suicide in 2017.
- George struggled with depression; all they could do to restrict his access to lethal means was to lock the gun safe.
- Despite psychiatric hospitalizations and police encounters, George was able to walk into a gun store and purchase a handgun, which he did twice.
- The police were able to talk him into handing over the first gun.
- If ERPOs were available, George would likely still be alive today.
- George's decision to take his life was sudden.
- Three days before his death George kept his appointment with his psychiatrist and two days later, he had a long upbeat conversation with his uncle.
- On the morning of November 24, 2017 George filled his prescriptions and then a few hours later he was found in his car having died by a self-inflicted gunshot.
- Research tells us many suicides are decided impulsively within minutes of the suicide.
- Sees this proposed bill as a reasonable balance.

### **Margaret Tilton** (submitted written testimony)

- Is a retired physician and her husband Rob just spoke about her son George.
- One of George's encounters with law enforcement was in 2016 with the Exeter Police because a friend said George expressed on social media that he bought a gun and was depressed.
- The Exeter Police convinced him to surrender his firearm and took him to the ER for his third voluntary psychiatric admission.
- Concerned that George would try to get his gun back, she was assured by police that he would need a court order to retrieve it.
- That would have been true but because no crime had been committed, he could have demanded it the day he go out of the hospital and they would have had to give it to him.
- George was compliant with his treatment and took his medications.
- Despite many instances of severe depression George had never made an actual suicide attempt until the day he shot himself.

- The evidence was there, it was not about diagnosis or having access to mental health services; it was a pattern of behavior: severe recurrent mental health illness, multiple threats of violence against self, recent acquisition of a firearm.
- These should have been tripwires for a more robust response; all of us tried to do the best we could for hm with the tools available.
- This will give a parent the ability to keep their child safe and allow them the time to maybe regain a sense of hope and choose life.

#### **Heidi Hanson**

- Volunteers with Moms Demand Action for Gun Sense.
- In 2018 supporters and allies elected a gun sense majority to the legislature to pass gun violence prevention legislation.
- The people of NH has spoken through their vote, and the body has a mandate to move this legislation forward.
- There is no shortage of evidence that the presence of a gun in a volatile situation creates a dangerous opportunity for violence and death.
- To equate the inconvenience of having a firearm temporarily removed with full due process with the life changing consequences of gun violence is offensive.
- A person who displays warning signs that they are considering suicide or that they are engaging in a violent act and is prohibited under current state/federal law to possess a firearm but they can buy and possess a gun.

#### **Andrew Caldwell**

- Understands the responsibility to balance the issues and the finality of getting things wrong.
- Agrees with the comments made about the temporary separation of a gun from an owner being a smaller and less significant outcome than potentially getting it wrong in a situation of gun violence.
- Sees this bill as very thoughtful and that it has sufficient recourse for those that may be constrained by it.

#### **Cindy White (submitted written testimony)**

- Is a former NH senior assistant attorney general and prosecutor.
- This bill would fill in the gaps in NH laws to temporarily remove guns from those who demonstrate behavior before it escalates.
- Dangerous behaviors are often a sign of violence to come.
- 80% of people who attempt to commit suicide show some sign of their intention.
- People who threaten or talk about suicide are 30 times more likely to kill themselves.
- An FBI study found that in the weeks before an attack, active shooters also display warning signs, including threats to harm others and acts of physical aggression.
- Polls show ERPO laws are supported by 80-89% of Americans.
- Created a petition with 830 Granite Staters from 112 towns who support this bill and other gun violence prevention bills passed this session.
- This bill affords extensive and significant due process protections.
- This is a civil proceeding not criminal; so criminal procedural protections are not applicable here.
- There are no anonymous sources for petitions.

- Those filing a petition are limited to family, household members, intimate partners, and law enforcement.
- A petitioner has to file an affidavit swearing under oath to the specific facts.
- The bill criminalizes filing a petition with allegations known to be false or made with the intent to harass as a Class A misdemeanor; that is the most serious level of misdemeanor and it can result in imprisonment.
- A petitioner who made a false statement can also be prosecuted for the felony of perjury.
- A temporary ex-parte order can only be issued if a neutral and detached judge considers the evidence and makes a finding by a preponderance of the evidence that the respondent is an immediate and significant risk of injury for themselves or others.
- This standard of proof is higher than the probable cause standard required to arrest people.
- There is even a higher standard of proof at the next stage which is clear and convincing evidence.

**Pamela Hanson**

- Does not believe this infringes on personal rights.
- If this legislation had been in law two years ago, her friend's son Aiden may not have ended his life in front of his father and brother using one of the five guns he owned.

**Barbara Prien** (submitted written testimony)

- This will help save lives.
- Her father was a lifelong hunter and she grew up with guns in the home.
- In 2006 she and her siblings removed her father's firearms and took away the key for the gun safe.
- Her mother was diagnosed with PSP and her father was facing giving up everything to move into assisted living and he was very depressed for weeks.
- When she arrived, it was a crisis situation and the first thing she did was remove his loaded pistol from his nightstand and sent it home with her husband and her brother took home the key to the gun safe. She stayed the night with her parents.
- Did not think that removing access to his guns was unlawful, it was just commonsense.
- Weeks later her father gave her husband the pistol and the hunting guns to her brother and brother-in-law.
- Shudders to think what would have happened if they had not gotten there quickly and acted.

**Representative Chase**

- The gap between the criminal protective order and an involuntary commitment is where people are lost forever.
- This bill is written to address the 4<sup>th</sup> Amendment and the 2<sup>nd</sup> Amendment concerns.
- It follows constitutionally tested due process.
- This process is already in place in Chapters 135-C, 137-B and 633:3.

## **Summary of testimony presented in opposition:**

### **Honorable Joe Hannon (Gunowners of NH) (submitted written testimony)**

- There are a lot of problems with the bill.
- It violates the 2<sup>nd</sup> Amendment.
- The 4<sup>th</sup> Amendment requires probable cause for searches and seizures, but this allows for searches and seizures provided the court has reason to believe that such firearms and ammunition have not been relinquished.
- That is probably one of the reasons that lead to the death of Gary Willis.
- Gary Willis was a 62-year-old Black man who was awoken by the police around 5am. He answered the door with his gun and was handed the order; he put his firearm down; there was angst at being awoken and he was agitated according to police reports. A firearm did go off and police shot him to death in November 2018 in Maryland.
- This bill gives law enforcement the ability to do something like that to anyone.
- In the environment we are living now, cannot imagine what would happen if this same event happened today.
- The morning after Mr. Willis was killed the Chief of Police in that area stated that 'it is tough to say, what did we prevent'.
- Mr. Willis had not done anything untoward.
- This bill opens up for an ex-partner or family member to make an accusation that is not to the same standard as a criminal case to take someone's rights away and that is completely wrong.
- Senator French asked why the police were sent to Mr. Willis' house.
  - Does not have all of the details. Believes his family had some differences with him. His neighbors thought he was peaceful and quiet. The punishment for filing a false report is a misdemeanor, but if you violate the order it is felony conviction possible, which is not fair.

### **Laura Hopkinson**

- Worked for 10 years with the Department Defense, the Air Force and consulting across the nation for school's safety emergency response system.
- Is a supporter of police and of Black Lives Matter.
- This bill does not reflect the current environment.
- It does not reflect the environment where court and trials happens swiftly.
- Appreciates the intent but does not think this is answer.

### **Joseph Cameron**

- Is in active duty US Army Special Operations.
- Firearms are used as a way to relieve stress, not just to kill living things.
- Many of the states listed with similar laws have some of the highest rates of gun violence but they have the strictest gun laws.
- There is a direct inverse relationship between gun laws and gun violence. (CA and DC).
- This is a slippery slope where in these other states, they use these laws initially with "good intent" and then it ends up being used with malicious intent later on.
- Being in the military has quite a few friends who have committed suicide and they had their guns taken away. They still found another way even though they were getting psychological help and therapy.

- Is not saying you cannot save anybody and that one life is not worth saving compared to someone else's.
- You cannot equate constitutional rights with a blanket statement of saving everyone from suicide or from themselves when they want to do harm.
- Asked what laws you have to abide by when you are trying to take away constitutional amendments such as the 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> which are all involved when taking someone's right to bear arms without due process and without a speedy trial and when you do not properly care for those firearms,
- If they are destroyed upon their return, the individual who paid for them has to fix it, not the government who took them.

#### **Honorable Bob Clegg (Pro Gun NH)**

- We need to look beyond our own biases to see what the unintended consequences will be.
- Mr. Willis had a red flag law served on him because he and his sister had an argument. She admitted later that she had done it for revenge.
- In NH we have examples of people writing threats on Twitter and Facebook seeking violence against political opponents.
- Recently, Representative Deb Stevens published a piece claiming supporters of President Trump were planning a mass slaughter if the President is not re-elected. She states "they are amassing weapons and ammunitions for the purpose". She purposely uses the actions of the recent riots and claims them as the actions of President Trump supporters. She leaves no doubt that she would call the police and red flag every person that supports President Trump and does not support her democratic nominee.
- Secretary John Kerry claimed days ago that the history of "certain officials of a certain party purposely making it difficult for the other party to vote where they control those matters...Trump supporters will cause a revolution" This is another person considered a democratic leader looking for red flag reasons to attack any person who disagrees politically.
- This bill seems to have resurrected after the rejection of Mr. Tyrell and suddenly we hear and see the words of the above leaders in our democratically controlled legislature appearing to play to a base.
- The same base tearing down statues, destroying businesses, and looking to defund any agency that may be in place to ensure all people are safe.
- What fear is pushing the need to create a method to confiscate freedoms of those who disagree with the ruling party?
- You cannot undo the death of even one person caused by false accusations.
- If you pass this bill people are guilty until they are proven innocence and they have to be able to afford that.
- Senator French asked what would happen if a gun shop owner was accused under this.
  - He would lose every gun in his shop and maybe a year later get them back. That is assuming he is making enough money to afford the ability to defend himself against someone who is mad at him, maybe an ex-girlfriend.
- Senator French asked if he would lose his license.

- Absolutely. The idea that this would go unnoticed by NICS is wrong. There is a law in NH that if anyone is accused, they have to be turned into the federal government. If you are accused and there is any kind of psychiatric intervention you will be prohibited from owning a gun or ammunition, and there is no way to get off of NICS.

**Kimberly Morin (Women's Defense League)**

- We are in a time where people are screaming about discrimination and this legislature is trying to pass a bill written by an out of state organization that is one of the most discriminatory pieces of legislation to be heard in decades.
- This bill discriminates against law abiding citizens who have firearms, who are made up of all races, sexes, socio-economic backgrounds, and sexual orientations.
- The supporters of the legislation claim it is to stop people from harming themselves or others, but it does nothing to actually stop people from doing either.
- There are cases where red flag laws were enacted, but the person got no help and still went on to harm someone else.
- Under this, a law-abiding citizen is denied their fundamental right to self-defense based on secret meetings with anonymous petitioners who claim they know exactly what someone is thinking about doing in the future.
- This is a modern-day witch hunt for gun owners.
- If the proponents of this bill are truly concerned about people harming themselves or others they would work on the existing involuntary admissions law that actually provides due process, gets people the help they need, and doesn't discriminate against those that own inanimate objects.
- They would work to make mental health more accessible to those who need it.
- This bill is about gun confiscation and it will make Granite Staters, especially women, less safe.

**Thom Bloomquist**

- Learned to shoot as a young boy because it was one of the only sports available to a polio kid.
- Would hate to think that outdoor sports are only available to able bodied people.
- When he was getting divorced, he removed the guns from the home and told the Chief of Police he was doing so.
- His wife called the police saying he was a crazy man with a gun.
- The police stormed in but luckily their good judgement prevented him from ending up like Mr. Willis.
- The potential for abuse with this proposal is huge.
- Everyone knows stories of divorces that got ugly.
- We need to fix the mental health system but, in the process, we need to protect the rights of the majority of citizens.
- Guns can kill but they can also guard and protect, which people need in this time in society.

**Curtis Wright**

- Is a physician and a navy veteran.
- Brother-in-law was terrorized and ultimately shot by his drug addicted son.

- Really wants a good red flag law, but this bill is not ready.
- “A petitioner may request, and the court may enter, a temporary extreme risk protection order with or without actual notice to respondent.” this opens the door to the police at the door at 5am.
- A good law does not pose an unreasonable burden to an innocent party by protecting individual liberty.
- There is an asymmetry of penalties in this bill.
- There is also a failure to responsibly care for and return the property in this bill.
- This is not a temporary order; a person must petition the court for the return of their property.
- This will result in immediate petitions against every gun shop owner in the State and will wipe them out.

### **Paul Maravelias**

- Had his guns stolen from him for three years because of an RSA 633 stalking civil petition from an angry neighbor.
- This bill does not protect against angry neighbors abusing it.
- For fun sits in on strangers’ domestic violence and stalking order hearings.
- Reads all of the case law.
- There is a criminal conspiracy that the NH Supreme Court is complicit in to nullify a respondent’s right to appeal.
- If this bill passes there will be no meaningful right to appeal.
- The NH Supreme Court is self-censuring and hiding dispositions in these blanket affirmations they give.
- There is no provision upon the extension for the court to give an explanation of the extension.
- This standard of evidence in this is reduced to the ‘preponderance of the evidence’.
- That means in 49% of cases a person’s 2<sup>nd</sup> Amendment rights will be stolen.
- This is a civil order where violating it is felony.
- Even if an ERPOs is unjustly filed and they violate it they become a felon and cannot own a gun for the rest of their life.
- This bill permits infinite extensions of ERPOs.
- It shifts the burden of proof to the respondent to prove they are no longer a threat.
- NH Supreme Court website under ‘The Other Final Orders’ you will see that they have been selectively censoring and publishing no where their dispositions in restraining order cases.
- They have been blanket affirming them. Out of 6,030 petitions filed in 2018 only two reversals were granted.

### **Lauren LePage (National Rifle Association) (submitted written testimony)**

- The notion that someone can be deemed too dangerous to be trusted with a gun because of allegations from a third party, but it fine to be left alone after the guns are taken and there is no requirement of mental health or chemical dependency evaluation does not make any sense.

- There are things outside of firearms people can harm themselves with that are considered lethal weapons, none of that is included in this bill, which undermines the public safety justification.
- It is unfair to require someone, especially in a case where an order is vacated, to pay a lawyer to file a motion in court to obtain their constitutionally protected property.
- Once an order is vacated or has expired a person should not have to bear the expense of going back to court.
- This is ripe for abuse.

**Evan Coar**

- Is a competitive marksman; is the New England regional champion of rifle, pistol, and shotgun shooting in the sport of multi-gun; has 10 years experience as an instructor on the safe use of firearms; acts as a civilian contractor for the armed forces.
- Is the target of this bill as a gun owner.
- While in school being a part of the Bullseye Team was the single most positive thing for his mental health.
- Firearm sports are a wonderfully positive thing not just for protection of your family, but also for sport, pleasure, and mental health.
- People have been protesting the fact that government has been deliberately failing to address various systemic issues in society (institutional racism, unavailability of a living wage, excessive cost of housing, etc), and instead have been using excessive and militarized police to Band-Aid those problems in a way that is ineffective and disingenuous.
- Attempting to restrict firearms is the same lazy and disingenuous solution as throwing the police at every problem.
- We need to look at the reasons why people want to commit suicide, and this is not that.

**Shirley Dawson**

- Is a domestic abuse survivor and knows as a gun owner she has the ability to defend herself.
- If her guns are taken away, she has no way to defend herself from being attacked as she is a small person.
- Is a former mental health counselor and is aware of the hurdles to get someone help through an EIA.
- Why doesn't this bill address that and get people the help they need without sending them to the state hospital?
- If health care was more widely available, it would better than this.
- Under this bill people will find other ways to commit suicide.
- An attacker may make a frivolous claim to get your guns away from you and then attack you.
- There is no day in court under this to face your accuser.
- There is no redress except to hire a lawyer which you may or may not be able to afford.

**Brad Rohdenburg**

- Retired marine and federal law enforcement officer.



- This is a no-knock warrants and confiscations bill based on anonymous tips where no crime has been committed.
- This is being camouflaged as suicide prevention, as if jumping off a bridge would be better.
- Anyone who has gone through a contested divorce can imagine how this could be abused.
- This is contrary to the most fundamental concepts of liberty.

**Honorable JR Hoell (NH Firearms Coalition) (submitted written testimony)**

- Due process is where someone has a complaint and they go to the court; the person that has done something wrong is convicted before their property is stolen.
- Under this bill someone has their property taken and they have to plead to the court to get it back.
- This violates numerous constitutional protections.
- This would put minorities and low-income families at greater risk because hiring attorneys is an expensive proposition.

**Thomas Dawson**

- Is an Eagle Scout and former BSA range instructor.
- This is an infringement on personal and constitutional rights.
- All someone needs to do is say they feel threatened by an individual or for a misconstrued action to be considered threatening and that is all is needed to have an individual have their gun rights taken away.
- NH has a 90% fatality by firearms but, electricity is even more fatal than firearms. A shock of high voltage can kill anyone outright, while firearms deal with placement of shots on a person.
- This could result in gun store owners losing their licenses and therefore this could be used against them for simple customer complaints.

**Ethan Jennings**

- This authorizes law enforcement to use force to seize firearms from individuals without any criminal proceedings or convictions.
- The danger to this should be apparent to anyone who is paying attention to the news over the last few months.
- Is not convinced that it will provide more safety than the danger it represents to the people like Mr. Willis.
- NH is one of the safest states in the union.
- This only adds to the danger of armed law enforcement coming to people's homes under tips from those who may or may not have the best intentions.
- This isolates those who enjoy firearms and shooting sports from their families who may not have the same views on the 2<sup>nd</sup> Amendment or who have different political views.
- This provides a tool to destroy the lives of people who have done nothing wrong.

**Erica Layon**

- The ongoing rioting due to police abuse of authority should give this Committee a pause.

- There are some attempts at safeguards in this bill, but it is ripe for abuse from angry roommates, rejected dating partners, partners looking to enhance divorce proceedings, and law enforcement officers with an axe to grind.
- This weaponizes police at the very time when there are significant efforts to defund police across the nation.
- Do the NH democrats really want to be the face of expanding aggressive police powers now?

#### **Michael Layon**

- The roots of commonsense gun control are solidly racist.
- This is exemplified by Chief Justice Taney in the Dred Scott Case decision.
- Democrats have declared war on the 2<sup>nd</sup> Amendment with the bills we have seen.
- The NH Bill of Rights: 15 the rights of the accused, 19 searches and seizures regulated.
- The US Constitution: A4, 5, 6, 8, 14 prohibit states from abridging the privileges and immunities granted to all citizens.
- The NH Constitution was ratified in 1784 and the US Constitution was ratified in 1788. The 14<sup>th</sup> Amendment was ratified in 1868, which was the same year Jim Crow laws were designed to deny Blacks freedom, which continue throughout today; none of them are being repealed including gun control.
- In 2013 Steve Halbrook wrote a book *Gun Control and the Third Reich*. This was a warning for the country, it was not meant to be an instruction manual. This looks like it is right out of that book.
- Today is listening advocates of this bill proposing taking us back to May 2, 1935 when the gestapo was empowered with red flag laws by decree.

#### **James Gaffney**

- This is repugnant and a contradiction to the constitution and the senators' oath of office.
- This is an attempt to use a civil process to deny someone their fundamental, natural, constitutionally guaranteed right.
- This is repugnant to Article 19 of the NH Constitution.
- Article 20 of the NH Constitution guarantees someone a jury trial in civil cases where there is an excess of \$1,500 in private property involved. In virtually every case of a firearm confiscation it would exceed that.
- Everywhere these bills have been passed they have been abused to silence and punish political enemies.
- Every day we see family members get into arguments over private property and division of assets from a husband or wife or parent that has passed away.
- The domestic violence laws are abused on a regular basis.
- There are allegedly consequences for false depositions but never once has a person been brought up on charges for a false accusation in NH. There is no mechanism or will to prosecute those people.

#### **Rita Mattson**

- Is a small woman with an large ex-husband and he has threatened to get her guns taken away.
- Under this bill he could do that which is frightening.

### **Penny Dean**

- People talk about it being an inconvenience to have firearms removed, but it can be life threatening.
- Once your firearms are taken it can take weeks or months and a lot of money to get them back.
- Has only seen one person get prosecuted to making a false complaint against someone.
- These are not robust or comprehensive protections.

### **Michael Debitetto**

- In today's political climate some people can take it as a threat to their safety when you express views as a President Trump supporter; that is a big problem.
- Some family members do not get along with each other.
- Has seen a lot of overreaction by people and it can be taken to extremes if someone falsely testifies or they may truly feel unsafe if a person has a different political opinion.

jch

Date Hearing Report completed: June 26, 2020

# Testimony



PAMELA HANSON  
ARCHITECTURE & CONSULTING, LLC

June 24, 2020

The NH Senate Judiciary Committee  
Via Zoom Videoconferencing

Committee Members:

I add my voice to those who support HB 687, the Extreme Risk Protection Order bill. I do not believe that the bill infringes on personal rights. Rather, it gives families one more tool to assist in preventing the suicide by gun of a loved one. If this legislation had been law 2 years ago, perhaps my friend's son would be alive. He ended his life, in front of his father and brother, using one of 5 guns which he owned.



AIDAN CHARLES NAGLE  
January 19, 1995 – June 16, 2018

*Pamela R. Hanson*

Pamela Hanson, Licensed Architect

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To: Members of the New Hampshire House and Senate  
 Governor Chris Sununu

We, the undersigned people of New Hampshire, call on you to enact and sign into law in 2019, common sense measures to reduce gun violence, including:

- (1) an Extreme Risk Protection Order (ERPO) bill that would allow a court to order a person to temporarily relinquish and be prohibited from buying firearms and ammunition upon a finding that the person poses an immediate or significant risk of injuring himself/herself or others by having access to firearms;
- (2) a bill prohibiting people from carrying guns in safe school zones (except for law enforcement officers, trained school resource officers, on-duty armed services members, or others specifically authorized in writing by the school district);
- (3) a requirement for background checks before commercial sales of firearms, to close a significant loophole in the federal background check law and help prevent felons, domestic abusers, and other prohibited persons from obtaining deadly weapons; and
- (4) a bill requiring a seven-day waiting period before the purchase of firearms.

These measures are critical to addressing the epidemic of gun violence that threatens the lives and safety of us all. We expect you to lead on this issue and to ensure that bills supporting these policies become law, as they have in other states. It is truly a matter of life and death.

Name (please print)	Town	Signature
Carol Schapira	Hopkinton	Carol Schapira
Patricia Rocher	Hopkinton	Patricia Rocher
Christopher V. Roebber	Hopkinton	Christopher V. Roebber
Mary Breault	Salem	Mary Breault
David Breault	Salem	David Breault
<del>duplicate Tom Fucarile</del>	<del>Londonbury</del>	<del>Tom Fucarile</del>
Barbara Fucarile	Londonbury	Barbara Fucarile
Mary Marsh	Concord NH	Mary Marsh
Joe Dan Fox	Stafford NH	Joe Dan Fox
Sarah Silverstein	Nashua NH	Sarah Silverstein

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(2) a bill prohibiting people from carrying guns in safe school zones

law enforcement officers, trained school resource officers, or

services members, or others specifically authorized in writing by the district);

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Name (please print)	Town	Signature
C.J. Maye	Gilsum	[Signature]
Shoshana Kaplan	Durham	[Signature]
Carina Kaplan	Hollis	[Signature]
Carlotta Hayes	Concord	[Signature]
Lucas Harrington	Concord	[Signature]
Rep Mary Jane Malligan	Haverhill	[Signature]
Rep Liz McCormick	Brentwood	[Signature]
Jonathan Weinberg	Concord	[Signature]
PATRICK WICZYNSKI	CONCORD	[Signature]
Morgan Stahr	Hopkinton	[Signature]

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Name (please print)	Town	Signature
Justine Campbell	Bow	Justine Campbell
Tom Fusarile	Londonderry	Tom Fusarile
Dylan Skurlack	Londonderry	Dylan Skurlack
Ruth E Sanchez	Concord, NH	Ruth E Sanchez
Mary K Tetream	Londonderry	Mary K. Tet
LONN SATTLER	BARRINGTON	Lonn Sattler
Jane Farschild	Concord	Jane Farschild
Peter Farschild	Concord	Peter Farschild

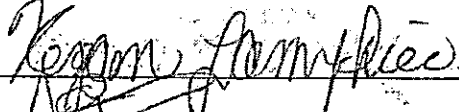
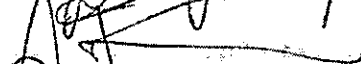
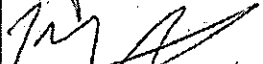
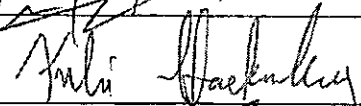


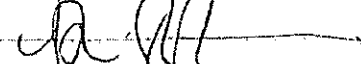



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Name (please print)	Town	Signature
Regan Lamphier	Nashua	
ADAM RICHARDSON	HOLLIS	
Will Somers	Salem	
Kobi Hackenberg	Durham	
Lisa Bunker	Exeter (State Rep.)	
Donna Reardon	Concord NH	
Deidre Reynolds	Nashua	
ROBIN SKUDLAKETZ	Londonderry	
Micaela McCormick	Londonderry	micaela mccormick


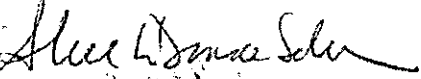
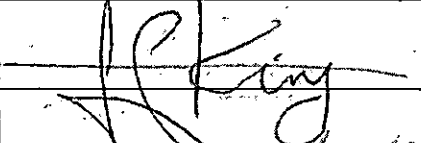
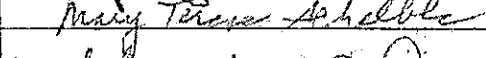
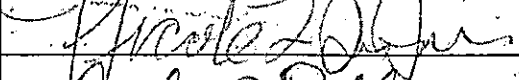
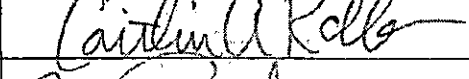
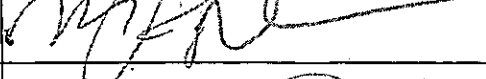


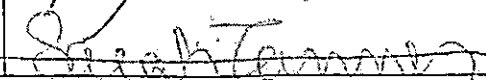
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To: Members of the New Hampshire House and Senate  
 Governor Chris Sununu

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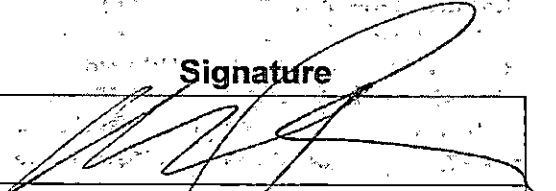
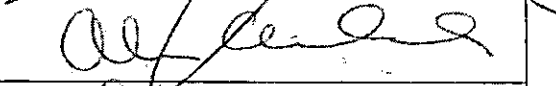
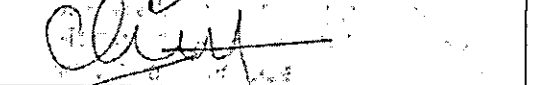

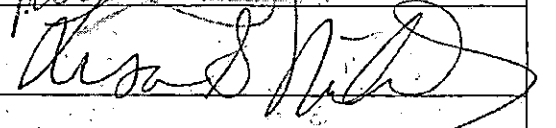
Name (please print)	Town	Signature
Shannon Morrell	Hopkinton, NH	
Alice Donna Selva	Concord, NH	
<del>duplicate JOHN KING</del>	<del>CONCORD, NH</del>	<del></del>
MARY TERESE SCHELBLE Mary Terese Schelble	Pittsfield NH	
Nicolette Gala-Grano	Salisbury, NH	
Caitlin Rollo	Hopkinton, NH	
Mike Rollo	Hopkinton, NH	
ERNEST PEPIN	Webster, NH	
Mary Pepin	Webster NH	
<del>Sarah Tanner duplicate</del>	<del>Row, NH</del>	<del></del>

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Name (please print)	Town	Signature
Adam Russell	Concord, NH	
Alice Chamberlin	Warner, NH	
Chuck Grau	Bedford, NH	
Arlene Taranow	Contra Costa, NH	
Lisa Nicholson	Hopkinton, NH	

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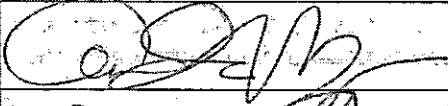
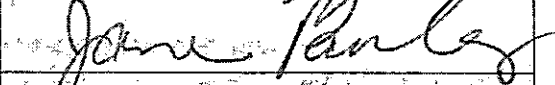


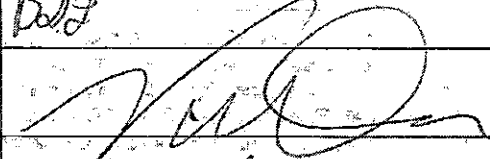
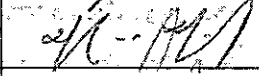
Name (please print)	Town	Signature
<i>duplicate</i> Maclean Redmont	Amherst	<i>[Signature]</i>
Glenn Andrews	Hampton Falls	<i>[Signature]</i>
Dan Adams	" "	<i>[Signature]</i>
JaBree Harris		<i>[Signature]</i>
<i>duplicate</i> Paul Skottavolz	Londonderry	<i>[Signature]</i>
CAROL HOOPER	146 Peacock CANTACOOK	<i>[Signature]</i>
ROLAND DUBOIS	" "	<i>[Signature]</i>
Marrayam Khera	Manchester	<i>[Signature]</i>
Jack Leightinger	Nashua	<i>[Signature]</i>

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Name (please print)	Town	Signature
Andrea Mayhew	Manchester	
Jane Pauley	Concord	
Rachel Pauley	Concord	
Ben Donnelly - Fine	Manchester	
Valerie Orellana	Manchester	
Heather Ward	Exeter	

## **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!**

## Action on HB 687

First Name	Last Name	Role	Action on HB 687
Marjorie	Smith	Elected Official	Viewing/Listening only
Renny	Cushing	Elected Official	Support not speaking
Dan	Feltes	Elected Official	Support not speaking
Representative Deb	Altschiller	Elected Official	Support and speaking
Representative Jerry	Knirk	Elected Official	Support and speaking
David	Coursin	Elected Official	Support and speaking
Tim	Horrigan	Elected Official	Support and speaking
Mary Jane	Mulligan	Elected Official	Support and speaking
Deb	Stevens	Elected Official	Support and speaking
Clyde	Bacon	Member of the public	Support and speaking
JOSEPH	DEPALO	Member of the public	Oppose not speaking
Robin	Skudlarek	Member of the public	Support and speaking
Dave	Breault	Lobbyist/Advocate	Support and speaking
Michael	Iacopino	Member of the public	Viewing/Listening only
Mindi	Messmer	Member of the public	Viewing/Listening only
Michelle	Levell	Member of the public	Oppose not speaking
Kimberly	Morin	Member of the public	Oppose and speaking
Tracy	Hahn-Burkett	Member of the public	Support and speaking
Paul	Maravelias	Member of the public	Oppose and speaking
sonia	Prince	Member of the public	Support and speaking
Patrick	McCarthy	Member of the public	Oppose not speaking
Wesley	Sullivan	Lobbyist/Advocate	Neutral not speaking
Howard	Harris	Member of the public	Oppose not speaking
Daniel	Stuart	Member of the public	Oppose and speaking
Curtis	Wright IV MD MPH	Member of the public	Oppose and speaking
JR	Hoell	Member of the public	Oppose and speaking
Lauren	LePage	Lobbyist/Advocate	Oppose and speaking
Edward	Morse	Member of the public	Oppose and speaking
Evan	Coar	Member of the public	Oppose and speaking
Shirley	Dawson	Member of the public	Oppose and speaking
Travis	Williams	Member of the public	Oppose not speaking
Jeff	Hiatt	Member of the public	Oppose and speaking
Rob	Leatherbee	Member of the public	Support and speaking
Donald	Sienkiewicz	Member of the public	Viewing/Listening only
Virginia	Sheehan	Member of the public	Viewing/Listening only
Hollis	Willoughby	Member of the public	Oppose not speaking
Heidi	Hanson	Member of the public	Support and speaking
Andrew	Caldwell	Member of the public	Support and speaking
Brad	Rohdenburg	Member of the public	Oppose and speaking
Gregory	Smith	Lobbyist/Advocate	Neutral and speaking
James	Cross	Member of the public	Oppose not speaking
Ken	Rumelt	Member of the public	Viewing/Listening only
Anthony	Sculimbrene	Member of the public	Viewing/Listening only



Thom	Bloomquist	Member of the public	Oppose and speaking
Wendy	Thomas	Elected Official	Support not speaking
Cindy	White	Member of the public	Support and speaking
Pamela	Hanson	Member of the public	Support and speaking
Carol	Gulla	Member of the public	Support not speaking
Jonathan	Caldwell	Member of the public	Support not speaking
Thomas	Dawson	Member of the public	Oppose and speaking
Ted	Maravelias	Member of the public	Oppose and speaking
Robert	Clegg	Lobbyist/Advocate	Oppose and speaking
Joe	Hannon	Lobbyist/Advocate	Oppose and speaking
Liam	Bellows	Member of the public	Oppose and speaking
Ethan	Jennings	Member of the public	Oppose and speaking
James	Gaffney	Member of the public	Oppose and speaking
Barbara	Prien	Member of the public	Support and speaking
Rebecca	Hayes	Member of the public	Oppose and speaking
Margaret	Tilton	Member of the public	Support and speaking
Ken	Norton	Lobbyist/Advocate	Support and speaking
Joseph	Cameron	Member of the public	Oppose and speaking
Mary	Crook	Member of the public	Support and speaking
Michael	Layon	Member of the public	Oppose and speaking
tonda	groetzinger	Member of the public	Oppose not speaking
Erica	Layon	Member of the public	Oppose and speaking
Aaron	Greenlee	Member of the public	Oppose and speaking
Laura	Hopkinson	Member of the public	Neutral and speaking
Michael jr	Wolley	Member of the public	Oppose not speaking
Jay	Kahn	Elected Official	Support not speaking
Kimberley	Jackson	Member of the public	Oppose not speaking
Kathleen	Tereshko	Member of the public	Support not speaking
Mallory	Nugent	Lobbyist/Advocate	Support not speaking
Patrick	Leblanc	Member of the public	Oppose not speaking
Chris	Blanchette	Member of the public	Oppose not speaking
MATTHEW	Miller	Member of the public	Oppose not speaking
Patricia	Kasparian	Member of the public	Support not speaking
Steven	Wesner	Member of the public	Oppose not speaking
Bryan	Gillis	Member of the public	Oppose not speaking
William	Hurtado	Member of the public	Oppose not speaking
Robert	Watson	Member of the public	Oppose not speaking
Michael	Bedford	Member of the public	Oppose not speaking
Patrick	Martunas	Member of the public	Oppose not speaking
Brittney	Joyce	Member of the public	Viewing/Listening only
Alisa	Druzba	Staff member of NH DOS, NHES, or DHHS	Viewing/Listening only
Mary Jane	Mulligan	Elected Official	Support not speaking
Lisa	Dennis	Member of the public	Support not speaking
Colby	Martin	Member of the public	Oppose not speaking
Richard	Spalla	Member of the public	Oppose not speaking
Shawn	Stokes	Member of the public	Oppose not speaking

Carol	Bostic	Member of the public	Oppose not speaking
Judy	Kinney	Member of the public	Oppose not speaking
Nicole	LeVasseur	Member of the public	Oppose not speaking
Timothy	Sylvermale	Member of the public	Oppose not speaking
Jessica	Stone	Member of the public	Oppose not speaking
Julie	Sims	Member of the public	Support not speaking
Sarah	Chamberlain	Member of the public	Oppose not speaking
Mary Ann	Pumilia	Member of the public	Oppose not speaking
Gordon	Kemp	Member of the public	Oppose not speaking
Deidre	Reynolds	Member of the public	Support not speaking
Chris	Hemmah	Member of the public	Oppose not speaking
Duncan	Blow	Member of the public	Oppose not speaking
Kristen	Moore	Member of the public	Oppose not speaking
Wendy	Chase	Elected Official	Support not speaking
Albin	Zuech	Member of the public	Oppose not speaking
Curtis	Howland	Member of the public	Oppose not speaking
Brian	Chicoine	Member of the public	Oppose not speaking
Matt	Rozch	Member of the public	Oppose not speaking
Paul	Tedder	Member of the public	Oppose not speaking
Frank	Iaffaldano	Member of the public	Oppose not speaking
David	Stone	Member of the public	Oppose not speaking
Frederick	Woodhouse	Member of the public	Oppose not speaking
Robert	Andrade	Member of the public	Oppose not speaking
Alexandra	Taylor	Member of the public	Oppose not speaking
Robert	Backus	Elected Official	Support not speaking
Michelle	Strong	Member of the public	Oppose not speaking
John	Montuori	Member of the public	Oppose not speaking
Kay	May	Member of the public	Support not speaking
Kirsten	Williams	Member of the public	Oppose not speaking
Michael	Wolf-Gadsby	Member of the public	Oppose not speaking
Donovan	Fenton	Elected Official	Support not speaking
Kathleen	Slover	Member of the public	Support not speaking
Jeanne	Dietsch	Elected Official	Support not speaking
Francesca	Diggs	Elected Official	Support not speaking
Paul	Berch	Elected Official	Support not speaking
Michael	Cahill	Elected Official	Support not speaking
Kevin	Tyson	Member of the public	Viewing/Listening only
JoEllen	Cuff	Member of the public	Support not speaking
Patricia	Klee	Elected Official	Support not speaking
Willem	Froumy	Member of the public	Oppose not speaking
Edward	smith	Member of the public	Oppose not speaking
Glenn	Rogers	Member of the public	Viewing/Listening only
Donald	Bouchard	Elected Official	Support not speaking
Don	House	Member of the public	Support not speaking
Elias	Karter	Lobbyist/Advocate	Support not speaking
Patricia	Cornell	Elected Official	Support not speaking
Rhonda	Martin	Member of the public	Oppose not speaking

Kim	Rivest	Member of the public	Support not speaking
Rosemarie	Rung	Elected Official	Support not speaking
SUZANNE	VAIL	Elected Official	Support not speaking
David	Meuse	Elected Official	Support not speaking
Katherine	Herger	Member of the public	Support not speaking
Sherry	Frost	Elected Official	Support not speaking
Robin	Schnell	Member of the public	Support not speaking
natalia	dworjany	Member of the public	Support not speaking
Deborah	Seavey	Member of the public	Support not speaking
Lee	Oxenham	Elected Official	Support not speaking
Kevin	Craig	Elected Official	Oppose not speaking
Paul	Babb	Member of the public	Oppose not speaking
Richard	Sheehy	Member of the public	Oppose not speaking
Randall	Cohen	Member of the public	Oppose not speaking
Kevin	Kadow	Member of the public	Oppose not speaking
Kendall	Snow	Elected Official	Support not speaking
Manuel	Espitia	Elected Official	Support not speaking
Rep. Liz	McConnell	Elected Official	Support not speaking
Rep Chuck	Grassie	Elected Official	Support not speaking
Jennifer	Piskovitz	Member of the public	Support not speaking
Christine	Caldwell	Member of the public	Support not speaking
Jon	Leslie	Member of the public	Oppose not speaking
Kristen	Murphy	Member of the public	Support not speaking
Anthony	Palisi	Member of the public	Oppose not speaking
Sheri	Gushta	Member of the public	Support not speaking
Greg	Pearce	Member of the public	Oppose not speaking
Keri	Ciminera	Member of the public	Support not speaking
Nancy	Murphy	Elected Official	Support not speaking
Amy	Bradley	Member of the public	Support not speaking
Denise	Short	Member of the public	Support not speaking
James	Myers	Member of the public	Oppose not speaking
Meaghan	Moore	Member of the public	Support not speaking
Lori	Baldwin	Member of the public	Support not speaking
Nancy	Murphy	Elected Official	Support not speaking
Arllen	Acevedo	Member of the public	Oppose not speaking
carl	sigvardson	Member of the public	Oppose not speaking
Sherri	Nixon	Member of the public	Support not speaking
Cheryl	Van Allen	Member of the public	Support not speaking
Jim	Maggiore	Elected Official	Neutral not speaking
Gerald	Webb	Member of the public	Oppose not speaking
J. J.	Smith, MD, MPH	Lobbyist/Advocate	Support not speaking
Jennie	Gomarlo	Elected Official	Support not speaking
Jeremy	Sparks	Member of the public	Oppose not speaking
Jan	Dunn	Member of the public	Viewing/Listening only
Ami	Faria	Member of the public	Support not speaking
Lawrence	Melanson	Member of the public	Oppose not speaking
Laurie	Harding	Member of the public	Support not speaking

Gina	Powers	Lobbyist/Advocate	Viewing/Listening only
Charlotte	Graf	Member of the public	Viewing/Listening only
Marissa	Chase	Member of the public	Viewing/Listening only
John	DeJoie	Lobbyist/Advocate	Viewing/Listening only
Abigail	Rogers	Staff member of NH DOS, NHES, or DHHS	Viewing/Listening only
Tom	Sherman	Elected Official	Support not speaking
Kristine	Stoddard	Lobbyist/Advocate	Viewing/Listening only
Rita	Mattson	Member of the public	Oppose not speaking
Lindsey	Sonnett	Member of the public	Support not speaking
Ken	Park	Member of the public	Oppose not speaking
Dwayne	Oothoudt	Member of the public	Oppose not speaking
Kevin	Trefethen	Member of the public	Oppose not speaking
Rick	Bond	Member of the public	Oppose not speaking
Michael	Lambros	Member of the public	Oppose not speaking
Paul	Marquis	Member of the public	Oppose not speaking
M Gretchen	McBride	Member of the public	Support not speaking
Jeffrey	Mercier	Member of the public	Oppose not speaking
Matt	Wrightington	Member of the public	Oppose not speaking
Joanne	St. John	Member of the public	Support not speaking
Jared	king		

## Jennifer Horgan

---

**From:** Tom Garnier <tg\_public@comcast.net>  
**Sent:** Monday, June 22, 2020 7:16 PM  
**To:** Martha Hennessey; Shannon Chandley; Melanie Levesque; Sharon Carson; Harold French; Jennifer Horgan; Chuck Morse  
**Subject:** HB687

To:  
Senate Judiciary Committee,  
Senator Chuck Morse

Not sure on this one, but it's worrisome.

On the one hand you want to protect potential victims of future violence. On the other hand, you don't want to wrongly deprive an individual of a constitutionally protected right, or of something that they need for their livelihood, or perhaps for their own defense.

The definition of intimate partner is overly broad/vague based on one's understanding of the term "romantic relationship". I can find no generally-accepted legal definition of this term. What if the petitioner claims there was a romantic relationship, but the respondent says it was all in the petitioner's head?

The court is not bound by the technical rules of evidence; the outcome ultimately depends on whom the particular judge chooses to believe. If there's no hard evidence, who gets the benefit of the doubt? Ex-spouses and ex girl/boy-friends have been known to be vindictive – would the slender possibility of a class A misdemeanor conviction be sufficient to deter false accusations? If the petitioner has convinced a judge that the respondent made threats with no witnesses, how does the respondent prove it didn't happen? I don't know. Does the petitioner have to pay the respondent's legal costs if convicted of swearing a false statement?

I'm concerned about the potential for abuse.

Thomas Garnier  
Salem, NH

June 23, 2020

New Hampshire Senate Judiciary Committee  
Concord, NH

RE: HB687

Good Morning:

I am writing to you in opposition of HB687. As a domestic abuse survivor, I strongly value the ability to keep myself safe at all times. An Extreme Risk Protection Order Law would open me to losing that ability while any allegation, even a frivolous one, is reviewed, with no time limit on how long my possessions would be removed from me, and I would be denied due process. I would also have to hire a lawyer at my own expense to defend myself, usually a huge cost. And in the meantime, any possible attacker has a distinct advantage over me. Even if I am NOT convicted or arrested for a crime, I can be placed in danger. I know that if I call 911, law enforcement will come to me as fast as they can. But can they get there as fast as my attacker, who has already breached my door? No, they cannot, and I will likely pay for this with my life.

I understand that this bill has been drafted with the idea that law enforcement would have authority to keep someone violent and mentally unstable from harming themselves or others. If this is truly the purpose of this bill, why then does it not focus on legislation to permit mental health assistance? This is allegedly the prime purpose and yet all this bill does is force the person to select another weapon and that could be almost anything. As a former Mental Health Counselor on a secure psychiatric unit, I am well aware of the intricacies of Involuntary Emergency Admission and they do not address this allegedly dire need.

We ALL have a Constitutional Right to face our accuser and to have due process for said accusation, and I believe this terrible piece of legislation treads on too many rights and does little if anything to keep the public safe.

Sincerely,

Shirley Dawson  
34 Elm Street  
Plaistow, NH 03865

## Jennifer Horgan

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**From:** Jim McConnell <mcc988@icloud.com>  
**Sent:** Tuesday, June 23, 2020 1:37 PM  
**To:** Jennifer Horgan  
**Subject:** HB 687

Please ITL HB 687.

Jim McConnell  
903-0206

Sent from my iPad

## Jennifer Horgan

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**From:** Anthony Nino <costanino077@yahoo.com>  
**Sent:** Tuesday, June 23, 2020 2:55 PM  
**To:** Martha Hennessey; Shannon Chandley; Melanie Levesque; Sharon Carson; Harold French; Jennifer Horgan  
**Subject:** opposition to HB 687

Dear Committee members,

I am writing to you to express my sincere opposition to HB 687. There are many aspects of this bill that are contrary to the liberties that our government has been formed to protect, as stated in the preamble to the U.S. Constitution. These aspects are many, and if I were to enumerate them, this document would be very long and arduous. There are so many, that they create a general tone in this bill, that is in itself, egregious to liberty. This is a tone of callousness to the Bill of Rights, and the very principles upon which this nation is founded. This bill takes the peoples' rights and transfers them to the government, which is the exact opposite of the reasons for breaking away from the British Empire in 1776. This bill allows one person to effectively denounce another. A practice that was common in empires around the world and was particularly offensive to the founders. So offensive, that they enshrined in the Bill of Rights, specific safeguards against any such practice. At present, any person accused of a crime, must be afforded the opportunity to defend against any accusations or charges, but this bill denies that right. It also denies the accused of due process prior to the seizing of property. But the one aspect of this bill, that is the worst of them all, is section IX *"In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant, reliable and material."* This redefines what is and what is not evidence. During my time at the Air Force police academy, great emphasis was placed on determining what constituted probable cause, and also what constituted evidence. A legitimate case cannot be made without concrete evidence against the accused. And that evidence is gathered and protected and closely scrutinized using very strict standards. Standards which, as stated in section IX, are not binding to the court in any proceeding. In effect, hearsay is admissible in these proceedings. Are we to hold a hearing, without the defendant, without defendant's lawyer, using hearsay as probable cause and hearsay as evidence, to confiscate the property of someone? This flies in the face of logic as we know it here in the United States, and most certainly New Hampshire. It opens the door for grudges, for misinformation and for political trickery.

It would do us well, if we were to remember that laws are about guiding principles. They are not about specific items. Specific items are used as examples, but laws are applied using the principles that they contain. For instance, the Racketeer Influence Corrupt Organizations (RICO) act is used by the federal government to prosecute organized crime figures. Whitey Bulger and other such figures were prosecuted using this law. However, there was a landmark case that used the RICO act against a number of businesses in a business sector. On August 17, 2006, a judge ruled against the tobacco companies for lying to the public about their product. In effect, a law that was written for the expressed purpose of pursuing major crime organizations, was used against a business sector for false advertising. It seems ridiculous, but it is true. So let's apply this type of logic that the courts use to try cases. Let's look at the spirit of this bill. *Upon hearing a complaint, without solid evidence, the rights of an individual can be suspended until the person brings suit to reinstate them.* In applying this principle, we can have a person locked up and denied a lawyer or visits from friends and family. We can bar them from joining a religious organization. We can bar them from all government



proceedings. We can have all their property taken. We can apply cruel and unusual punishment. Using the spirit of this bill, government can do anything it wants to do, using hearsay as its reasoning. In effect, the spirit this bill sweeps aside the entire U.S. and New Hampshire constitutions. Those constitutions you and I have sworn to defend.

Lastly, I urge all of you, to vote against this bill. There are better ways to protect the public than to sweep away their rights.

Sincerely,

Anthony J. Nino Jr

## Jennifer Horgan

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**From:** Ethan Jennings <ethan@jenningshome.com>  
**Sent:** Tuesday, June 23, 2020 4:17 PM  
**To:** Martha Hennessey; Shannon Chandley; Melanie Levesque; Sharon Carson; Harold French; Jennifer Horgan  
**Subject:** HB 687

To the Chairperson and members of the Judiciary Committee,

As a resident of the city of Laconia, I am writing to strongly object to HB687 (the proposed extreme risk protection order (ERPO) or "red flag law") and implore the members of the committee to vote inexpedient to legislate on this bill if brought to executive session. Others, I am sure, will write the committee and attest to the dangerous violations of United States of America and State of New Hampshire constitutionally protected rights. Although I agree that "red flag laws" in general represent violations of our rights as Americans, I am writing you today to caution the committee on the unintended consequences of this bill if passed and enacted into law. The end result of this law is that armed law enforcement will be directed to seize firearms from citizens who are not charged with committing any crime. The officers will be told, correctly or incorrectly, that the person who they are taking firearms from represent an extreme risk to themselves and others. The potential results are obvious and have already occurred most publicly in Maryland, with the death of Gary Willis after an early morning service of an ERPO resulted in a confrontation between the officers serving the order and Willis. Such results further erode the trust in our law enforcement, already so weak in our present situation.

Other sheriff's departments and counties have rejected the responsibility of enforcing these orders, putting a wedge between themselves and the legislature of their states. They do not want to kill, or die, in attempts to confiscate legally held weapons from law abiding citizens on the basis of hearsay.

By lowering the preponderance of evidence required to obtain an ERPO, and depriving the respondent of their right to respond before such an order is placed, a chilling effect is instilled on people's communications with their families and law enforcement. Despite the penalties placed on making a false sworn statement, by the time the respondent has a chance to protect themselves in court they have already been deprived of their rights, subjected to violence at the hands of law enforcement personnel, or even killed resisting what many believe to be a brazen violation of their rights.

The people of New Hampshire are freedom loving residents of one of the safest states in the union. The result of this bill, if passed, is a fracturing of law enforcement personnel who may or may not feel they have a duty to refuse to enforce these orders, a chilling effect on the freedom of speech and expression, and the deprivation of life and liberty to otherwise law abiding citizens.

Best regards,  
Ethan Jennings

## Jennifer Horgan

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**From:** mcentn@netzero.net  
**Sent:** Wednesday, June 24, 2020 9:16 AM  
**To:** Jennifer Horgan  
**Subject:** Fw: HB687

Senate Judiciary Committee  
Attention: Jennifer Horgan

Subject: HB687  
Date: Tue, 23 Jun 2020 18:38:30 GMT

We are writing to voice our opposition to the proposed red flag gun confiscation bill HB687. This bill is in direct opposition to the United States Constitution and The U.S. Bill of Rights. It also does not give you the right to due process. Furthermore it is not needed in the State of New Hampshire, nor should it be enforced on the hearsay or opinion of someone who may not have the best intentions. We urge you to vote no on this bill.

Thomas & Mary Centner  
Northumberland, NH.



**TESTIMONY IN SUPPORT OF HB 687**

**TO:** MEMBERS OF THE NEW HAMPSHIRE SENATE JUDICIARY COMMITTEE  
**SUBMITTED BY:** MOLLY VOIGT, STATE LEGISLATIVE MANAGER, GIFFORDS  
**DATE:** JUNE 23, 2020

Chair Hennessey, Vice-Chair Chandley, and Members of the New Hampshire Senate Judiciary Committee,

On behalf of Giffords, the gun violence prevention organization founded by former Congresswoman Gabby Giffords, I would like to thank you for considering this important gun violence prevention bill. This written testimony is in support of House Bill 687, an act relative to extreme risk protection orders, which would create a mechanism for family members and law enforcement to temporarily remove guns from, and prevent the purchase of new guns by individuals who pose an elevated risk of danger to themselves or others. It is an effective policy that will save lives in New Hampshire as it has in other states where it has been enacted.

We are facing an epidemic of gun violence in this country. In many shootings, family and household members noticed a loved one exhibiting dangerous behaviors prior to the shooting. They became concerned that their loved one may harm him or herself or others but had no legal way to intervene. Extreme Risk Protective Order [ERPO] laws provide this mechanism and can help prevent shootings, like the 2014 Isla Vista massacre near the UC Santa Barbara campus in California, and at Marjory Stoneman Douglas High School in Parkland, Florida on Valentine's Day, 2018. In both instances, loved ones and community members had prior knowledge that the shooters were in crisis and dangerous. ERPO laws have also been demonstrated to be effective at preventing gun suicides. A study by Duke University of Connecticut's ERPO-style law found that one life is saved for every 10-20 gun removal orders.<sup>1</sup>

**H.B. 687 MIRRORS EXISTING LAWS FOR DISARMING DANGEROUS PEOPLE**

H.B. 687's processes, like the 18 extreme risk protection laws in effect in the U.S., are based on the frameworks and due process protections of longstanding, constitutional domestic violence laws that disarm domestic abusers. The procedure would be instigated when a family member or law enforcement files a petition to temporarily prohibit a person in crisis from possessing or purchasing firearms or ammunition. A court would then consider evidence tending to show a person is at an increased risk of violence such as any history of threats or acts of violence by the respondent, violations of any protective orders, convictions for stalking, animal cruelty, or substance abuse.

<sup>1</sup> Swanson, Jeffrey W. and Norko, Michael and Lin, Hsiu-Ju and Alanis-Hirsch, Kelly and Frisman, Linda and Baranoski, Madelon and Easter, Michele and Gilbert, Allison and Swartz, Marvin and Bonnie, Richard J., Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides? (August 24, 2016). Law and Contemporary Problems, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=2828842> and <http://efsgv.org/wp-content/uploads/2016/09/FINAL-ERPO-complete-091916-1.pdf>

# GIFFORDS

H.B. 687 would allow a court to use an emergency process to disarm a dangerous individual without a hearing for a brief period of time—seven days—until a noticed hearing on the merits can occur. Of the 18 jurisdictions with ERPO laws, only two states have shorter periods for the duration of an emergency, ex parte order. Vermont’s law allows a longer period—14 days—to pass between the filing of an emergency petition and a full hearing on the merits. H.B. 687 would also require a petitioner to meet a fairly high legal standard—preponderance of the evidence—to obtain an emergency order. Only four out of 18 states (including Vermont) impose a preponderance of the evidence standard to obtain an emergency, ex parte order. Twelve states impose a lower burden of proof.

At a noticed hearing where the respondent has the opportunity to be present and represented by counsel, H.B. 687 requires the petitioner to prove by clear and convincing evidence—the highest civil legal standard—that the respondent is dangerousness. Eleven states, including Vermont, Rhode Island, and Florida, impose the same standard of proof to obtain a final order that can last for up to 12 months, similar to the vast majority of states with extreme risk protection order laws.

In summary, H.B. 687 contains robust due process protections for respondents and provides a tested, working process for temporarily disarming people in crisis.

## LAWS LIKE H.B. 687 HAVE BEEN SHOWN TO REDUCE AND PREVENT GUN DEATHS

In 2017, New Hampshire’s firearm suicide rate was higher than 24 other states and more than triple the rate of Rhode Island. Researchers from Duke University and the University of Indianapolis have demonstrated that laws similar to H.B. 687 in Connecticut and Indiana prevent gun suicides. Connecticut’s and Indiana’s extreme risk laws have been shown to reduce firearm suicide rates in these states by 14% and 7.5%, respectively.

Laws like H.B. 687 can also prevent mass shootings. Research conducted by the University of California, Davis also found at least 21 cases in which ERPOs were used to disarm people who threatened mass shootings, including a car dealership employee who threatened to shoot up his workplace and a high school student who threaten to commit a mass shooting at a school assembly.

For the reasons discussed above, we urge you to support House Bill 687 and help protect New Hampshire families and communities from gun violence.

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## ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords, Giffords inspires the courage of people from all walks of life to make America safer.

## Extreme Risk Protection Orders

A number of states have laws providing for Extreme Risk Protection Orders (ERPO). The 2018 Federal Commission on School Safety recommended that states adopt such laws.<sup>1</sup> 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.<sup>2</sup> ERPO laws provide an opportunity to intervene and prevent a person from accessing firearms during a time of crisis, before dangerous warning signs escalate into firearms suicide or violence. These laws have been shown to reduce firearm suicide rates<sup>3</sup> and are supported by most Americans.<sup>4</sup>

The proposed law allows family, household members, intimate partners, and law enforcement officers who are aware of warning signs to apply for a court order temporarily restricting that person's access to firearms. A judge may consider evidence including recent threats or acts of violence by the person against himself/herself or others, serious mental illness which is likely to lead to the person being a danger to himself/herself or others, and history of domestic violence or violent crimes. If a judge finds probable cause that a person poses an immediate and significant risk of injuring himself/herself or others by having a firearm or ammunition, the court may issue a temporary ERPO. After a hearing, if a judge finds by clear and convincing evidence that the person poses a significant risk of injuring himself/herself or others by having a firearm or ammunition, the court can issue a final ERPO lasting for up to twelve months. An ERPO prohibits the person from possessing or buying firearms or ammunition and the person must relinquish those to law enforcement. When the order expires, the person is free to have and buy guns and ammunition again.

## Guns in Schools

Federal law makes it illegal to possess a gun in an elementary or secondary school, but a loophole exempts people with a state or local firearms license from the prohibition. Forty-seven states have passed laws that prohibit guns in schools, but New Hampshire has not yet done so.

## Background Checks

New Hampshire does not have a state law requiring background checks before gun purchases, so these checks are governed only by the federal Brady law. This law helps prevent guns from getting into the hands of dangerous people by requiring background checks of prospective buyers for sales by **federally licensed dealers**. Background checks seek to determine if the prospective buyer is a felon, domestic abuser, or other prohibited person. Preventing dangerous persons from obtaining guns is critical. In 34% of mass shootings, for example, the shooter was legally prohibited from possessing firearms at the time of the shooting.<sup>5</sup> Since it took effect in 1994, the Brady law has been tremendously successful and has blocked sales of guns to more than 3 million dangerous persons who were not legally allowed to possess them.<sup>6</sup> However, because the law applies only to sales by federally licensed dealers, an estimated 22% of all gun sales, millions each year, take place without a background check, many at gun shows or over the internet.<sup>7</sup> As a result of this gaping loophole in the Brady law, many states have passed their own laws requiring background checks for gun purchases. Background checks are widely popular in New Hampshire and across America<sup>8</sup> and are effective in reducing gun violence.<sup>9</sup>

## Waiting Period to Purchase Firearms

Many states require a waiting period of several days before purchasing guns. These laws provide more time to complete background checks, if needed, and also help reduce the number of firearms suicides and homicides.<sup>10</sup> Most suicides are impulsive, more than half involve firearms, and suicide attempts with firearms are lethal in 85% of cases.<sup>11</sup> By delaying firearms purchases, mandatory waiting periods reduce access by people acting impulsively to the most lethal means of violence.

<sup>1</sup> Final Report of the Federal Commission on School Safety, Dec. 2018, p. 14.

<sup>2</sup> Everytown for Gun Safety, *Mass Shootings in the United States: 2009-2017*, December 2018 (in half of mass shootings, shooter exhibited at least one dangerous warning sign before violence)

<sup>3</sup> 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 firearm suicides)

<sup>4</sup> Sit, Ryan, *Americans Overwhelmingly Support the Recent Backlash Against the Gun Industry: Poll*, *Newsweek*, March 6, 2018 (ERPO laws supported by 89% of Americans)

<sup>5</sup> Everytown for Gun Safety, *Mass Shootings in the United States: 2009-2016*, March 2017

<sup>6</sup> Karberg, J.C. et al, *Background Checks for Firearms Transfers, 2015 – Statistical Table*, Bureau of Justice Statistics, Nov. 2017

<sup>7</sup> Miller, M. et al, *Firearm Acquisition Without Background Checks: Results of a National Survey*, *Annals of Intern. Med.* Feb. 2017; 166(4) 233-39

<sup>8</sup> New England College poll, Jan. 2013, <https://www.wmur.com/article/poll-nh-residents-favor-assault-weapons-ban/5179157> (universal background checks supported by 88% of Granite Staters); Quinnipiac University poll, Feb. 2018, <https://poll.qu.edu/national/release-detail?ReleaseID=2521> (supported by 97% of Americans)

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

<sup>10</sup> Luca, M. et al, *Handgun Waiting Periods Reduce Gun Deaths*, *PNAS*, Nov. 2017; 114(46) 12162-165 (waiting periods for handgun purchases linked to reduction in firearms homicides and suicides); Edwards, G. et al, *Looking Down the Barrel of a Loaded Gun: The Effect of Mandatory Handgun Purchase Delays on Homicide and Suicide*, *The Economic Journal*, Dec. 2018 128(616) 3117-3140 (delay in gun purchases reduces firearms suicides)

<sup>11</sup> Drexler, M., *Guns & Suicide: The Hidden Toll*, [https://www.hsph.harvard.edu/magazine/magazine\\_article/guns-suicide/](https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/)

Testimony of Tracy Hahn-Burkett before the N.H. Senate Judiciary Committee  
June 24, 2020, re: HB 687, Extreme Risk Protection Orders

Good morning, and thank you for giving me the opportunity to speak with you today. My name is Tracy Hahn-Burkett, and I'm the leader of the Kent Street Coalition's Working Group on Gun Violence Prevention.

How many times have you seen on the news, after a tragedy where someone or a number of people have died by gunfire, people in tears asking, "Why didn't anyone do something? There were signs—why didn't anyone stop him?"

How many times have you heard those who vehemently defend the Second Amendment tell you the gun doesn't act on its own—it's the person holding the gun?

How many times in the midst of the current COVID-19 public health crisis have you considered the awful tally of the lives already lost and the lives still to be lost? What if I told you we've been living under a different public health crisis for decades—gun violence—that has already claimed more American lives since 1968 than those lost in all the wars we've ever fought as a country—combined?

What if before someone starts to tell me again how New Hampshire is different from the rest of the country because we're so safe, I tell you that in 2018, nearly half of all suicides in NH were by firearm, and that the firearm suicide rate in NH increased by 50% between 2009 and 2018? And that this is in a state where suicide is the second-leading cause of death in young adults aged 25 to 44?

What if we could actually do something about all of this?

We can. HB 687, a bill to create Extreme Risk Protection Orders—or "ERPOs"—in New Hampshire, is one answer. It's not a panacea. The problem of gun violence here and everywhere

in this country is too complex for any single cure-all. But that's all the more reason to look for good tools we can use to build a solution to the problem.

ERPOs are a relatively new construction, and research into their effectiveness has been limited. But there is some data available on their effectiveness in various states. To cite a few: After Connecticut amended an existing law, its firearm suicide rate dropped by 14%. Indiana saw its suicide rate decrease by 7.5% over 10 years. In California, one case study found 21 instances where ERPOs averted mass shootings.

We're now living in a time where people are suffering from increased social isolation and, in some cases, severe economic hardship at a level not seen in decades. These factors, which will not disappear anytime soon, exist in combination with a recent period of a huge spike in gun sales, meaning there are many more guns available in the community. Given the well-established impulsivity of the suicidal act and evidence that "new handgun ownership is strongly associated with suicide,"<sup>1</sup> it's critical that there exist some tool to remove firearms from an individual in situations where it's believed they are in immediate danger of harming themselves or others.

Now, I know you will hear from opponents of the bill that the *ex parte* provisions raise due process concerns. And they're right to challenge bill proponents to get this right. No one's constitutional concerns should be taken lightly. That's why the bill sponsors have worked diligently for what must be hundreds of hours to address those and other concerns to get this bill to this point. The *ex parte* orders only apply, as stated above, in situations involving "immediate risk of causing bodily injury to himself or herself or others," and provision is made for a hearing to follow "on the day the petition is filed or on the business day immediately following." At that point, the court determines if a temporary order may be issued only if the respondent is

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<sup>1</sup> "Pandemic-Related Gun Purchases Raise Suicide Risks," *Scientific American*, June 17, 2020, at <https://www.scientificamerican.com/article/pandemic-related-gun-purchases-raise-suicide-risks/>.



determined to “pose[] an immediate risk of causing bodily injury to himself or herself or to others.” An expedited hearing can then take place 3-5 business days after the respondent requests one. This procedure takes into account both parties’ rights: respondents’ and the parties’ we don’t hear about as often—members of the community who have the right not to be shot.

In conclusion, HB 687 represents an important answer before we get to the point where a devastated community asks, “Why didn’t someone do something before this happened?” I urge this committee to support passage of this bill.

## **Testimony in Favor of HB 687:**

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

### **Senate Judiciary Committee**

**Rep. Timothy Horrigan (Strafford 6); June 24, 2020**

HB 687 would, under very limited circumstances, protect the general public from those few individuals who have been proven to be too dangerous to be entrusted with firearms. This is a very long bill but it boils down to a simple idea: it keeps firearms out of the hands of those who shouldn't have them.

The Senate will doubtless hear many objections to this bill. I know the House heard all the following objections and many more.

First you will be told that guns are not the only things which can be used as weapons. This, actually, is 100% true. Even if you take away someone's guns, there are still other ways they harm themselves and others. But guns are different from other dangerous objects. They have no purpose other than shooting bullets, and bullets kill. I personally have nothing against hunting. I think hunting is a great sport, but hunting is basically trying to kill another living creature. Target-shooting is also a great sport but target shooting is basically just practicing to kill another living creature. Even if you are merely brandishing your weapon, you are still threatening to kill another person.

You will also hear that this bill lacks due process. This bill in fact contains lots of due process. I think I have never seen a bill with so much due process. Yes, temporary red flag orders can be issued after an ex parte hearing where the only the complainant is present. But the temporary order can be approved only if the complainant proves their case with a preponderance of evidence, which is a very high standard. The respondent has the right to have their side of the case heard before a permanent order is issued and that requires a even higher standard of proof: clear and convincing evidence. If a petitioner files a false or frivolous complaint, they are guilty of a Class A Misdemeanor, which is a serious crime, punishable by a year in jail and a \$2000 fine.

And, finally, you will hear that a man in Maryland was shot and killed by the police because of that state's red flag law. You will quite possibly hear no further details from anyone besides myself. I knew nothing about this beyond "man shot by Maryland police" about this until I looked into it. This happened, obviously, in Maryland: their law is not the same as what's proposed in HB 687. A man named Gary Willis was indeed shot and killed in Ann Arundel County, Maryland, near Baltimore, on November 5, 2018. He had a name. Remember the name: Gary Willis.

I feel differently about police-involved killings now than I did in 2019 and early 2020. But I still think that the Red Flag law was not to blame for Mr. Willis's death. The extreme risk protection order was what specifically led two officers to knock on his door at 5:15 one Sunday morning, but they would have been knocking on his door anyway because he had threatened other members of his own family repeatedly during the previous days and weeks. Mr. Willis was shot and killed after he fired a shot at the two officers. This tragedy was not the Maryland Red Flag Law's fault. In fact, it happened in spite of that law.

Please pass HB 687 as is, so it go can straight to the Governor's desk.

My name is Barbara Prien. I am a NH resident who lives in Rye

I ask you to vote in support for the Extreme Risk Perfection Order HB687. It will help save lives-help prevent suicide, help prevent a sad ending to a domestic violence incidence, help prevent a shooting in moments of crisis.

In my own family, in 2006, my siblings and I removed a pistol from my father's possession and took the key to the gun safe to one of our homes. My father was in a crisis situation with his own needs as a wheel chair bound person being challenged by a recent devastating diagnosis of my mother having a debilitating brain syndrome, PSP. He was facing giving up everything to move into assisted living. This was a situation my parents had saved and planned to avoid at all cost. He was very depressed for a few weeks and clearly had become irrational that night. When my husband and I arrived, my father was out of control and talking about how he would never allow a move to a nursing home. My mother was crying uncontrollably and continuously saying she was sorry about the diagnosis and ruining all their plans. The first thing I did was go to his bedroom and remove the loaded pistol from his night stand. I sent it home with my husband and my brother took home the key to the gun safe. I spent the night there.

I didn't even think of our removing his access to his guns as unlawful. To us it was just COMMON SENSE. Later after a few weeks my father gave the pistol to my husband, and gave the hunting guns in the safe to my brother and brother-in-law. I'd do it all over again.

This bill is just COMMON SENSE. Please support it.  
Thank you.

Barbara Prien  
6 Stonewall Ln  
Rye, NH 03870

Sent from my iPhone  
Barbara Prien

Sent from my iPhone  
Barbara Prien

NH Senate

6/22/2020

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 significant 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 no 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 2018 revealed that in more than 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.<sup>1</sup> This tool was used to prevent tragedy in Vermont in 2018. On April 12, 2018, the day after the state's ERPO law was enacted, Vermont law enforcement obtained an ERPO for 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.<sup>2</sup>

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 a gun increases the risk of death by suicide by three times.<sup>3</sup> With a fatality rate of about 90 percent, guns are much more lethal than other means of attempting suicide.<sup>4</sup> Nine out of 10 people who survive a suicide attempt do not die by suicide at a later date.<sup>5</sup> 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 2014-2018, more than 1,200 people in New Hampshire died by suicide. Nearly half of all suicide deaths in New Hampshire were carried out with a gun, killing over 600 people in New Hampshire.<sup>6</sup> On average, one person in New Hampshire dies by gun suicide every 3 days.<sup>7</sup>

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. Since the beginning of 2018, 14 states and Washington, DC have passed Extreme Risk laws, bringing the total number of states with these laws to 19.<sup>8</sup> Following Connecticut's increased enforcement of

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<sup>1</sup> Everytown for Gun Safety Support Fund, "Ten Years of Mass Shootings in the United States," November 21, 2019, <https://everytownresearch.org/massshootingsreports/mass-shootings-in-america-2009-2019/>.

<sup>2</sup> Associated Press, "New Vermont Law Used to Keep School Shooting Plot Suspect from Getting Gun," CBS News, April 16, 2018, <https://www.cbsnews.com/news/new-vermont-law-used-to-keep-school-shooting-plot-suspect-from-getting-gun/>.

<sup>3</sup> Andrew Anglemyer, Tara Horvath, and George Rutherford, "The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-Analysis," *Annals of Internal Medicine* 160, no. 2 (2014): 101–110.

<sup>4</sup> Andrew Conner, Deborah Azrael, and Matthew Miller, "Suicide Case-Fatality Rates in the United States, 2007 to 2014: A Nationwide Population-Based Study," *Annals of Internal Medicine*, (2019): 885–95.

<sup>5</sup> David Owens, Judith Horrocks, and Allan House, "Fatal and Non-Fatal Repetition of Self-Harm: Systematic Review," *British Journal of Psychiatry* 181, no. 3 (2002): 193-99.

<sup>6</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports.

<sup>7</sup> Everytown for Gun Safety Support Fund, "EveryStat: New Hampshire," accessed June 19, 2020, <https://everytownresearch.org/everystat#NewHampshire>.

its Extreme Risk law, a study found that one suicide was averted for approximately every 11 gun removals carried out under the law.<sup>9</sup>

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.

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<sup>8</sup> California, Colorado, Connecticut, Delaware, DC, Florida, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington.

<sup>9</sup> Jeffrey W. Swanson, et al., "Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does It Prevent Suicides?" *Law and Contemporary Problems* 80 no. 2, (2017): 179-208.

## Jennifer Horgan

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**From:** Paul Maravelias <paul@paulmarv.com>  
**Sent:** Wednesday, June 24, 2020 3:53 PM  
**To:** Martha Hennessey; Shannon Chandley; Melanie Levesque; Sharon Carson; Harold French; Jennifer Horgan  
**Cc:** georgefeole@derrynh.org; edwardgarone@derrynh.org; vernonthomas@derrynh.org  
**Subject:** Testimony regarding HB687-FN (Laughed out of Derry, NH police department in 2018 attempting to report material perjury)

Dear Committee members,

Let me share with you my actual ground-truth experience regarding the prospect of false allegations in a civil restraining order petitions, and trying to get the individuals who make such willful false allegations prosecuted.

As numerous speakers today commented, this never happens, despite the shocking prevalence of malicious allegations.

In summer 2018, I was laughed out of the Derry, NH police department when I came with an extensive written documentation/evidence packet exposing the willful lies (inconsistent statements) and material perjury done against me by the person who filed a falsified, fraudulent stalking petition against me.

In their successful custom of entirely dismissing me, the scumbag Derry officers lied to my face that they talked to the prosecutor "upstairs" (he was not in the building, as I was able to call him after being cheaply ridded-of), and falsely insisted that the allegation of false allegations was a "civil" matter that I would need to take up with the "court" within the context of the restraining order case.

They insisted that it was the "judge"'s responsibility to investigate and prosecute the crime of making willfully false allegations on a restraining order petition.

The idea that people who abuse restraining orders are held accountable whatsoever even by the same unenforced criminal provisions in existing statutes is an absolute fantasy. It does not match reality.

I am still greatly injured by the fraudulent RSA 633:3-a restraining order done against me, and by the injustice the corrupt, lying, scumbag, feminist pig Derry cops did to me by utterly refusing to investigate a valid complaint of false allegations in a restraining order petition.

You must oppose HB687-FN with unanimous force.

Kind regards,

Paul

## 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 29 years, and at my current home in Londonderry for 20 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 Protection Order bill.

In my work on gun violence prevention, I 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 more than 100 people die from gun violence, nearly 38,000 die each year and those numbers are rapidly increasing.<sup>1</sup> Mass shootings are on the rise but what doesn't get enough attention, or make the news, is that 23,000 of those yearly deaths are suicide by firearm.<sup>2</sup> A NH resident dies every three days from suicide with a 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, experience suicide by firearm most acutely and 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 a Red Flag or ERPO (Extreme Risk Protective Order) law. Tragic acts of gun violence, including mass shootings and gun suicides, are often preceded by "red flags", defined as: threats of violence; dangerous behavior; and other indications that a person poses a risk of harming themselves or others. Since the Parkland school shooting in 2018, 15 states and DC have passed Red Flag laws with bipartisan support, more than tripling the states that have these laws nationally. Many of these bills were signed into law by Republican governors.<sup>3</sup> In the ten years after Indiana passed its Red Flag law, the state's firearm suicide rate decreased by 7.5 percent.<sup>4</sup> In Connecticut, the Red Flag Law

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<sup>1</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports. A yearly average was developed using five years of the most recent available data: 2014 to 2018.

<sup>2</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) Fatal Injury Reports. A yearly average was developed using five years of the most recent available data: 2014 to 2018.

<sup>3</sup> Everytown for Gun Safety Support Fund, "Extreme Risk Laws Save Lives," April 17, 2020, <https://everytownresearch.org/extreme-risk-laws-save-lives/>

<sup>4</sup> Aaron J. Kivisto and Peter Lee Phalen, "Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981–2015," *Psychiatric Services* 69, no. 8 (2018): 855-62.



was associated with a 14 percent reduction in firearm suicide rate when enforcement of the law increased significantly after the Virginia Tech mass shooting in 2007.<sup>5</sup> 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. ERPO is a tool that can help save lives by allowing those closest to the person in crisis to act upon the warning signs and prevent another tragedy from occurring.

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. Statistics will tell you that suicide by gun results in death about 90% of the time. Compare that rate to suicide attempt not involving a gun, in which less than 4% will result in death. 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, prevent another tragedy to a loved one.

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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<sup>5</sup> Aaron J. Kivisto and Peter Lee Phalen, "Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981–2015," *Psychiatric Services* 69, no. 8 (2018): 855-62.

Testimony on HB 687, Extreme Risk Protection Orders  
House Criminal Justice and Public Safety Committee  
Tuesday, June 23, 2020

By Valerie Fagin,

Moms Demand Action Member

Social Justice Associate at South Church, Portsmouth NH

Good Morning,

My name is Valerie Fagin and I live in Rye NH. I like to express my appreciation for this opportunity to address the Committee and state that I am here in support of HB 687.

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 household member show signs of being a danger to themselves or others. By having such a law in place family and household 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. New

Hampshire is suffering from a gun suicide epidemic, at rates higher than the national average. Preventing a person who is considering suicide from accessing guns can save their life.

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

May 23 , 2014 when a young man whose 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 Valentine's 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, household members and law enforcement officers to prevent warning signs from escalating into tragedies.

Thank you for your time and consideration.

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

**MOMS**   
**DEMAND**  
**ACTION**  
FOR GUN SENSE IN AMERICA

Lori Otto, Merrimack, NH	Carolann Adams, Hooksett, NH
BumbleBrie Bourn, Dover, NH	Charles Lennox, Hudson, NH
Suzi Fuller, Rye, NH	Patrícia Beffa-Negrini, Harrisville, NH
Janet Mason, Dover, NH	Tiffany Pond, Greenland, NH
Kyle Ridolfo, Portsmouth, NH	Anne diCicco, Hollis, NH
Assunta M. Riley, Nashua, NH	Ann Goodrich-Bazan, Rindge, NH
Ann M. Gaudette, Nashua, NH	Diane Badzinski, Amherst, NH
Hugh Harwell, New London, NH	Mary Flynn, Meredith, NH
Elizabeth Hodges, Concord, NH	Sally Jarest, Colebrook, NH
Jill Weber, Mont Vernon, NH	Ashley Gorton, Exeter, NH
Eleanor Dubois, Hudson, NH	Sarah Loui, Londonderry, NH
Leanne Tzavalas, Windham, NH	Ann Gerns, Plaistow, NH
Tracy Martel, Exeter, NH	Judy Blachek, Nashua, NH
Joyce Czarny, Keene, NH	Victoria Rappeport, Durham, NH
Sally Stearns, Nashua, NH	Lee Oxenham, Plainfield, NH
Gary Maedl, Hollis, NH	Patricia O'Neil, Derry, NH
Chris Reishus, Rollinsford, NH	Susan Cashmore, Durham, NH
Mary Jo Marcelly, Mont Vernon, NH	Cara Labelle, Plaistow, NH
Louise Tedeschi, Merrimack, NH	Samantha Bernstein, Peterborough, NH
Diana Papageorge, Moultonborough, NH	Seth Dewey, Nashua, NH
Heidi Wurtz, Hampton, NH	Eve Kornhauser, Durham, NH
Dorothea Vecchiotti, Dublin, NH	Rodney Howard, Nelson, NH
Mary McDermott, Manchester, NH	Carolyn Lutes, Hanover, NH
Deepa Mangalat, Nashua, NH	Darlene Perrault, Berlin, NH

**MOMS**   
**DEMAND**  
**ACTION**  
FOR SENSE IN AMERICA

Kathleen Cameron, Merrimack, NH  
Nina Capra Jordan, Lee, NH  
Ellen Phillips, New Durham, NH  
Patricia Fecteau, Londonderry, NH  
Maura Willing, Concord, NH  
Mary Murphy, Bedford, NH  
Lucius M. Nelligan Sorrentino, Lyndeborough, NH  
Michele Chalice, Keene, NH  
Patricia Kendall, Plymouth, NH  
Barbara Freedman, Hampton, NH, NH  
Meg Whittle, Keene, NH  
Brian O'Brien, Hampton, NH  
Christopher Myers, Portsmouth, NH  
Lonny Joel Brown, Hancock, NH  
Johanna Young, Washington, NH  
Richard DiPentima, Portsmouth, NH  
Sarah Curtin, Rye, NH  
Lenny Willis, Exeter, NH  
Geraldine Berger, Littleton, NH  
Enid Ames, Lyndeborough, NH  
Carolyn Jerard, Acworth, NH  
Patricia Adler, Hanover, NH  
Katharine Christie, Etna, NH  
Bill Dubie, Hollis, NH  
richard gerber, Fremont, NH  
Deidre Reynolds, Nashua, NH  
Mikayla Neufell, Derry, NH  
mindy bocko, Rye, NH  
Meaghan Reynolds, Nashua, NH  
Patrice Ellen Zboya, Penacook, NH  
Suzen Desalvatore, Somersworth, NH  
Cindy Munford, Bedford, NH5  
Wyley Macdougall Owens, Barrington, NH  
Tricia Harmon, Hollis, NH  
Barbara Prien, Rye, NH  
Heather Fritchey, Derry, NH  
Steven Riley, Keene, NH  
Tom Scanlon, West Lebanon, NH  
Veronica Colby, Lebanon, NH  
James McLaughlin, North Woodstock, NH  
Lisa B, Milford, NH  
Stephen Carey, Hooksett, NH  
Bridget Benedict, Warner, NH  
Susan Liebowitz, Plainfield, NH  
Susan Ginsburg, Westmoreland, NH  
Mary Lou O'Neil, Hancock, NH  
David Berube, Gilford, NH  
Michelle Moge, Derry, NH

**MOMS**  
**DEMAND**  
**ACTION**  
FOR GUN SENSE IN AMERICA

Karen Lyons, Portsmouth, NH  
Sandy Mackenzie, Nelson, NH  
Karolyn Campbell, Epsom, NH  
Patricia Nichols, Keene, NH  
Cheri Falk, Wilton, NH  
Cynthia L. Chase, Keene, NH  
Sylvia Dwyer, Weare, NH  
Suleyman Doenmez, Manchester, NH  
Sabra Morton, Hanover, NH  
Barbara Widger, Manch, NH  
Brigitte Bailey, Portsmouth, NH  
S Lawler, Merrimack, NH  
Linnell Krikorian, Manchester, NH  
Diane Raymond, Nashua, NH  
Nancy Dowey, Bristol, NH  
Robert Rein, Concord, NH  
Kathy Fitzgerald, Center Conway, NH  
Sylvia E Gale, Nashua, NH  
Antoinette Trotzer, Hampton, NH  
Janis Pryor, Jackson, NH  
Laura Premack, Keene, NH  
Jean Leventhal, Dublin, NH  
Pam N. Mueller, Contoocook, NH  
Deborah Barry, Stratham, NH  
Nell Griffin, Portsmouth, NH  
Monica Dove, Nashua, NH  
Ellen Jahos, Alstead, NH  
Kelley Gillis-Enos, Nashua, NH  
Martha Dickey, Boscawen, NH  
Joanne Foster, Portsmouth, NH  
Rebecca Audet, New Castle, NH  
Karen Towne, Barrington, NH  
Carolyn Coman, South Hampton, NH  
Cecile Gunn-Desmond, Lee, NH  
Carol Murphy, Hopkinton, NH  
Christine Bonoli-Stohlberg, Center Barnstead, NH  
Janet Prince, Nashua, NH  
Barbara Jenkinson, Plymouth, NH  
Sarah Merrigan, Nashua, NH  
Colleen Kimball, Nashua, NH  
Justina Lane, Mason, NH  
Karla Macleod, Rindge, NH  
Erik Hilliker, Somersworth, NH  
John Wheeler, Chocorua, NH  
Rose Marie Marie Lanier, Concord, NH  
Terri O'Rorke, Winchester, NH  
Travis Hiltz, Keene, NH  
Jill Brandt, North Hampton, NH



**MOMS**  
**DEMAND**  
**ACTION**  
FOR GUN SENSE IN AMERICA

Susan Covert, Contoocook, NH, NH

Abigail Gindele, Portsmouth, NH

Mina Connor, Londonderry, NH

Joanna Casey, Londonderry, NH

William W Nichols, West Lebanon, NH

Suzanne Butcher, Keene, NH

Melanie Hamilton, Northwood, NH

Lyle Jensen, Stoddard, NH

Hella Ross, Rochester, NH

Beth Nelson, Derry, NH

Carl D. Evans, Plymouth, NH

Aristotle Damianos, North Hampton, NH

Rhonda j Mandato, Dover, NH

Allison Lammi, Milford, NH

Mary Ellen Russell, Bethlehem, NH

Sharon Todd-Elliott, New Boston, NH

John Dougherty, Belmont, NH

Coeli Hoover, Dover, NH

Janet Szarmach, Stratham, NH, NH

Moira McKinnon, Hampton, NH

Keith F Thompson, Brookline, NH

Jean Lewandowski, Nashua, NH

Barbara Fucarile, Londonderry, NH

Michael C, Exeter, NH

Morgan Rey, Nashua, NH

Barbara Zaenglein, Auburn, NH

Eric Zaenglein, Amherst, NH

Emma Zaenglein, Amherst, NH

Max Zaenglein, Amherst, NH

Mary Jane Hoey, Laconia, NH

Tim Roser, Silver Lake, NH

Len Coppola, Gilford, NH

Ruth Houser, Milton, NH

Joanne Ravgjala, Portsmouth, NH

Susan Karalekas, Swanzey, NH

Janet Prince, Nashua, NH

Michael Justice, Peterborough, NH

James Walsh, Nashua, NH

Marie Curran-Petrigno, Milford, NH

Christy Finn, Amherst, NH

Jennifer Fabis, Walpole, NH

Brandee Prevost, Hampton, NH

Ian MacNeil, Weare, NH

Kathleen Tereshko, Nashua, NH

Laura Lynch, Temple, NH

Ileana Rosario, Derry, NH

**MOMS**  
**DEMAND**  
**ACTION**  
FOR GUN SENSE IN AMERICA

George Wood, Nashua, NH	Suzanna Bye, Kingston, NH
Kellie Smith, Deering, NH	Suzan Kinaci, Greenland, NH
Mary Ashcliffe, Henniker, NH	Melinda Hansberry, Hanover, NH
John C. Banks, East Hampstead, NH	Sue Weed-Parkes, new london, NH
Rev. Norman Norman Simoneau, Manchester, NH	Nancy Husarik, Candia, NH
Mary M. Mynott Casey, Manchester, NH	Gina Rosset Smith, Meredith, NH
Sonia S Prince, Nashua, NH	Jana Holdcroft, Salem, NH
Janet Fotos, Hollis, NH	Valerie Twiss, Merrimack, NH
Jef Weisel, Keene, NH	Tracy Phillips, Exeter, NH
Denise Legault, Atkinson, NH	Stacy Brown, Newmarket, NH
Bruce Hull, Portsmouth, NH	Ella Gilbert, Manchester, NH
Carol Haber, Salisbury, NH	Mike Tappen, Newmarket, NH
Adam Carlise, Candia, NH	Sarah Myhill, Exeter, NH
Bethann McCarthy, Danbury, NH	Richard Minnick, Nashua, NH
John Perrault, North Hampton, NH	Lynette Currier, Andover, NH
Casey Kropelin, Merrimack, NH	Eugenie Georgia Carabatsos, Hanover, NH
D Carr, Hanover, NH	Lisa Klaud, Hooksett, NH
Elaine French, Littleton, NH	Jennifer Whitesel, Jaffrey, NH
Daniel St. James, Amherst, NH	Martha Rich, Enfield, NH
Ann and Keith Zeller, South Tamworth, NH	Sue Purdy, Woleboro, NH
Alec Behr, Conway, NH	Donna Roy, Auburn, NH
John Tolman, Lancaster, NH	Joan Walker, Portsmouth, NH
Lee Payne, Epsom, NH	Judith Romano, Windham, NH
Henry Sammis, Amherst, NH	Sandi Hennequin, Portsmouth, NH

**MOMS**  
**DEMAND**  
**ACTION**  
FOR GUN SENSE IN AMERICA

Kathy Cobb, Keene, NH  
Susan Thompson, Manchester, NH  
Tabatha Chapman, Nashua, NH  
Janet Campbell, Dover, NH  
Stephen Spaulding, Hollis, NH  
Gina Senecal, Nashua, NH  
Geri Davidson, Nashua, NH  
John O'Connor, Concord, NH  
Janet Lee Groat, Portsmouth, NH  
Patricia Martin, Rindge, NH  
jean Ellison, Somersworth, NH  
Anne Lentz, Greenland, NH  
Susan Pullen, Sunapee, NH  
Douglas & Theresa B. Allen, Whitefield, NH  
Karen Wahrenberger, Hanover, NH  
Kristina Wolff, Hanover, NH  
Jayne Winsor, Newmarket, NH  
Veronica Savage, Manchester, NH  
Dawn Knowles, Swanzey, NH  
Kathy Frost, Bedford, NH  
John Canaday, New London, NH  
Barbara Frake, Newton, NH  
Shir Haberman, Hampton, NH  
Maggie Ball, Exeter, NH  
Karen Carroll, Bedford, NH  
Rita DiGiovanni, Meredith, NH  
Jo Ray, Amherst, NH  
Joan Ascheim, Concord, NH  
Marisa Balmer, Hollis, NH  
Roy Strasser, Stratham, NH  
Noreen Fantasia, Salem, NH  
Katherine Connor SNOW, Dover, NH  
Susanna Hargreaves, Amherst, NH  
Julianne Murthi, Bedford, NH  
Donna Gagner, Newport, NH  
Maureen Mulcahy-Paone, Kingston, NH  
Kate Weiss-Gordon, Jaffrey, NH  
Jeannine Groff, Orford, NH  
julia brown, Meredith, NH  
Marcella R Dube, Amherst, NH  
Patricia Nealon, Manchester, NH  
Gale Taylor, Concord, NH  
Meredith Dart, Amherst, NH  
Karen Graham, Bedford, NH  
Jessica Thomson, Lincoln, NH  
Dania Seiglie, Rye Beach, NH  
Erika Kasser, walpole, NH  
Melissa Marie Rickers, Litchfield, NH

**MOMS**  
**DEMAND**  
**ACTION**  
FOR GUN SENSE IN AMERICA

Eleuthera Paulina du Pont-Passigli, Alstead, NH  
Kristyne Groves, Dunbarton, NH  
Melissa Rigazio, New Castle, NH  
Jeffrey Jeffrey Smith, Epping, NH  
Michael Watman, Somersworth, NH  
Charlotte Cox, Laconia, NH  
Annie Roche, Manchester, NH  
Larry Kane, Newmarket, NH  
corinne M dodge, Derry, NH  
Crystal Brunelli, Raymond, NH  
Celeste Barnette, Newmarket, NH  
Iphigenia Daukopulos, Concord, NH  
Lynn Thibodeau, Peterborough, NH  
Susan Lewis, Portsmouth, NH  
Barry Draper, New Hampton, NH  
Donna Gazelle, Sunapee, NH  
Barbara A Bryce, Gilsum, NH  
Erline Towner, Milford, NH  
Grace Payne, Tamworth, NH  
L Arbogast, Portsmouth, NH  
Jessica Wohlers Barlow, Windham, NH  
Jane Varnum, Bennington, NH  
Anne Armstrong, Manchester, NH  
Jane Davidson, Lancaster, NH  
Sara Steere, Greenfield, NH  
Erin mulhare, Nashua, NH  
Traci Chauvey, Nottingham, NH  
Dan Demers, Merrimack, NH  
Louise Richardson, East kingston, NH  
Bernadette Dupont, Manchester, NH  
Willy Turnbull, Keene, NH  
Patricia Masterson, Newton, NH  
Ginger Riege-Blackman, Chichester, NH  
Joanne DeBold, Hopkinton, NH  
Elizabeth Collins, Wilton, NH  
Dan Bergeron, Barrington, NH  
Susan Chase, ANDOVER, NH  
Kathleen Cameron, Merrimack, NH  
Stephen Rasche, Canterbury, NH  
Patricia Alessandrini, Salem, NH  
Theresa Adams, Salem, NH  
Callie McMahon, Milford, NH  
Carrie Webster, Rindge, NH  
Chris Asbell, Dover, NH  
John Hevey, Nashua, NH  
Kate McMahon, Portsmouth, NH  
David Kalendarian, Windham, NH  
Lisa Moll, Rye, NH

To the Honorable General Court

Of

The State of New Hampshire

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A Memorial and Remonstrance

---

Daniel A. Richard

A Citizen Of

The State of New Hampshire

v.

President of the Senate,

Donna Soucy,

Speaker of the House of Representatives,

Stephen Shurtleff,

---

Under the Authority of the *Constitution of New Hampshire, Bill of Rights Part I Article VIII;*

*“All power residing originally in, and being derived from the people, all the magistrates and officers of government, are their substitutes and agents, and at all times accountable to them.”*

Now comes Daniel A. Richard of Auburn N.H. do hereby site and state the following violations of the Constitution of New Hampshire and the Constitution for the United States of America

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Notice of Violation of Constitutional Articles.

Notice of Violations of the Rules of the General Court.

Notice that HB 687-FN thus violates the oath of office, and all persons concerned, are to take notice and govern themselves accordingly.

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As an Inhabitant, a citizen of the said State, having taken into serious consideration, a Bill printed by order of the last Session of General Court, entitled “A *Bill HB 687-FN* relative to extreme risk protection orders,” and conceiving that the same if finally armed with the sanctions of a law, will be a dangerous abuse of power, I am bound as (a) faithful member of a free State to remonstrate against it, and to declare the reasons by which I am determined. I remonstrate against the said Bill,

1. Because the people hold it a fundamental truth, *Part I Bill of Rights Article II*,  
*“That all men have certain natural, essential, and inherent rights; among which are the enjoying and defending life and liberty— acquiring, possessing and protecting property —and in a word, of seeking and obtaining happiness”.*
2. Because the people who established the Constitution of New Hampshire created *Part I the Bill of Rights* first for a reason, for enjoying and defending life and liberty, acquiring, possessing and protecting property, and in a word, of seeking and obtaining happiness.

Part II Form of Government was created to protect *Part I the Bill of Rights*. The people's fundamental rights are unalienable and as such cannot be deprived by legislative acts, nor are the inhabitants of this State controllable by any other laws than those to which they, or their representative body of the people (inhabitants) have given their consent by and through the amendment process of *Part II Article 100*. The General Court has no delegated power to amend the Constitution by legislative acts.

3. Because the Constitution of New Hampshire is a protection contract.
4. Because, *Part I Bill of Rights Article XII*;

*“Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property; But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this State controllable by any other laws than those to which they, or their representative body have given their consent.”*

5. Because the General Court has duty to assemble for redress of grievance, *Part I Bill of Rights Article XXXI*;

*“The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new ones, as the common good may require.”*

6. Because the people have a right to petition or remonstrate the General Court, *Part I Bill of Rights Article XXXII*;

*“The people have a right in an Orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives; and to*

*request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.”*

7. Because **the people have a right to require of their law-givers an exact and constant observance of them in the formation of the laws, Part I Bill of Rights Article XXXVIII;**

*“A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government ; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives: **And they have a right to require of their law-givers and magistrates, an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.**”* and,

8. Because, HB 687-FN deprives every citizen of the State the substantive and procedural due process right required under the Constitution of New Hampshire and the rules of the General Court to create and **enact any public policy**, and
9. Because the General Court’s powers are defined by the people in *Part II Article V*, the power to enact and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions and instructions, either with penalties or without; Said power also comes with the **prohibition that they shall not create anything that is repugnant or contrary to said Constitution**, and,
10. Because, HB 687 violates the constitutional compliance of *Part II Article V* and House rule 44 (d), and is **repugnant and contrary** to the State and Federal Constitutions.
11. Because, HB 687-FN violates the U.S. 14th amendment;



*“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”*

12. Because, HB 687-FN if enacted would deprive every member of the community due process of law by the creation of a statutory cause action in the absence of an injured party claiming an **“injury in fact”** in direct violation of substantive and procedural due process rights of every member of the community secured by, *Part I Bill of Rights Article XIV;*

*“Every subject of this State is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, **property** or character, to obtain right and justice freely, without being obliged to purchase it ; completely, and without any denial ; promptly, and without delay, conformably to the laws.”*  
*and,*

13. *Part I Bill of Rights Article XV;*

*“No subject shall be held to answer for any crime, or offence, until the same is fully and plainly, substantially and formally described to him; or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself: **To meet the witnesses against him face to face, and to be fully heard in his defense by himself and counsel.** And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers or the law of the land.”* and,

14. Because, HB 687-FN if enacted would deprive every member of the community the right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions by the creation of a statutory cause action in direct violation of, *Part I Bill of Rights Article XIX*;

*“Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath, or affirmation; and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.”* and,

15. Because, in the absence of an **“injury in fact”**, those who are defined in HB 687-FN, 159-E:1 Definitions, chapter: VI. as a “Petitioner” have no standing as there is no injured party. The state cannot be an injured party as there is no **“injury in fact”**.

16. Because, United States Supreme Court; *Miranda v. Arizona*, 384 U.S. 436

*“As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when Escobedo was before us, and it is our responsibility today. Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them.”*

17. Because New Hampshire Constitution *Bill of Rights Article's XII, XVI, XV, XIX* are still the laws of the land, *HB 687-FN* cannot be enacted as this Bill is in direct conflict with said Articles and the Bill is not in harmony with fundamental rights protected by said Constitution.
18. Because Constitutional supremacy is reaffirmed by House Rule 64. Public policy must always be subordinate to the Constitution.
19. Where fore the Representatives of General Court who have voted yes on HB 687-FN have violated their oath and the rules adopted by the General Court.
20. Because CHAPTER 92 TENURE AND OATH OF OFFICE IN CERTAIN CASES N.H.RSA 92:2 Oath Required. – and any such person who violates said oath after taking the same shall be forthwith dismissed from the office or position involved.
21. Because any such violation of oath office which results in the deprivation of rights under color of law is subject to *42 U.S. Code § 1983*. Civil action for deprivation of rights;
- “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”*

I, Daniel A. Richard swear that all the information provided above to be true and correct.

Executed the \_\_\_\_\_ day of \_\_\_\_\_, Two Thousand, Twenty

## Jennifer Horgan

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**From:** sam hogan <shogan762@comcast.net>  
**Sent:** Wednesday, June 24, 2020 8:59 PM  
**To:** Jennifer Horgan  
**Subject:** HB 687 is unlawful

Jennifer,

HB 687 will soon be coming to a vote and I hope you can see that it is unlawful and unjust, please help NH residents by ensuring this bill is defeated, really getting tired of this gun grabbing nonsense.

-Sam Hogan

The Honorable Martha Hennessey  
Chair, Senate Judiciary Committee

Madam Chair, Members of the Committee:

Today, your Committee will consider and vote on HB 687.

I think everyone can agree that circumstances can exist when certain individuals should not be in possession of a firearm(s). The Second Amendment of the US Constitution and Article 2.a. of the NH Constitution guarantees the right of individuals own firearms. Therefore legislative bodies must tread cautiously when enacting laws that would restrict that right. Both the US Constitution and the NH Constitution (Article 15) also provide for due process.

As amended, HB 687 still does not provide adequate due process for the accused. The bedrock principal of due process dates back centuries from English law and the Magna Carta. The Fourth and Fifth Amendments of the Constitution are no less important than any of the others.

The House Criminal Justice and Public Safety Committee voted the bill out without recommendation. Even they know it is flawed. Legislation with good intentions but poorly written so as to violate an individual's constitutionally guaranteed rights is bad policy. I respectfully ask that you vote HB 687 Inexpedient to Legislate.

Sincerely,  
Lawrence Melanson  
Webster, NH

Dear committee,

Your consideration of HB687 is with the assumption that wronged respondents will have a right to appeal final orders to the New Hampshire Supreme Court.

Starting 1/1/18, the NHSC has been blanket affirming every such appeal, refusing to vacate blatantly unlawful orders even issued in clear and extreme violation of the statute and due process, while completely hiding all of their dispositions in such cases from public view. They are keeping their unlawfully tyrannical secret outside the public eye.

Proof: On the "Other Final Orders" site listing all such non-precedential case decisions in every other type of appeal: <https://www.courts.state.nh.us/supreme/finalorders/index.htm>

... you will fail to find any of the following self-censored tyrannical and illegally suppressed dispositions:

Viz., inter alia, #2018-0199, Lisa Bailey v. Brendan Poelaert; #2017-0698, Brittany Hession v. Blake Douglass; #2017-0709, Jamie Dolpies v. Melissa Christoforo; #2018-0049, Maria Schirduan v. Paul Schirduan; #2018-0200, Katlyn Robitaille v. Dana Beaulieu; #2018-0248, Sanjeev Lath v. Robert Surprenant; #2018-0376, Paul Maravelias v. David DePamphilis; #2018-0263, Diana Paquet v. Joseph Paquet; #2018-0325, Gary Cote v. Justin Douglas; #2018-0343, Abigail Hidden v. James Hidden; #2018-0470, Aisling Anderson v. Matthew Hutnick; #2018-0571, Brianna McKenzie v. Joseph McGrath; #2019-0259, Donna Pelliccia v. Brandon Roy; #2019-0074, Harlee O'Dell v. Bradley Kenerson, Sr.; #2019-0370, Linda Knowles v. John Fiumara; #2019-0306, Christina DePamphilis v. Paul Maravelias, #2019-0431; Victoria Magnell v. Joseph J. Nugent, III., etc.

This practice is Orwellian, shocking, and illegal.

Stern regards,

Paul Maravelias

Dear Judiciary Committee Members,

We are writing in support of HB 687, the New Hampshire Extreme Risk Protection Order. This bill could help save lives by preventing people in crisis from accessing firearms when they pose a serious risk of using them to harm themselves or others.

We have the following personal testimony from Peggy Lamb that we wanted to share with you:

***This bill would have made a difference in my family and spared my father's life. I was raised in a very conservative family of Republicans. We were hunters.***

***At 48 years old, in the prime of his life with 6 kids at home, my dad took his life with his shotgun. The gun that he used for hunting.***

***At that time there was little support for someone struggling with depression. However, there were warning signs that my dad demonstrated. We just didn't know what to do with them and how to help him.***

***Today we have an opportunity to spare families like mine from experiencing the loss of a loved one by committing suicide by a gun.***

Sincerely,

Peggy Lamb  
Portsmouth, NH

Suzanne Sonneborn  
Rye, NH

Dear Senators:

Sadly, New Hampshire's Domestic Violence laws are some of the most misused and abused laws I have ever seen. Perjury is rarely if ever (as I have never seen it) prosecuted, even when the prosecutors are handed the admission of the perjurer on a silver platter. The prosecutors do not even have to do their job, I have provided certified copies of the court documents, an audio of the Court hearing, and the admission of the perjurer, despite being warned by the trial judge to obtain counsel, that perjury was a crime. The State never seems to understand that the reason we have trials is to determine who, if anyone is the "victim". This bill is the domestic violence bill on a double dose of steroids. NOT good, not fair, not right. Only when there is mandatory prosecution for perjurers, and those whose cases are dismissed are mandated to pay a good portion of the costs incurred by the falsely accused will the Domestic Violence bills be some sort of fair, and despite that, there are those who want to make things even worse, so that a person can make up stories and accuse anyone over little more than insults and hurt feelings in some instances. I have testified at many of these hearings and outlined the countless criminal provisions already on the books that can be used, but those who promote this madness want what **they want and they want it NOW! No due process, no oversight, just give them what they want now, and the person who is accused can worry about seeking justice LATER. This is something one would expect in a 3<sup>rd</sup> world country. Not a country that prides itself on due process.**

Red Flag laws, also called Gun Violence Restraining Orders and Extreme Risk Protection Orders, are gun-confiscation laws disguised as "gun-violence prevention" laws that are being pushed hard at both the state and federal levels. The stated goal of such a law is "to prevent a person from harming themselves or others." The law does no such thing! Such laws violate many of our constitutional protections and are fraught with problems: NO NOTICE UNTIL POLICE SHOW UP AT YOUR DOOR, PRE-DAWN, WITH GUNS DRAWN – a dangerous situation for everyone involved; YOU HAVE NO RIGHT TO DUE PROCESS PRIOR TO CONFISCATION; YOU ARE ASSUMED TO BE DANGEROUS UNTIL YOU PROVE YOU'RE NOT; CONFISCATION IS BASED ON SOMEONE'S WORD-NO PROOF NECESSARY; YOUR ACCUSER IS KEPT SECRET, ALLOWING THEM TO HARASS YOU WITHOUT CONSEQUENCE; YOU LOSE EVEN IF YOU WIN-You WILL spend thousands in legal fees and it could even impact your reputation and employment; YOUR GUNS WILL LIKELY BE DAMAGED OR EVEN POSSIBLY DESTROYED; THERE'S NO PROTECTION FROM REPEATED RED FLAG CONFISCATIONS. As further proof that Red Flag laws are not meant to save lives, but to simply confiscate guns, ask yourself this: "If a person is 'too dangerous' to own a gun, then why is that person walking around with the rest of us? Can't that 'dangerous' person still commit suicide or harm others if they have the opportunity?" Americans are intentionally not being told of the serious constitutional and



practical problems with Red Flag laws. Please spread the word to everyone you know before it's too late.

Penny Dean 603-230-9999

## Jennifer Horgan

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**From:** WL <wlynch03303@yahoo.com>  
**Sent:** Tuesday, June 23, 2020 1:44 PM  
**To:** Martha Hennessey; Shannon Chandley; Melanie Levesque; Sharon Carson; Harold French; Jennifer Horgan  
**Subject:** Please vote ITL on HB1660

Dear Senators,

Current law under RSA 631 already addresses criminal actions against venerable adults. Actions like Threatening, Neglect and Financial Exploitation are already against the law\*. There is no need for this bill.

Instead, this bill seeks to allow government officials, using mere accusations in ex-parte hearings to seize the lawfully owned firearms from law-abiding New Hampshire citizens. In an era of massive protests and unrest nationally, more government overreach is not the answer.

I would ask that you kill this bill [Vote the bill ITL, "Inexpedient To Legislate"] just like you did with the last two gun bills that went through this committee.

\*Laws already on the books:  
631:4 Criminal Threatening. –

631:8 Criminal Neglect of Elderly, Disabled, or Impaired Adults. –

631:9 Financial Exploitation of an Elderly, Disabled, or Impaired Adult. –

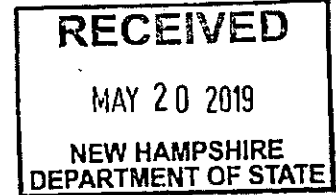
Regards, William Lynch

In the first Year of the One Hundred Sixty-Six General Court

General Session

Of

The State of New Hampshire

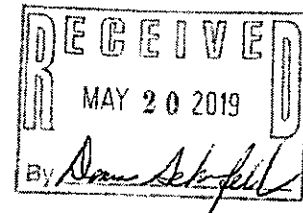


**Remonstrance**

Daniel Joseph Alain Richard

A Citizen Of

The State of New Hampshire

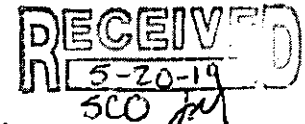


v.

Stephen Shurtleff

Donna Soucy

Received May 20, 2019 by Paul C. Smith, Clerk - Hon. [Signature]



Notice to agent is notice to principle and notice to principle is notice to agent

**Notice of Trespass**

**Instruction for Re-institution of Constitutional Guaranteed Rights**

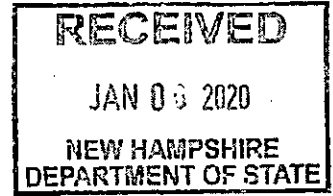
Under the Authority of the Constitution of New Hampshire, Bill of Rights Part I Article VIII; All power residing originally in, and being derived from the people, all the magistrates and officers of government, are their substitutes and agents, and at all times accountable to them.

I give notice of trespass of my unalienable rights guaranteed in said Constitution.

claim: trespass [fraud] [conversion] [violation of oath of office]

[deprivation right(s) under the color of law]

To the Honorable General Court  
Of  
The State of New Hampshire



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A Memorial and Remonstrance

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JAN 06 2020

red by Donna S.

Daniel A. Richard

A Citizen Of

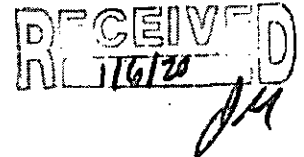
The State of New Hampshire

Received  
JAN 06 2020  
Shirley  
Clerk of the Hse

v.

President of the Senate,

Donna Soucy,



Speaker of the House of Representatives,

Stephen Shurtleff,

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Under the Authority of the *Constitution of New Hampshire, Bill of Rights Part I Article VIII,*  
*“All power residing originally in, and being derived from the people, all the magistrates and officers of government, are their substitutes and agents, and at all times accountable to them.”*

Written Testimony against HB687

Hon. Joe Hannon

Gun Owners of New Hampshire, Vice President

We strongly oppose HB687 and ask that you vote to ITL this dangerous bill.

This bill takes away someone's rights without a crime occurring.

In response to the killing of Gary Willis by police serving an ERPO: Said Anne Arundel County police chief Timothy Altomare:

If you look at this morning's outcome, it's tough for us to say, "Well, what did we prevent?" Because we don't know what we prevented or could've prevented.

What would have happened if we didn't go there at 5 am?

Probably nothing. Because during his many years as a resident at his home in Ferndale nothing untoward happened. His niece, Michele Willis, said "I'm just dumfounded right now. My uncle wouldn't hurt anybody."

**HB687 – Say Goodbye to Your Fourth Amendment Rights Too!**

The Fourth Amendment requires probable cause for searches and seizures, but this bill seeks to allow searches and seizures of firearms and ammunition provided the Court has "reason to believe that such firearms or ammunition have not been relinquished by the respondent."

The bill goes even further, allowing this search warrant to extend to any place the firearms or ammunition are "reasonably believed" to be found. This would allow the search warrant to extend to friends and family of the respondent, gun clubs or shops, etc. – none of whom is a party to the action nor aware of the proceedings.

Furthermore, if law enforcement cannot immediately discern which firearms belong to the respondent or the holder, that person's firearms will be taken too. Even after that person proves ownership, the firearms or ammunition will only be returned if,

“the lawful owner agrees to store the firearm or ammunition in a manner such the respondent does not have access to or control of the firearm or ammunition, and the law enforcement agency conducts a background check to determine the lawful owner is not prohibited...”

Ultimately, this bill seeks to grant the power to seize, not only the respondent's firearms and ammunition, but any and everyone else's that the bill can capture.

Temporary orders remain in effect until a dismissal or final order is issued. Yet, the bill provides inadequate time for the respondent to mount a defense prior to the final hearing

The final order lasts twelve months, but the Court is required to remind the petitioner that they can extend the order another twelve months, every twelve months, so long as the order exists. Ergo, the order can be perpetual.

If the petitioner is unable to meet the burdens established for either temporary or final orders the case will be dismissed.

The respondent's firearms and ammunition, however, have already been seized. The respondent has already been reported to NICS. And the respondent will have to endure further hearings to reobtain that which has been taken, including independently seeking removal from NICS.

while the bill requires notification to NICS that the respondent is a prohibited person, there is no such corresponding requirement that the government notify NICS that the respondent is no longer a prohibited person.

### **GOA's Michael Hammond: Gun Confiscation is Not a “Middle Ground”**

Springfield, VA – In response to some media outlet's coverage of so-called “red flag laws” — properly referred to as Gun Confiscation Orders — GOA's legislative counsel, Michael Hammond provides a rebuttal:

"Some newspaper articles imply that Gun Confiscation Orders (fraudulently sugar-coated as 'red flag laws') somehow represent a 'middle ground' alternative to gun control.

"This is comparable to curing a 'painful hangnail' by shooting yourself through the head.

"No. Radical, repressive, 'middle-of-the-night-knock-on-the-door' gun confiscation — with no due process whatsoever — is not a 'reasonable alternative' to anything.

"To the contrary, it is the 'final destination' of those who want to give the police the ability to obliterate your constitutional rights — by a simple telephone call.

"Here's how Gun Confiscation 'red-flag laws' work: In general, the police or an 'angry ex' can make a telephone call to a judge. And, based on that telephone call, the judge can issue an order stripping you of your Second, Fourth, Fifth, and Fourteenth Amendment rights.

"With no actual hearing and no due process whatsoever.

"Now, many of the bills on the table (such as Colorado's) would allow the judge to suspend constitutional rights by a 'preponderance of the evidence' — a standard far below proper due process.

"But it really doesn't matter. When the accuser is the only one on the line, the judge will normally 'sign a ham sandwich.' In an analogous proceeding in New Mexico, for example, a judge issued a restraining order against David Letterman for supposedly sending coded messages to a New Mexico housewife over her TV set.

"So, armed with the rubber-stamped revocation of the Constitution, the police will normally arrive at your door in the middle of the night, ready to ransack your home and, if you resist, to arrest or kill you.

"Think this is far-fetched? Within the last few months, police summarily executed 60 year-old Ferndale, Maryland, resident Gary Willis while serving a 'red-flag' order at 5:17 a.m. in the morning.

"Sure, you can spend \$10-20,000 to hire a lawyer and try to convince the judge he made a mistake. This is a fool's errand.

"These Constitution-revoking 'quickie orders' are made all the more ridiculous because they are completely ineffectual.

"A study by criminologist John Lott found that these Gun Confiscation 'red-flag' orders had absolutely no effect in the states where they were law — except, maybe to INCREASE the incidence of rape.

"Gun Confiscation Orders didn't stop the shooting at Newtown. They didn't stop the shooting at Thousand Oaks. They didn't stop the shooting at Aurora, Illinois.

"And they wouldn't have stopped the shooting at Parkland for the simple reason that, as often as the police visited the shooter's home, they failed to exercise remedies which were already on the table because they viewed him as 'a low risk.'

"NEWS FLASH: If the police are on record as saying a gun owner is 'a low risk,' it will be impossible to get a 'red-flag' Gun Confiscation Order.

"What's at stake, in fact, is not policy. It's yet another effort by Michael Bloomberg to put 'points on the board' toward his ultimate objective of banning civilian possession of firearms.

"And, tragically, some newspaper articles are helping him achieve that goal."

Michael Hammond, Esq., member of GONH had this to say about HB 687: Tomorrow morning, New Hampshire Democrats will demonstrate that Black Lives DON'T MATTER to them.

Or the lives of law-abiding gun owners, no matter whether they are black or white.

HB 687 is New Hampshire's answer to the question: "What would Hitler do?"

Under HB 687, an angry relative -- or a "Minneapolis cop" -- can simply put in a phone call to a pliant judge.

If the complainant can make a series of unproven allegations that a gun owner is "dangerous," no hearing or due process is necessary.

The next thing that happens is that a SWAT Team arrives at the gun owner's house in the middle of the night -- ready to seize the victim's guns and -- if he resists -- to shoot him to death.

This is what happened to Gary Willis of Ferndale, Maryland, who was summarily executed to police serving a "red flag" Gun Confiscation order at 5:17 a.m. Willis was a 62 year old black man who was described by neighbors as "gentle." But his non-immediate relatives who filed for the "red flag" order didn't like his politics. So Willis was shot to death by police.



In theory, after awhile, Willis would have had a right to a hearing after-the-fact, if he could have dredged up the \$20,000 to hire an attorney. But that was moot.

The most comprehensive study of "red flag" states was conducted by criminologist John Lott. He found "red flag" laws didn't reduce murder, didn't reduce mass murder, and didn't reduce crime.

Instead, they are just one more stepping stone to the day when the Left bans the private ownership of guns altogether.

Robert Leatherbee  
29B Court Street  
Exeter, NH 03833  
[robleatherbee@comcast.net](mailto:robleatherbee@comcast.net)  
Supports HB 687-FN

Thank you, Mr. Chairman and Honorable members of the Judicial 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 were 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.

Fellow NH Citizens and Legislators:

I am writing in support of Bill 687, the "Red Flag" law that would protect the vulnerable from gun violence against others or themselves.

I have lost two people in my life to suicide by gun. Both of these people were seriously mentally ill and they were under the care of medical professionals. Their illness was well documented. Neither should have been able to purchase a gun. Yet they were able to purchase the guns with which they took their own lives. Both of these beloved people used the guns they purchased legally to end their lives. Neither were over the age of 25.

A gun is a weapon of opportunity and is responsive to an impulse. A delay of a few seconds might have made a difference.

I beg you to support bill 687.

Sincerely,

M. Gretchen McBride

Exeter, NH

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

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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.

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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.

8Jan2020... 2790h 19-0007

04/05

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

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

CHAPTER 159-E

EXTREME RISK PROTECTION ORDERS

159-E:1 Definitions. In this chapter:

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

II. "Family or household member" means:

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

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

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

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

**This is unacceptable. By this standard any person may claim an intimate relationship and to be an intimate partner. In my time in Littleton I have had to intervene in at least one case where an individual claimed intimacy when in fact no such intimacy existed, relying on our common desire to protect women or men in a vulnerable situation.**

**I suggest alternate wording.**

**IV. "Intimate partner" means a person who is currently or who, in the preceding 24 months, can be shown by credible evidence to be in a romantic relationship with another, whether or not such relationship was ever sexually consummated.**

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

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

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

159-E:2 Jurisdiction and Venue.

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

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

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

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

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

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

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

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

This is unacceptable. Any person who files a false report to the court has committed a serious act against the accused. This should be a felony, as other false statements to the authorities are felonies.

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

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

This is unacceptable. The taking of property and the violation of an individuals civil rights should not take place without benefit of counsel.

I suggest alternative wording.

V. No filing fee or fee for service of process shall be charged for a petition or response under this section, and the petitioner or respondent may proceed without legal counsel upon consent by both parties.

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

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

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

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

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

This is unacceptable. The rules of evidence have been developed to protect both the accuser and the accused in any civil or criminal matter.

I suggest the following:

IX. In any proceeding under this chapter, the court may admit evidence which it considers relevant, reliable, and material according to the usual rules of evidence in such cases.

159-E:4 Temporary Relief.

A petitioner may request, and the court may enter, a temporary extreme risk protection order with or without actual notice to respondent. The court shall issue a temporary extreme risk protection order if it finds, by a preponderance of the evidence, that the respondent poses an immediate and significant risk of causing bodily injury to himself or herself or others by



## **New Hampshire Lawmakers:**

# **Pass an Extreme Risk Protection Order Bill to Help Prevent Gun Tragedies**

In New Hampshire, 90% of all gun deaths are suicides. An extreme risk protection order (ERPO) law could save lives by temporarily removing firearms from dangerous situations.

ERPO laws can help prevent gun violence tragedies like gun suicides and mass shootings by giving loved ones and law enforcement who recognize dangerous warning signs a tool to prevent tragedies before they happen. Research shows that that ERPO laws are an effective way to prevent firearm suicide.

**The following New Hampshire residents have added their name to call on our elected leaders in New Hampshire to pass an ERPO law and help prevent gun tragedies in our homes and communities.**

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

DIXIE TARBELL

NH 3801

CORNELIS PIETERSE

NH 3086

LORI OTTO

NH 3054

DAVID LONDON

NH 3885

CATHERINE SNYDER

NH 3042

SHEILA GROONELL

NH 3833

ARTHUR BJORK

NH 3079

ASSUNTA M. RILEY

NH 3060

HUGH HARWELL

NH 3257

GR JONES

NH 3245



# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

DAVID PREECE  
NH 3104

ELAINE TITUS  
NH 3868

ELEANOR DUBOIS  
NH 3051

ELIZABETH A A TROUGHT  
NH 3266

JOHN HURLEY  
NH 3743

MARY JO MARCELY  
NH 3057

HEIDI WURTZ  
NH 3842

DOROTHEA VECCHIOTTI  
NH 3458

SUSAN H. LEE  
NH 3875

MAURA WILLING  
NH 3301

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

PATRICIA KENDALL  
NH 3264

DAVID OLSEN  
NH 3842

SUSAN HAHS  
NH 3455

PAMELA JORDAN  
NH 3064

JOHANNA YOUNG  
NH 3280

BEVERLY EDWARDS  
NH 3084

PATRICIA LEAHY  
NH 3743

FRED DECICCO  
NH 3285

GERALDINE BERGER  
NH 3561

GAYLE ESTERLY  
NH 3053

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

PAULA M. DINARDO  
NH 3820

SEAN SMITH  
NH 3049

CAROLYN JERARD  
NH 3601

KAREN LYONS  
NH 3801

BARBARA GLASSMAN  
NH 3062

GARY EVANS  
NH 3281

DANIEL MARES  
NH 3079

CHERI FALK  
NH 3086

SYLVIA DWYER  
NH 3281

DONALD AND FRANCINE COTE  
NH 3867

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

BRIGITTE BAILEY  
NH 3801

LINNELL KRIKORIAN  
NH 3103

THOMAS WESTHEIMER  
NH 3458

LETITIA UFFORD  
NH 3755

SUSAN COVERT  
NH 3229

KAROLINA BODNER  
NH 3825

LAURIE DONAHUE  
NH 3842

WILLIAM W NICHOLS  
NH 3784

STEPHEN CARDWELL  
NH 3824

KEVIN KLASMAN  
NH 3064

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

CARL D. EVANS  
NH 3264

ANN WILKINS  
NH 3875

NEIL J. LEWIS  
NH 3060

ANNA CARTER  
NH 3458

MERLE PIETERSE  
NH 3086

MICHAEL TROTTA  
NH 3106

N O  
NH 3055

MARY RUSSELL  
NH 3574

VICTORIA SMITH  
NH 3766

SHARON TODD-ELLIOTT  
NH 3070

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

MOIRA MCKINNON  
NH 3842

KEITH F THOMPSON  
NH 3064

JEAN LEWANDOWSKI  
NH 3062

DAVID L. WEBB  
NH 3755

BARBARA FUCARILE  
NH 3053

GEORGE WOOD  
NH 3062

KELLIE SMITH  
NH 3244

CLAIRE ABEL  
NH 3063

MARY M. MYNOTT CASEY  
NH 3102

RUTH BRIGHTON  
NH 3109

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

HANNAH L PARKER  
NH 3824

SUE MERRIGAN  
NH 3064

CHUCK WEED  
NH 3431

ADAM CARLISE  
NH 3034

ROBERT JAY ROSS  
NH 3839

JOHN PERRAULT  
NH 3862

GLEN MCKIBBEN  
NH 3576

RENEE STOKEL  
NH 3844

D CARR  
NH 3755

ELAINE FRENCH  
NH 3561

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

DANIEL ST. JAMES  
NH 3031

SHEL MICHAELS  
NH 3049

JOHN TOLMAN  
NH 3584

ELEUTHERA PAULINA PAULINA DU PONT-PASSIGLI  
NH 3602

KRIS GROVES  
NH 3046

MELISSA RIGAZIO  
NH 3854

JEFFREY JEFFREY SMITH  
NH 3042

JOHN RABY  
NH 3257

SANDY LAWLER  
NH 3054

KRISTIN KAPLAN  
NH 3062



# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

JUDITH BLAISDELL  
NH 3833

CORINNE M DODGE  
NH 3038

CRYSTAL BRUNELLI  
NH 3077

ART BOBRUFF  
NH 3284

FAIRLEE GAMBLE  
NH 3755

ANNE LYCZAK  
NH 3801

THE REV. LUCRETIA REV. LUCRETIA JEVNE  
NH 3257

BARRY DRAPER  
NH 3256

DONNA GAZELLE  
NH 3782

BARBARA A BRYCE  
NH 3448

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

GRACE PAYNE  
NH 3886

L ARBOGAST  
NH 3801

JANE VARNUM  
NH 3442

ANNE ARMSTRONG  
NH 3102

KAREN DESTEFANO  
NH 3870

JANE DAVIDSON  
NH 3584

KATHY COBB  
NH 3431

SUSAN THOMPSON  
NH 3104

MARK MYNOTT  
NH 3244

JEAN DEUPREE  
NH 3755

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

VERONICA SAVAGE  
NH 3102

JACK MORGAN  
NH 3104

KATHY FROST  
NH 3110

SUSAN H. LEE  
NH 3875

CAROL GRAVES  
NH 3063

KAREN ULLMAN  
NH 3226

MAUREEN BENNETT  
NH 3858

BILL GEORGE KINGSTON  
NH 3854

DEIDRE E REYNOLDS  
NH 3063

BARBARA J. YORK  
NH 3782

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

MARY TETREAU  
NH 3064

SARAH BARNES  
NH 3768

MAUREEN REDMOND-SCURA  
NH 3301

PENELOPE MORROW  
NH 3801

MARY CROOK  
NH 3885

NANCY ZAJANO  
NH 3833

JANE SENK  
NH 3031

DEBORAH BUNTING  
NH 3896

LAURIE WARNOCK  
NH 3841

ANN LYNCH  
NH 3854

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PATRICE HUNT  
NH 3867

GERALDINE BEDNARZ  
NH 3104

JOAN BAILY  
NH 3833

ROBIN SKUDLAREK  
NH 3053

CAROLINE HOEN  
NH 3753

DEB HOWARD  
NH 3862

MARY JANE JANE LAVOIE  
NH 3878

SANDRA WOODWORTH  
NH 3862

MARGARET ANDERSON  
NH 3466

RUSSELL CARLSON  
NH 3771

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

ELIZABETH SCHAEFFER  
NH 3833

MARY BURDETT  
NH 3055

JAMES KENNETT  
NH 3281

MARY KAZANOWSKI  
NH 3110

MICHELLE N RAMAURO  
NH 3431

ALETHEA KEHAS  
NH 3304

CAROLYN COMAN  
NH 3827

AILEEN MACONI  
NH 3842

GARY FINCKE  
NH 3833

KATHLEEN MACKAY  
NH 3285

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

KENDRA PHILLIPS  
NH 3874

MARY ANN CAPPIELLO  
NH 3885

CAROLINE EDWARDS  
NH 3053

SHERI GUSHTA  
NH 3833

KELLEY O'CONNELL  
NH 3857

ELIZABETH BEESON  
NH 3245

KELLY CALHOUN  
NH 3820

ASHLEY BABLADELIS  
NH 3301

BETHANY CHILDS  
NH 3087

ANGELA HORNOR  
NH 3031

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

JEN BENJAMIN  
NH 3301

AMY COOK  
NH 3221

SYLVIA HEATH  
NH 3451

MARY LINCOLN  
NH 3102

LAURIE MCGOWAN  
NH 3458

DEBORAH CUENCA  
NH 3038

JESSICA SURGENTO  
NH 3110

LISA SWEET  
NH 3801

RUTH HENDERSON  
NH 3825

JENNIFER WALTON  
NH 3301



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WINNIE PERROTTON  
NH 3431

JOHN G  
NH 3833

ROXANNE MARSH  
NH 3258

MIMI SILVERMAN  
NH 3110

TIM PENDERGAST  
NH 3077

DEBORAH WALL  
NH 3064

ROBERT BROWN  
NH 3304

VIRGINIA ROHLOFF  
NH 3885

CARLA BILLINGHAM  
NH 3079

RUTH O'NEAL  
NH 3882

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

MARYANN TAYLOR  
NH 3038

EMILY ZAJANO  
NH 3833

NANCY BROOKS  
NH 3466

SUSAN KJELLBERG E KJELLBERG  
NH 3886

SARAH BOUTIN  
NH 3054

SUZANNE SONNEBORN  
NH 3870

JUSTINE CAMPBELL  
NH 3304

MERRIE WARNER  
NH 3870

DOUG BOGEN  
NH 3825

TIMOTHY HANNA  
NH 3873

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

VIRGINIA M DRESSER  
NH 3750

JEROME DIMAURO  
NH 3079

BARBARA BLUE  
NH 3051

JERRY DUNFEY  
NH 3215

MARLENE FAUCHER  
NH 3237

THOMAS CAMPBELL  
NH 3561

L JILL JILL MAYO  
NH 3833

FAITH SILLARS  
NH 3263

JANE DOHERTY  
NH 3045

BRENDA ROY  
NH 3102

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

JAMES DALE LANG  
NH 3052

JODI POTTER  
NH 3246

PATTI FRAZER  
NH 3063

NATALIA DWORJANYN  
NH 3820

DEBORAH SEAVEY  
NH 3862

BEVERLY A HOLLINGWORTH  
NH 3842

DEBORAH STEY  
NH 3063

JANICE LACHANCE  
NH 3054

FELICE JANELLE  
NH 3106

ANN BARRETT  
NH 3801

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LISA BRENNAN  
NH 3087

CAROL HAHN  
NH 3264

NANCY PELLEGRINI  
NH 3755

AMY CORSTON  
NH 3254

VICKY DRUCKER  
NH 3755

MURIEL STEINBERG  
NH 3785

J.P. SHERMAN  
NH 3777

CAROLINE TRICKEY  
NH 3079

SYLVIA R KENNEDY  
NH 3833

MARY KNIGHTLY  
NH 3842

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

ALLANLURVEY@COMCAST.NET LURVEY  
NH 3885

BRIDGET BARKER  
NH 3801

MARTY ELKINS  
NH 3254

NANCY HALLORAN  
NH 3848

AMY ROY  
NH 3031

KAREN L DEWEY  
NH 3773

SUSAN GAIERO  
NH 3873

MICHAEL C  
NH 3833

HELEN MCARDLE  
NH 3053

SUSAN ORKIN  
NH 3753

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

BETH HILGARTNER  
NH 3777

PATRICIA TOUSSAINT  
NH 3872

MICHELA HITES  
NH 3053

LYNDA KANTERES  
NH 3104

COLLEEN MADDEN  
NH 3046

DEBORAH SAVAGE  
NH 3031

LAURA HORNE  
NH 3055

BETSY CADBURY  
NH 3263

ELISE ANNUNZIATA  
NH 3801

ELIZABETH GEORGE  
NH 3801

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DOUG STANTON  
NH 3867

ROBERT LEESE  
NH 3031

LAWRENCE BURCH  
NH 3770

ALLYN LANOUE  
NH 3049

PIERRE COLIN  
NH 3458

MELANIE BAKER  
NH 3854

ELIZABETH FOSTER  
NH 3257

JEANNE HASKINS  
NH 3801

PAM FREILICH  
NH 3046

KETURAH KREPS  
NH 3861



# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

LISA CORREA  
NH 3255

MARGARET LAMBERT  
NH 3032

CYNTHIA POWELL  
NH 3215

CAROL GULLA  
NH 3857

SUSAN WIGGLESWORTH  
NH 3264

SUSAN LOWE  
NH 3581

GLENN KAZANOWSKI  
NH 3110

BRIDGET MARVINSMITH  
NH 3871

SUSAN TOCHTERMAN  
NH 3431

INGRID AHLBERG  
NH 3857

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

ANN GOODRICH-BAZAN  
NH 3470

MARY FLYNN  
NH 3253

BRITT HATCH  
NH 3063

GEOFFREY MOLINA  
NH 3431

HENRY TURNER  
NH 3801

GAIE MITCHELL  
NH 3818

DAVE BREault  
NH 3079

CINDY RIZZA  
NH 3045

GEOFF HAMER  
NH 3104

PATRICIA KASPARIAN  
NH 3269

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

KATHLEEN MCCUE  
NH 3052

MINDY BOCKO  
NH 3870

SUZEN DESALVATORE  
NH 3878

ROBERT BARRY  
NH 3461

BEVERLY ANDREWS-POTRY  
NH 3777

ERIN MOORE  
NH 3303

BARBARA PRIEN  
NH 3870

STEVEN RILEY  
NH 3431

ANTHONY GOODING  
NH 3431

HELMUT KOCH  
NH 3301

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

HOPE STRAGNELL  
NH 3741

ROBIN SCHNELL  
NH 3801

STEPHEN CAREY  
NH 3106

SUSAN WEI  
NH 3217

BRIDGET BENEDICT  
NH 3278

MARY LOU ONEIL  
NH 3449

DAVE BERUBE  
NH 3249

ZELDA MOORE  
NH 3824

ELLEN JAHOS  
NH 3602

MARTHA DICKEY  
NH 3303

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

PATRICIA TOWNSEND  
NH 3801

REBECCA AUDET  
NH 3854

SHERYL LIBERMAN  
NH 3054

MARGARET MARTIN  
NH 3242

CAROLYN COMAN  
NH 3827

LAURIE KOCH  
NH 3301

MARIE NARDINO  
NH 3216

CECILE GUNN-DESMOND  
NH 3861

DEANNA PILKENTON  
NH 3824

PAUL AMUNDSEN  
NH 3833

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

JANET PRINCE  
NH 3064

BARBARA JENKINSON  
NH 3264

SARAH MERRIGAN  
NH 3064

TABITHA DUNN  
NH 3276

ERIK HILLIKER  
NH 3878

JOHN WHEELER  
NH 3817

DEBBIE FARR  
NH 3281

CAROL YADETA  
NH 3431

PATRICK MILLER  
NH 3223

IRENE GODIN  
NH 3053

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

JINX GOLLAM  
NH 3301

JOAN VALENTINE  
NH 3823

CYNTHIA GLENN  
NH 3054

SALLIE BARKER  
NH 3284

MISTY CROMPTON  
NH 3070

BETH KAPUTA  
NH 3833

AMANDA HYDE-BERGER  
NH 3054

CONNIE RAMIREZ  
NH 3766

LEN COPPOLA  
NH 3249

JOANNE RAVGIALA  
NH 3801

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

MICHAEL JUSTICE  
NH 3458

MEGAN LINEHAN  
NH 3104

CINDY RAND  
NH 3755

Y HUPP  
NH 3053

MARIE CURRAN-PETRIGNO  
NH 3055

JENNIFER FABIS  
NH 3608

C KAHRS  
NH 3304

KIM CARNEGIE  
NH 3110

KATHLEEN TERESHKO  
NH 3062

REBECCA REIS-ASH  
NH 3235



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NH 3861

RICHARD LAMONT  
NH 3753

ELEANOR ELBERS  
NH 3602

NORINE MCQUEENEY  
NH 3070

SARAH VESPERMANN  
NH 3263

FRANCES HIMMELBERG  
NH 3431

MEGGIN DOSSETT  
NH 3766

ELLA GILBERT  
NH 3108

LYNETTE CURRIER  
NH 3216

LAURA DEMING  
NH 3268

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NH 3833

PAMELA R HANSON  
NH 3753

CHRISTINE GAFFNY  
NH 3053

LINDA L WOODRUFF  
NH 3049

KIM KATHERINE RIVEST  
NH 3842

ART MIESOWICZ  
NH 3839

SARA STEERE  
NH 3047

LOUISE RICHARDSON  
NH 3827

PATRICIA MASTERSON  
NH 3858

KARLAINE V. LIVINGSTON  
NH 3743

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NH 3245

JOANNE DEBOLD  
NH 3229

ELIZABETH COLLINS  
NH 3086

STEPHEN AND PATRICE RASCHE  
NH 3224

VICKI HOPKINS  
NH 3301

MAYA SINGH  
NH 3801

MARY ST. PETER  
NH 3055

HALEY BROWN  
NH 3076

KATIE REMESCH  
NH 3063

KATHERINE HERGER  
NH 3060

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NH 3060

MORGAN DIEHM  
NH 3215

TAMMY GLUCK  
NH 3858

LISA TSIOPRAS  
NH 3304

JO RAY  
NH 3031

STEPHANIE SPYVEE  
NH 3841

KATHERINE CONNOR SNOW  
NH 3820

LAURA KIRITSY  
NH 3221

REBECCA ROLLINSON  
NH 3104

LISA DEMIO  
NH 3841

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NH 3063

MARCELLA R DUBE  
NH 3031

VALERIE DANIELSON  
NH 3110

JESSICA THOMSON  
NH 3251

HILARY ASH  
NH 3431

MARY TERRIO  
NH 3049

JOHN BEST  
NH 3062

PERSIS W GOUIRAND  
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KRISTEN LIBBY  
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NATALIE BRONFINE  
NH 3049

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NH 3054

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NH 3064

HEIDI GLAVAC  
NH 3574

VALORIE FARETRA  
NH 3275

DAPHNE BRUEMMER  
NH 3264

CHARLOTTE TOIA  
NH 3047

CAROL DALE  
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SHEILAGH BERGERON  
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NH 3801

ELIZABETH ANDERSON  
NH 3833

ERIN CAVANAUGH  
NH 3869

LISA KELLY  
NH 3255

HOPE VAN EPPS  
NH 3801

SUSAN BATES  
NH 3801

KEITH BATES  
NH 3801

MARK BERRY  
NH 3110

JANET VAUGHN  
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CLYDE & CATHY BACON  
NH 3773

DANA BRUNT  
NH 3070

MIKE AND JOAN TOEPEL  
NH 3268

KAREN SMITH  
NH 3034

ANNE POSNACK  
NH 3810

ADRIENNE GEORGE  
NH 3064

MAURICE FORTIER  
NH 3103

PATRICIA THAYER  
NH 3833

JOHN MICHAEL BALLENTINE  
NH 3064



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NH 3249

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NH 3062

LYNN COX  
NH 3216

JAN EKEBERG  
NH 3301

BRIAN VANBENSCHOTEN  
NH 3868

PATRICIA TOUSSAINT  
NH 3872

SHEILA BROWN  
NH 3304

ELEANOR RIZZO  
NH 3031

SUE BERTHEL  
NH 3827

NANCY AMATO  
NH 3055

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NH 3031

THOMAS ENGLE  
NH 3033

NANCY ANN BRENNAN  
NH 3281

AJEET SINGH  
NH 3801

CATHERINE AGNES BEHRENS  
NH 3431

CHRISTINA CHUCKRAN  
NH 3052

CATHERINE O'CONNELL  
NH 3031

LAURA BREVITZ  
NH 3886

CHRISTINE LACLAIR  
NH 3455

KATHERINE GASS STOWE  
NH 3768

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NICOLE CHAMBERS  
NH 3051

ELIZABETH CALLAHAN  
NH 3884

MARY-SUE TUURI  
NH 3301

MOMOKA SCHMIDT  
NH 3755

FREDERICK NEINAS  
NH 3246

KATHLEEN BERG  
NH 3104

KARINA CALVO  
NH 3031

OLIVIA NONI  
NH 3290

JUDITH REED  
NH 3431

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MARY MOORE  
NH 3077

JESSICA RENDA  
NH 3055

JULIE E NORRIS  
NH 3064

PATRICIA BROOKS  
NH 3598

JENNIE CHAMBERLAIN  
NH 3755

ANDREW OLSEN  
NH 3102

COURTNEY BLAZONIS  
NH 3033

ANNE GROSSI  
NH 3110

JUDITH RASKIN  
NH 3110

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NH 3053

JENNA MAYES  
NH 3844

ANDREW DUNBAR  
NH 3458

SUSAN CUMMINGS MATTSON  
NH 3753

LEANE PAGE GARLAND  
NH 3755

DIANE HOIK  
NH 3229

SARAH SHERMAN  
NH 3766

NINA BANWELL  
NH 3755

MARGOT WILLIAMSON  
NH 3870

CHRISTINA MURPHY  
NH 3263

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KATHERINE PACKARD  
NH 3801

SAMANTHA GILLESPIE  
NH 3038

STEVEN TADDONIO  
NH 3079

LORI BONDARUK  
NH 3051

FELICE FULLAM  
NH 3086

JOANNA LYNN BRAMER  
NH 3856

PATRICIA PARKER  
NH 3034

RACHEL CROTEAU  
NH 3431

TERRI WINTERS  
NH 3855

CHRISTINE MARIANO  
NH 3290

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MEAGHAN BRITAIN  
NH 3229

DAVID KISZKISS  
NH 3833

MICHELLE MURPHY  
NH 3063

KATHRYN HENRY  
NH 3049

LISA HANLEY  
NH 3824

LYN LINDPAINTNER  
NH 3301

BRENDA BERKAL  
NH 3079

JACQUI SILVANI  
NH 3856

FREDRIC BURTON  
NH 3222

DEBORAH WALL  
NH 3060

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

SAMANTHA SOUTHLAND  
NH 3110

LYNNE MCEWAN  
NH 3449

MICKEY FINN  
NH 3060

DON HOUSE  
NH 3220

ELLEN YENAWINE  
NH 3257

KAREN ROBINSON  
NH 3431

DAVE ABRAMS  
NH 3045

CAROLYN STILES  
NH 3303

LINDA RAND  
NH 3801

ROBERT EHLERS  
NH 3106



# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

CHARLES MATTHEWS  
NH 3064

REBECCA LETOURNEAU  
NH 3878

KAITLYN MACDONALD  
NH 3833

LAURA DAVIS  
NH 3062

ELSA LONG  
NH 3062

HOLLIE PICUCCI  
NH 3874

YANA QUEL  
NH 3833

STACY BROWN  
NH 3857

CAROL ROWLETTE  
NH 3033

NANCY ANNUNZIATO  
NH 3580

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

KATHLEEN TERESHKO  
NH 3062

AUTUMN MAURA  
NH 3886

ELIZABETH NORTH BOUCHER  
NH 3301

KATHY WILE  
NH 3048

JODI GILMAN JONES  
NH 3801

EMILY BICKHARDT  
NH 3833

NANCY RAFFERTY  
NH 3431

NICK KLEINSCHMIDT  
NH 3753

KIRK MAURER  
NH 3753

LOUISE EWING  
NH 3440

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

BONITA CHEHAMES  
NH 3850

DEBORAH METZGER  
NH 3755

JEANNE LUDT  
NH 3031

JOHN DOUGHERTY  
NH 3801

PEDRO UMPIERREZ  
NH 3034

JOHN GRADY  
NH 3054

HOLLY COUTURE  
NH 3301

CHRISTINE BUSHWAY  
NH 3842

PAUL DICKEY  
NH 3302

GARDNER YENAWINE  
NH 3257

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

PATRICIA CLEMENT  
NH 3032

JANE POTVIN  
NH 3842

NORA MORRIS  
NH 3053

CATHERINE BACON  
NH 3773

NANCY ANNUNZIATO  
NH 3580

JOYCE MEYER  
NH 3063

DENA KENT  
NH 3801

KATHERINE PIPER  
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MIKE BOYD  
NH 3442

LINDA GOUIN  
NH 3451

# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

PAM HUBBARD  
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TIMOTHY SYREK  
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MICHAEL GINSBERG  
NH 3031

GLENNA NORMYLE  
NH 3103

BRITTNEY JOYCE  
NH 3755

DEBORAH SAVAGE  
NH 3031

JANICE EMERY  
NH 3038

ART MIESOWICZ  
NH 3839

MICHAEL TERESHKO  
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MARY SAMPSON  
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# New Hampshire Lawmakers: Support an Extreme Risk Protection Order (ERPO) Law!

WENDY VALICH  
NH 3049

LILA BARRY  
NH 3755

ERIN HOLMES  
NH 3301

SHAWN MACDONALD  
NH 3833

PAULINE ALUKO  
NH 3109

MICAELA MCCORMICK  
NH 3053

ANNE FENN  
NH 3053

LILA KELSEY  
NH 3229



Members Senate Judiciary

HB687 Red Flag Laws

When we look at the idea of a red flag law, we need to look beyond our own biases and look to see what the unintended consequences will be. We have already witnessed a death caused by a relative angry over an argument at a family gathering. She contacted police in her state where Red Flag Laws exist claiming her brother was dangerous and about to kill. The police came to his door at 5:30 am and a resulting scuffle caused the victim his life. The sister apologized admitting she had done it for revenge.

Here in NH we have examples of people writing threats on twitter or Facebook seeking violence against a political opponent. Recently Rep Deb Stevens from Nashua published a piece claiming supporters of President Trump are planning a mass slaughter if the president isn't reelected, she states they are amassing weapons and ammunition for the purpose. Her post is full of the hate and bigotry she declares Trump supporters have. She purposely uses the actions of the recent riots and destruction and claims them as action of the Trump supporters. She leaves no doubt she would call the police and Red Flag every person who supports President Trump and does not support her democrat nominee

She isn't alone, John Kerry just days ago claimed a history of "certain officials of a certain party purposely making it difficult for the other party to vote where they control those matters." John Kerry goes further and says Trump supporters will cause a revolution; another person considered a democrat leader seemingly looking for "Red Flag" reasons to attack any person who disagrees politically

The time constraints bring me to NH. This bill seems to have been resurrected after the rejection of Mr. Terrell. Suddenly we see and hear the words of the above leaders and our Democrat controlled legislature appears to be playing to a base. The same base tearing down statutes, destroying business but saving its inventories. The same base looking to defund any agency that may be in place to be sure all people are safe. The timing is very troubling to me. How do I know this is not a political shot across the bow of a ship captained by Mr. Terrell, the man deemed a "token" by Executive Councilor Andru Volinski as he was denied a seat at the table by all 3 democrat Executive Councilors? What fear is pushing the need to create a method to confiscate the freedoms of those who disagree with the ruling party?

This is not Congress this is NH and I am not willing to "pass it so we can see what's in it" I cannot be supportive of a bill so we can see what might happen, You cannot undo the death of even 1 person caused by false accusations. The rhetoric of supposed leaders is poison to a free society. Instilling fear has done little more than dramatically increase the number of people who see the need for personal protection, I am betting those trapped in their homes in Seattle wish they had been better prepared. Those who are prepared want nothing to do with a political scheme in which the ruling party disarms another through accusations that eliminate the very rights enshrined in our Constitutions. If you pass this bill the accused are guilty until they can afford to prove their innocence. I thought we killed Marsy's Law. I also thought NH was much better than this. We can argue and we can fight but to disarm your opposition so you are free to imprison them until they are reeducated is wrong and the remarks of Stevens and Kerry suggest that is the plan. ProGun NH asks you by pass the recycling bin and leave this bill in the trash can on your way out the doors

Robert E Clegg  
President  
ProGun NH





# Remonstrance

## In New Hampshire

What is a remonstrance? A remonstrance as defined in Blacks Law 4<sup>th</sup> edition;

*“**REMONSTRANCE.** Expostulation; showing of reasons against something proposed; a representation made to a court or legislative body wherein certain persons unite in urging that a contemplated measure be not adopted or passed.”*

The right to Remonstrate is a protected right in the Constitution of New Hampshire, Part I, Bill of Rights, Article XXXII;

*“The people have a right in an Orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives; and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.”*

The General Court has a Constitutional duty to assemble for redress of grievances, Article XXXI;

*“The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new ones, as the common good may require.”*

The Remonstrance is a Constitutional Right, exercised to protest any encroachment on the rights of the people, or, any usurpations of power by design, or inattention to the Laws of the Land. The Remonstrance is an instrument, a protective tool, and it is to be used as a remedy to protest any government actions which are repugnant or contrary to the Constitution of New Hampshire, or, the Constitution for the United States of America, or, the laws written pursuant thereof.

In New Hampshire, the people, not the government, possess absolute sovereignty. The legislature, no less than the executive, is under limitations of power. Encroachments are regarded as possible from the one, as well as from the other. Hence in New Hampshire, the great and essential rights of the people are secured against legislative, as well as against executive ambition. They are secured, not by laws paramount to prerogative; but by constitutions paramount to laws.

The first act of remonstrating in New Hampshire as appears in the State archives as dated; November 7, 1783, which is a Remonstrance to address an unresolved grievance, and as submitted by way of Remonstrance to the State Constitutional Convention of June of 1783.

The second Remonstrance on file at the archives is dated February, 8 1786, and is a wonderful example of the expression of a protest of State government acts.

The Third Remonstrance on file, dated February 20, 1794, is remarkable in the fact that it was submitted by the State of New Hampshire to Senate and House of Representatives of the United

States in Congress assembled, as “The Remonstrance of the Legislature of the State of the State of New Hampshire”. This was a State Remonstrance of a United States Congressional act of a retrospective law.

The most famous Remonstrance was authored by James Madison in 1785, to protest Patrick Henry’s petition. James Madison famously remonstrated in June of 1785, in his Memorial and Remonstrance to protest the petition that Patrick Henry had proposed to the General Assembly of the Commonwealth of Virginia, on December 3rd, 1784; a bill “establishing a provision for Teachers of Religion” as it was reported to the General Assembly of Virginia.

James Madison’s Memorial and Remonstrance of 1785, and the aforesaid Remonstrances are not a petition’s and as such the word petition, is not used in the body of the documents, they are a protest (Remonstrance) against unconstitutional acts.

N.H. Constitution, Article XXXII. establishes two different actions by 2 different words to describe two different rights and two different processes;

*“to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.”*

Both of these actions have two different definition’s and two different uses;

- a. The *petition* may be used to make a request of the General Court, to perform an act constitutionally delegated to the General Court by the Constitution.
- b. A *remonstrance* may be used to protest (remonstrate) a legislative act, or, to protest (remonstrate) a proposed legislative act. These two words “Petition” and “Remonstrance” are not synonymous. What they have in common is, they are both memorials, as defined; Definition of memorial;

*“a written statement of facts presented to a sovereign, a legislative body, etc., as the ground of, or expressed in the form of, a petition or remonstrance.”*

It is time for the people of this State to rediscover their Constitutional Rights, and also to realize and understand that it is a duty to hold accountable all the magistrates and officers of government, Part I, Bill of Rights, Article VIII;

*“All power residing originally in, and being derived from the people, all the magistrates and officers of government, are their substitutes and agents, and at all times accountable to them.” And,*

Part I, Bill of Rights, Article XXXVIII;

*“A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government ; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives : And they have a right to require of their law-givers and magistrates, an exact and constant observance of them in*

*the formation and execution of the laws necessary for the good administration of government."*

I have filed 2 Remonstrances. One on the 20<sup>th</sup> of May, 2019, protesting the changes to the voting laws of the State, and another on January 6, 2020, protesting the proposed bill styled "HB-687FN," (AKA) a red flag law. Stay tuned for the replies.

Daniel Richard

March 22, 2020

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 to you for consideration. This is an Extreme Risk Protective Order bill. It is a public safety bill with public health implications.

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.

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.

That is a 90% of suicide in using the most lethal force available.

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 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 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.

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 relieve people of their rights to have access to firearms. 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. 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 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 3, section 159-E:5 Relief

Line 23: 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 3 in lines 25-43 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. 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.

Family or household members who file for an Extreme Risk Protection Order must do so under penalty of perjury. They must appear in court to defend their petition and under no circumstances are there any allowances for anonymous petitions.

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.

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.

[Other states that have ERPOs (map)]

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, Fire Fighters 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.

The training includes:

- 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.
- Juvenile Mental Health Resources.
- Assessment of transportation needs and reducing trauma.
- Live role playing with actors having lived experience.

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 and will now answer questions.

## Testimony in Support of HB 687 – Extreme Risk Protection Orders

Thank you, Chairman Hennessey. My name is Cindy White, I'm a former New Hampshire Senior Assistant Attorney General and prosecutor. I am testifying in support of HB 687 and submitting a written copy of my testimony.

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. Nineteen other states and Washington D.C. have similar laws, including four other New England states. Extreme Risk Protection Order or ERPO laws have bi-partisan support. The 2018 Federal Commission on School Safety, established by President Trump, **recommended that states adopt ERPO laws.**<sup>1</sup> 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?<sup>2</sup>

ERPO laws fill this gap by providing a way to **temporarily** remove guns from people demonstrating **dangerous** behavior, **before** it escalates into firearms suicide or violence. **Dangerous behavior is often a sign of violence to come.** Many people who commit violence against themselves or others show warning signs. 80% of people considering suicide show some sign of their intention; people who threaten or talk about suicide are 30 times more likely to

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

<sup>2</sup> Final Report, Federal Commission on School Safety, p. 89

kill themselves.<sup>3</sup> An FBI study found that in the weeks before an attack, active shooters also displayed warning signs, including threats to harm others and acts of physical aggression.<sup>4</sup>

HB 687 is a common sense measure and part of a comprehensive approach to gun violence prevention that would complement other measures like universal background check and waiting period requirements. Polls show that ERPO laws are supported by a large majority of Americans (80 – 89%).<sup>5</sup> **To help demonstrate that broad support,** I created a grassroots petition signed by **more than 830 Granite Staters from 112 towns** who support this bill and the other gun violence prevention bills passed this session. Rep. Debra Altschiller referred to that petition in her testimony and scanned and submitted most of those signatures, which were provided to the House, and I have submitted some additional ones.

HB 687 was drafted with input from many groups and amended after lengthy review by the House Criminal Justice & Public Safety Committee and its subcommittee. The bill affords respondents extensive and significant due process protections. It is a civil, not a criminal process, so criminal procedural

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

<sup>4</sup> 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>

<sup>5</sup> Sit, Ryan, *Americans Overwhelmingly Support the Recent Backlash Against the Gun Industry: Poll*, Newsweek, March 6, 2018 (ERPO laws supported by 89% of Americans); <https://poll.qu.edu/national/release-detail?ReleaseID=3639> (in August, 2019 poll, red flag laws supported by 80% of Americans)

protections are not applicable. Notice and a fair hearing are the touchstones of due process and this bill requires both. First, the bill contains provisions to help assure the reliability of information at the hearing. Although some today have suggested that petitions will be based on anonymous sources, that is not possible. The bill limits those who may petition for an ERPO order. Family, household members, or intimate partners are permitted to apply for an order because they are the ones most likely to have personal knowledge of any signs of dangerousness.<sup>6</sup> The only others who may apply are law enforcement officers, who are sworn peace officers trained to respond to and recognize dangerous situations.

Additionally, a petitioner has to file an affidavit **swearing under oath** to the specific facts. (proposed RSA 159-E:3, II(a)) The petitioner must swear not only that the information in the petition is true, but also that he or she understands that making a false statement will result in criminal prosecution. (proposed RSA 159-E:3, VI) The bill criminalizes filing a petition with allegations known to be false or made with the intent to harass as a **Class A misdemeanor**, the most serious level of misdemeanor which can result in imprisonment. (proposed RSA 159-E:3, III; proposed RSA 159-E:11, I) A

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<sup>6</sup> 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> (finding that spouses/domestic partners are the most likely to observe concerning behaviors prior to shootings)

petitioner who made a false material statement under oath could **also** be prosecuted for the felony of perjury. RSA 641:1

Due process safeguards are present in the rest of the process as well. A temporary *ex parte* order can only be issued if a neutral and detached judge considers the evidence and makes a finding **by a preponderance of the evidence** that the respondent poses an immediate and significant risk of injuring himself or others by having a firearm or ammunition. This standard of proof – preponderance of the evidence - is the standard used in civil trials and is **higher than the probable cause standard required to arrest people. This means that more proof is required under this bill to temporarily remove a person's guns than to take away his liberty.**

Whether or not a temporary order is issued, a respondent is afforded **notice and an opportunity to be heard** before a permanent ERPO is considered. (proposed RSA 159-E:3, IV, VIII(a)) The respondent has a right to an expedited hearing, where he can challenge the petitioner's information and present evidence and arguments. (proposed RSA 159-E:4, V, RSA 159-E:6, II) All evidence and recommendations offered at the hearing must be presented under oath or in a sworn affidavit. (proposed 159-E:5. IV) At this point, the neutral and detached judge applies **an even higher standard of proof** and will not issue a longer-term ERPO unless he or she finds **clear and convincing evidence** (proposed RSA 159-E:5, I) This means a judge might be convinced it

is **more likely than not** that a respondent will harm himself or others with his gun, but the judge cannot order that gun to be seized unless he or she is convinced of that by **clear and convincing evidence**. Finally, ERPOs are temporary. Upon their expiration, the bill requires the respondent's firearms and ammunition to be returned and he is free to have and buy guns again.

A witness incorrectly claimed today that HB 687 allows unconstitutional searches without a finding of probable cause to believe a crime has been committed. The search warrants generally used in criminal investigations are authorized under a different statute, RSA 595-A. Nevertheless, search warrants issued under HB 687 would employ the same constitutionally required standard of a finding of probable cause by a neutral and detached judge. In the case of a search warrant issued under HB 687, a judge would have to find probable cause that the evidence sought (guns and/or ammunition) will be found in the respondent's possession and that the guns and/or ammunition have not been relinquished by the respondent as required by an ERPO. (proposed 159-E:4, VII, 159-E:5, VI, RSA 159-E:8, III) This may be established by evidence that the respondent had guns and/or ammunition in his possession prior to the ERPO and that he or she has not surrendered those as ordered. Failure to relinquish guns or ammunition as ordered by an ERPO is itself a crime, a class B felony. (proposed RSA 159-E: 11, II) Thus, a warrant to search for guns and ammunition that were not surrendered as



required by an ERPO is, in fact, an authorization to search for evidence of a crime. Moreover, regardless of whether the search warrant was issued after a temporary or permanent ERPO, the respondent would have had the benefit of the application of an even higher standard of proof than probable cause as to the question of whether there are guns or ammunition in his or her possession: preponderance of the evidence (after a temporary order) or clear and convincing evidence (after a permanent order).

This bill appropriately balances the need to ensure public safety with the rights of all parties. I ask you to vote OTP on HB 687.

As a New Hampshire resident, I urge you to oppose, stop, and remove HB 687 from consideration.

HB 687 allows for the issuance of ex parte orders that would suspend Second Amendment rights following baseless accusations without adequate due process.

This Bill is in direct violation of Articles 2, 2A, 2B, 15, 17, 18, 19, & 20 of the New Hampshire State Constitution Bill of Rights, as well as the II, IV, V, VI, & VIII Amendments to the United States Constitution Bill of Rights.

HB 687 is a no Due Process gun confiscation bill. It allows hearsay, telephonic hearings to take place without the accused being notified of the hearing. HB 687 sets up a process for secret, "star chamber" like proceedings to confiscate someone's firearms based upon the word of a disgruntled relative, neighbor or even a spurned lover. And since HB 687 says " The findings of facts shall be final..." there is little avenue for appeal.

Further, if the order were vacated after an individual surrendered their firearms, that individual would have to go to court to have their property returned, unlike when the court wrongfully took it away. Knowingly filing a false order is only a misdemeanor, while violating an order is a Class B felony, punishable by three and half to seven years of imprisonment. Such an extreme difference in punishments could lead to false accusations against many law-abiding individuals.

I am unaware of a rampant abuse of firearms in NH. To the contrary, NH firearms owners are honest, law-abiding contributing members of society. HB 687 is a solution in search of a non-existent problem.

Please oppose HB 687.

Thank you,

Mark Tuthill, RN-BC

Grafton County, NH

HB 687 Representative Jerry Knirk, Carroll 3

This bill is a public health approach to dealing with gun violence. Public health is concerned with protecting the health of entire populations. 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.

Looking 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. There also are often warning signs for suicide. 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 harming himself. Connecticut's ERPO law was associated with a 14% reduction in the state's firearm suicide rate.

HB 687 is a common sense public health approach to the problem of gun violence and should be supported.

In the first Year of the One Hundred Sixty-Six General Court

General Session

Of

The State of New Hampshire

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**Remonstrance**

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Daniel Joseph Alain Richard

A Citizen Of

The State of New Hampshire

v.

Stephen Shurtleff

Donna Soucy

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**Notice to agent is notice to principle and notice to principle is notice to agent.**

**Notice of Trespass**

**Instruction for Re-institution of Constitutional Guaranteed Rights**

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Under the Authority of the Constitution of New Hampshire (N.H.), Bill of Rights Part I Article 8; All power residing originally in, and being derived from the people, all the magistrates and officers of government, are their substitutes and agents, and at all times accountable to them.

I give notice of trespass of my unalienable rights guaranteed in said Constitution.

claim: trespass [fraud] [conversion] [violation of oath of office]

[deprivation right(s) under the color of law]

i, a man claim:

- the said wrongdoer(s) trespass upon my property;
- the causal agent of trespass, comes by way of fraud;
- the causal agent of trespass, comes by way of the use of conversion;
- the causal agent of trespass, comes by way of, violation of oath of office;
- the trespass did and does harm and injury to my property [right(s)]; deprivation right(s) under the color of law.
- the commencement of the wrong and harm began on July 3, 2018;
- Noncompliance of this notice of trespass and instruction within 30 days will result in filing a claim in N.H. Superior Court for trespass of my rights.
- the harm continues to this day, May 15, 2019;

And; under the Authority of Article 32: That i, a man, a Citizen of this State Instruct my representatives in the (General Court) to repeal all statutes which are repugnant and contrary to the Constitution of the State of New Hampshire and restore my Constitutional guaranteed Rights. I require that my rights secured in the Constitution of New Hampshire to be restored within 30 days of this Notice and instruction.

- i, a man require compensation for the initial and continual trespass upon my property; my rights.
- compensation due: 1 Silver dollar (1oz. of silver) per second from the time of notice of trespass.

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## Definitions

James Madison, Property (March 29, 1792) Papers 14:266—68; “In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights”, “He has a property very dear to him in the safety and liberty of his person”, “Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government, which impartially secures to every man, whatever is his own.”,

1789 The Constitution for the United States of America; (qualification clauses)  
Citizen of the United States is defined as a Citizen of a State.

1868 The 14<sup>th</sup> amendment citizen of the United States is a federal United States citizen defined by the amendment and federal law.

The 1808 [chapter 49] Sec.1. “naturalized citizen of the United States” is a person meeting the federal rules of immigration to become a Citizen of the State of New Hampshire or, an American citizen (born or naturalized in any other State) who meets the State of NH two step naturalization process.

A. meet the residency requirement of dwelling in the State for 2 yrs. and on completion of the residency requirement.

B. one swears and oath of allegiance to the State of New Hampshire and the United States thereupon such person shall be considered as a Citizen of the State of New Hampshire.

Individual: Any natural man or woman.

Inhabitant: the people who our qualified to vote; the people who can elect and be elected.

Law of the land: Constitution of New Hampshire.

Person: the natural man or woman.

Reside: dwell or dwelleth.

Residence: a place where won lives.

Resident: living in a place for some length of time.

Resident Alien: is any person not a Citizen of the State of New Hampshire. American citizens (born or naturalized in any one of the States of the Union) or (federal United States citizens) that are not naturalized to the State of NH are resident aliens.

Special mention; Resident and Reside do not appear in the NH Bill of Rights.

Subject: one who lives in the territory of, enjoys the protection of, and owes allegiance to a sovereign power or state.

The people: The Citizens of the State.

## Facts

The Constitution of New Hampshire and the Constitution for the United States of America are still some of the laws of the land. Part I Bill of Rights Article's 1, 7, 8, 12, 15, Part II form of government Article 1, 4, 5 and the federal 9<sup>th</sup> and 10<sup>th</sup> amendments (Bill of Rights) of the Constitution for the United States of America have never been amended or repealed

I, Daniel Joseph Alain Richard, am a Citizen of the State of New Hampshire and I dwelleth and hath a home in said State. After meeting the federal requirements, I was Naturalized in New Hampshire, in Hillsborough County at the Superior court in the city of Manchester, September 11, 1981 under NH RSA 491:21 Naturalization; My person was admitted to become a Citizen thereof; and thereupon my person shall be considered as a Citizen of the State of New Hampshire.

My parents established my status as a resident legal alien, subject to the rights and responsibilities of a Green Card Holder (Permanent Resident legal alien), and subject to the Local, State and Federal Government Jurisdiction. Upon meeting the residency requirement my parents were Naturalized in New Hampshire.

I was born outside the United States and residing permanently in New Hampshire; conditions under which citizenship automatically acquired through my naturalized mother; 8 U.S Code 1431(a)1.2.3.

My Naturalization certificate (No. XXXXXXXX) establishes my status as a citizen of the United States of America, an American citizen, a citizen of one of the States united, a Citizen of the State of New Hampshire.

Having reached the age of 18 I have reaffirmed my Nationality as an American, an inhabitant and Citizen of the State of New Hampshire and I have sworn an oath to the sovereign State of New Hampshire. Said oath has been Apostille (No. 2018-0857) and filed with the Secretary of the State of New Hampshire.

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## **Allegation**

1. The “state” of NEW HAMPSHIRE’S current and proposed legislative voting requirements are repugnant and contrary to The Constitution of New Hampshire. The requirement that Citizen of the State, must be United States citizen and a resident of the federal “state” and have a domicile in the “state”, in order to vote is constructive fraud.
2. Any NH RSA (statute) requiring I, a man, a Citizen of the State of New Hampshire to be United States citizen, a 14th amendment citizen of the United States to exercise any Rights guaranteed in the Constitution of New Hampshire is repugnant and contrary to said Constitutions. The corporation (the United States) has combined with others to subject I, a man, to a jurisdiction foreign to our constitution’s, and unacknowledged by our laws; giving their Assent to their Acts of pretended Legislation:
3. Converting I, a man, a Citizen of the State of New Hampshire into a United States citizen, a federal “state” citizen (a state, territory or possession of the United States, the District of Columbia) a corporation, is common law criminal conversion. Federal “state citizens” are also described as N.H. state residents.
4. Such conversion creates a relationship between I, a man, a Citizen of the Sovereign State of New Hampshire a body-politic, and, the United States a (body-corporate) by subjecting me, a Citizens of the State, be subjected to the body-politic of the federal, “legislature power” exceeding the 10-mile square prohibition. No such previous relationship (legislature power) existed between the Citizens of the State of New Hampshire and the United States federal government (a corporation), under the Constitution for the United States of America.
5. A Citizen of the State cannot be compelled to have a federal “state” driver’s license or a federal social security number for identification is constructive fraud. Said requirements are Coercion by abusing or threatening abuse of law or legal process.



6. Attaching civil and criminal consciences for not excepting unconstitutional terms and conditions is violating my right of suffrage by threatening me with penalties unless I surrender my right of conscience; Part I Bill of Rights, Article IV to knowingly accept colorable law in order to vote in State elections is fraud by coercion.
  7. The 1973 amendment of NH RSA 54:1 definitions of legal voters, amends said statute and amends the Constitution with no consent of the people, or (I, a man) and as such is repugnant and contrary to Constitution of New Hampshire. It abolishes State sovereignty by removing the law that only Citizens of the State of New Hampshire are qualified to vote in the State of New Hampshire elections, Thus, allowing resident aliens to vote in State of New Hampshire elections.
  8. The 1976 amendment (question 8 on the voters' guide) of voter qualifications by inserting the word Domicile is repugnant and contrary said Constitution, See Gerber vs King 107 N.H. 495 (1967), CONCRETE, INC. v. RHEAUME BUILDERS 101 N.H. 59 (1957), Penrod v. Crowley, 82 Idaho 511).
  9. NH RSA 21:4, 21:6, 21:6a and NH RSA 654:1 amend the NH Constitution without the consent of the people; Part 1 Bill of Rights Article 1, Part II Form of Government Article 100.
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### **Argument**

10. An Act to determine who shall be legal Voters in town meetings, and to secure to the inhabitants of this State their rights of suffrage. Approved December 21, 1808 [chapter 49] was the law of the land until 1973. N.H. HB 363 amended [chapter 54] and removed the descriptive language that only a Citizen of the State of New Hampshire could vote in our elections, thus allowing resident aliens (United States citizens) the right to vote in New Hampshire elections.

HB 363 was proposed for a nonexistent problem. Rep Sanborn's language in the bill is a series of mis-statements or fraud. "some 8 or 10 years ago in N.H. law," is false. The public policy was 165 years old in 1973 and the removal of the definition of "being a" and "native or naturalized" abolishes State Citizenship definition and the power of Sovereign State to naturalize Resident Aliens unto its self. This denies the State of New Hampshire the highest exercise of the Sovereign power of a State to choose who are its Citizens.

Rep. Sanborn's claims that his children were born in foreign country has no bearing on the proposed removable of descriptive language. The 1790 "An act to establish a uniform Rule of Naturalization" (March 26, 1790).

"And the children of citizens of the United States that may be born beyond Sea, or out of the limits of the United States, shall be considered as natural born citizens: Provided, that the right of citizenship shall not descend to persons whose fathers have never been resident in the United States"

Rep. Sanborn confesses that "This does nothing to their voting rights except that it is a technicality and the law needs to be corrected to include the rights of a voter born outside this country of American parents."

If existing public policy does nothing to their voting rights why are such amendments being proposed when the federal law governs the issue and the remedy. Why did Rep. Sanborn propose a solution for nonexistent problem?

Sen. Johnson: "This merely establishes the right to a child born overseas of American parents to vote?"

Rep. Sanborn: "That is correct. I am sure that if we're challenged the federal law would find the error in New Hampshire law."

HB 363 is void for lack of jurisdiction. The General Court cannot amend the Constitution of N.H. in direct violation Article 100 and surrender the Sovereignty of the State to decide for itself who are its citizens. The stated purpose of the amendment was to confer voting privileges of foreign-born children of American parents. Children born of Citizens of New Hampshire living outside of this country are automatically considered natural born

citizens of New Hampshire under federal naturalization law. The amendment cannot achieve its stated goal as the remedy is in federal jurisdiction and there is no disenfranchisement of any voting rights.

The stated purpose and the consequence of the redaction of the original descriptive text allows resident aliens (citizens of the United States), definition “(citizens of any of the 49 other states and federal territory)” to move to our State and vote in an election without the 189 year requirement that they be naturalized to the State and become a Citizen of the State of New Hampshire to be eligible to vote in this State.

The original law of 1808 Chapter 49

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened. That every male inhabitant of each town and parish with town privileges, and places unincorporated in this State, **(being a natural born or naturalized citizen of the United States)** of twenty-one years of age and upwards, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the annual and other meetings of the inhabitants of said towns and parishes, to vote in the town or parish wherein he dwells and hath his home; — provided however, That no person shall be considered an inhabitant in any town or parish in this State for the purpose of voting, unless he has resided in such place six months, or has become a free-holder.

Sec. 2. And be it further enacted, That no person, **not being a citizen of this State or of the United States,** shall be entitled to vote at any town meeting for the choice of State, County or town officers, **unless he shall have resided within this State two years and shall have made oath before some Justice of the Peace, or other person authorized to administer oaths — That he will bear faith and true allegiance to the State of New Hampshire, and to the United States, and will support the Constitutions thereof. Provided however, That no person, not a citizen of this State or of the United States, shall be considered qualified to fill any County or State office.**

The last printing of the original 1808 public policy [chapter 49] version was in 1955 and was in effect until 1973. Chapter 54. Section 1. “natural born” had been amended to read “being a native”. The original prohibition clause

in Section 2. was amended into 54:7 Aliens. "No alien not naturalized shall be entitled to vote at any town-meetings."

The definition of Citizen of the United States is detailed in the qualification clauses of the 1789 Constitution for the United States of America; In Article I Section. 2., Article I Section. 3., Article II Section. 1., Article III Section. 2., Article IV Section. 2. and the 11<sup>th</sup> amendment. In 1789 Citizen of the United States meant a Citizen of one the sovereign States of the union.

The 1868 14<sup>th</sup> amendment created a 2nd class of citizenship, "citizen of the United States" a federal citizen created by the federal legislature to confer civil rights (legislation) to the freed African slaves and other minorities.

The 1808 Law of [chapter 49]; definition of citizen of the United States is a Citizen of a State. The 14<sup>th</sup> amendment definition of citizen of the United States used after 1868, as used in 1973 refers to federal citizenship and not State Citizenship.

There is no delegated authority under the Constitution for the United States of America nor are there any laws made in pursuance thereof, requiring that State citizenship is to be abolished and any reference to State citizenship be removed.

10<sup>th</sup> amendment: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

There is no N.H. Constitutional amendment nor has there ever been any legislation surrendering the sovereign power of the State of New Hampshire to determine who our its citizens

Part I Bill of Rights, Article IIV; The people of this State, have the sole and exclusive right of governing themselves as a free, sovereign and independent State, and do, and forever hereafter shall exercise, **and enjoy every power, jurisdiction and right pertaining thereto**, which is not, or may not hereafter be by them expressly delegated to the United States of America in Congress assembled.

Article 7 has never been amended or repealed and is still a law of the land.

Any public policy requiring state government to omit any reference to Citizen of the State and only to reference United States citizenship is fraud

and conversion. A Citizen of a State has a relationship with the government it consents to, the State. The social compact is between (I, a man) one of the people and the State. The State must be named in the compact.

The act of omission of Citizen of the State and replacing it with federal citizenship is done with no disclosure or consent of (I, a man) or the people of the State.

The change from a Citizen of the State, to United States citizen changes the social compact between (I, a man) one of the people of the State, to a new compact between (I, a man) one of the people of the State and the federal government with no disclosure or consent.

All state public policy using United States citizen is repugnant and contrary to Part I Article 7. The state cannot compel Citizens of the State to be federal citizens to exercise any relationship with the State of New Hampshire.

There exist in our republic 2 classes of citizenship, one State and one federal. These are two completely different definitions and two completely different physical jurisdictions, one State, one federal. A Citizen of New Hampshire is subject to the Common Law of the Constitution of New Hampshire. A United States citizen is subject to the statutory jurisdiction of Federal Government, Article 1 section 8 clause 17.) and federal law.

There are many cases that recognize that one may be a citizen of the United States ("federal citizen") without also being a Citizen of any particular Union state. See e.g. *Hough v. Societe Electrique Westinghouse de Russie*, 231 F. 341, (USDC, NY, 1916).

These cases also recognize that Americans may be Citizens of a Union state without also being federal citizens. See *McDonel v. State*, 90 Ind. 320 (1883); *Crosse v. Board of Supervisors of Elections*, 221 A.2d 431 (1966); 11 C.J., Section 3, page 777 and cases cited therein (*Harding, McDonel, Fowler*).

Other cases also recognize that, both before and after the so-called Fourteenth amendment, it has not been necessary for one to be a federal citizen in order to be a Citizen of a Union State.

11. The State, or State of New Hampshire are proper nouns and are styled by the English rules of grammar and by government printing office style

manuals with a capital S. All reference to the State in the original constitution is capitalized when referring to the State of New Hampshire. Part I and Part II Form of government, Article 1;

“The people inhabiting the territory formerly called the Province of New Hampshire, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent Body-politic, or State, by the name of the State of New Hampshire.”

NH RSA 21:4 is repugnant and contrary to said Constitution.

“21:4 State; United States. – The word "state," when applied to different parts of the United States, may extend to and include the District of Columbia and the several territories, so called; and the words "United States" shall include said district and territories.”

This statutes grants a power to the General Court not delegated. The power to amend the Constitution is reserved to the people. Any use of this statutory construction to enact laws under the color of law is constructive fraud. A statute cannot be used to change and amend the definition of State, the State of New Hampshire to a federal state, a “state” (state, **territory or possession** of the United States, the District of Columbia). The original text and definition of State in the constitution has been replaced in 96 places with no disclosure or consent in direct violation of the amendment process. This is statutory construction has been used to form and erected a “**state**” within the State of New Hampshire which is repugnant and contrary to;

Article IV  
Section 3.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The General Court has no authority to surrender the sovereignty of the people, State Sovereignty, to a corporation the United States, and subject the Citizens/inhabitants of the State to federal jurisdiction and control. For Example, the state of N.H. Division of Motor Vehicles.

## CHAPTER 263

### DRIVERS' LICENSES

#### Driver License Compact

##### Article II. Definitions

As used in this Compact:

(a) "State" means a **state, territory or possession of the United States**, the District of Columbia, or the Commonwealth of Puerto Rico.

As defined by this statute, **the state is a territory and possession of the United States** and the Citizens/Inhabitants of this State are coursed into federal jurisdiction with no disclosure or consent. The people (Citizens) are then subjected to the following.

#### Article IV

##### Section 3

**The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;** and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Under Article IV Section 4. The United States shall guarantee to every State in this union a republican form of government, but it has no duty to provide such to its Territory or Possession's the "state" of NEW HAMPSHIRE.

The Inhabitants of the State are not controllable by any other laws than those to which they, or their representative **body of the people** (inhabitants through the constitutional amendment process) (Citizens) have given their consent.

Part I Bill of Rights Article 12;

“Nor are the inhabitants of this State controllable by any other laws than those to which they, or their representative body have given their consent.”

12. Question 8 on the November 2, 1976 voters' guide (NH constitutional amendments “domicile”) is repugnant and contrary to the Constitution of New Hampshire. Based on *Gerber v. King* 1967, which repealed question 8 of the 1966 voters' guide on the 1966 Ballot and NH RSA Chapter 663 which established that the disclosure to voters must be not be confusing or complicated. The out come of an amendment must be fully disclosed to the voters for there to be informed consent. No misleading language or confusing questions by interweaving multiple question into one choice. Also interweaving of multiple amendments of multiple articles with no disclosure.

Voters' Guide language from November 2, 1976 presented wording that was misleading and inappropriately combined into a single ballot question thus disallowed those examining the questions the opportunity to answer each question independently. It admits that the 1st portion of the question is already law. So why is it there? If inhabitant is already interpreted to mean a person's “domicile”, why is it there and with 3 other questions? The word domicile does not exist in the Constitution until this amendment is passed. This is fraud and conspiracy to commit fraud. See *Gerber vs King* 107 N.H. 495 (1967), *CONCRETE, INC. v. RHEAUME BUILDERS* 101 N.H. 59 (1957), *Penrod v. Crowley*, 82 Idaho 511),

Article 11 Part I was not in the voters' guide. Article 13 Part II was not in the voters' guide and was repealed with no consent. This also repealed an article referencing the word dwell. Article 28 Part II was not in the voter's guide and was repealed with no consent. This also repealed and article referencing the word dwell. Article 30 Part II was not in the voters' guide and neither was twice deleting reference to electing. Also, is substituting “is domiciled” for “dwelleth and hath his home” is misleading. This is an attempt to redefine the definition of dwelleth and hath his home to the word domicile to change the legal definition of where one lives. Also, Article 31 Part II was not in the voter's guide and was repealed with no consent. NH RSA 663:3 Form of Ballot: A constitutional question shall include, in the



text of the question, the text of the article of the constitution as it is proposed to be amended.

This is an attempt to eliminate all reference to “dwell” and “dwelleth and hath a home” by repeal of the three places where the definition has been used for the previous one hundred ninety-three years. Repealing Article 13, Article 28, and amending Article 30 by fraud removes all reference to “dwell” and “dwelleth and hath a home”. Inserting the word “domicile” is a clear attempt to alter the definition,

The original 1784 Constitution Part I Article 11 “And every person qualified as the constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in that town, parish and plantation where he dwelleth and hath his home.”

The inhabitant is further defined in Article 12 Part I: “Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary.

The definition “Inhabitant” is used 22 times in every place necessary as to who can elect and be elected. It identifies that only inhabitants have the power to vote. “dwell” or lives in a dwelling and “hath a home” or has a home in the State, town, district where the inhabitant will vote.

13. NH RSA 21:4, 21:6 and 21:6-a is void for lack of jurisdiction and it is repugnant and contrary to the Constitution of New Hampshire. All of these statutes amend the State Constitution in direct violation of the Part II article 100 amendment process. The State Constitution can only be amended by the consent of the people.

NH RSA 21:6 Inhabitant and Resident are not synonymous and have different meanings and definitions. They have 2 different definitions in the State Constitution. Inhabitant is used 22 times to describe electors (voters; office holders). Only qualified inhabitants have the right to vote in State elections.

Resident is used only 1 time in the State Constitution in Part II Article 5. The definition of Resident is that of a Resident Alien with no voting privileges. A statute cannot be used to grant a Resident the same voting rights as and inhabitant.

There are only five categories of a person physically on the land of a State.

- Citizen of the State
- Resident Alien: (citizen of anyone of the other states in the union)
- Resident Alien: (a federal United States citizen)
- A legal immigrant: federal permanent **resident alien** (green card holder)
- An illegal immigrant

The Inhabitants are the people, Citizens of the State. Residents are aliens to the State.

NH RSA 21:6 amends the Constitutional definition of Resident and is repugnant and contrary to our New Hampshire Constitution.

NH RSA 21:6-a [Residence or residency] is a second statute amending the State Constitutional definition of qualified voters (inhabitants). This statute extends a similar description of the commitment of a Citizen of the State who dwelleth and hath his home with a major difference. This is companion legislation with 21:6 is used to confer voting rights to resident aliens.

Residence or residency under the context of State Constitution and law written pursuant thereof, are defined as a measurement of time a person must dwell within the State for the purpose of naturalizing a person as a Citizen of the State or town.

14. NH RSA 654:1 is void for lack of jurisdiction and is repugnant and contrary to the State Constitution. This statute has multiple unconstitutional items.

- Use of the word Domicile
- Use of the definition of a federal citizen of the United States
- Section; I-a, allows voting privileges to unqualified persons

15. All the aforesaid herein is trafficking my person into a jurisdiction foreign to the Constitution of New Hampshire by attaching civil and criminal consciences for not consenting to colorable law. Said acts are achieved by the acts of omission, Coercion and Abusing or threatening abuse of law or legal process.
16. The Constitution of New Hampshire, and the laws of the State which shall be made in pursuance thereof; and all laws made, or which shall be made, under the authority of said Constitution shall be the one of the laws of the land; and the judges in this State shall be bound thereby.
17. The Constitution of New Hampshire established Part I Bill of Rights first. Part II form of government was established to protect Part I. The law of the land established by the consent of the people is enumerated and said delegated powers and prohibitions are granted to our public servants.
18. The oath of allegiance to the Constitution of New Hampshire requires fidelity by all members of government and especially of the General Court to its delegated powers and prohibitions. The power to enact orders, laws, statutes, ordinances, directions and instructions, either with penalties or without; has limitations and prohibitions. "so as the same be not repugnant, or contrary to this constitution (the law of the land)," is specific. The General Court and all agents of government may not exercise any power not delegated to it, nor exercise any power that is not in harmony with the Constitution of New Hampshire. Any enactment, application or enforcement of orders, laws, statutes, ordinances, directions and instructions, either with penalties or without, which are not pursuant to the law of the land are colorable law and are null and void for lack of authority and a violation of the oath of office.
19. Under the authority of Part I Article X and NH RSA 92:2 written pursuant thereof that any agent of State government who violates said oath shall be forthwith dismissed from the office or position involved. Any agent of government that obstructs the restoration of the Constitution of New Hampshire from repugnant or contrary alterations of said Constitution shall be guilty of violating their oath and shall be referred to the Attorney General

for criminal prosecution for treason against the people and the Constitution of New Hampshire.

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## **Remedy**

### **Repeal all repugnant or contrary enactments and Restore the Constitution of New Hampshire**

The Constitutional Supremacy must prevail. Any legislation which is not in harmony with, or is repugnant or contrary to the Constitution of New Hampshire is null and void.

20. Restore my Constitutionally guaranteed rightful relationship with my State government which is secured by the Constitution of New Hampshire. Repeal all changes to said Constitution achieved by violating the first right, Part I The Bill of Rights. Article 1;

“all government of right originates from the people, is founded in consent,”

Any and all such amendments or public policy achieved without full disclosure or consent our null and void for fraud.

21. Restore the Constitutional definitions, qualifications and the 189 year old law of 1808 [chapter 49] as to who shall be legal voters. Qualified voters have two requirements;

1. A person must be a Citizen of the State; native or naturalized.
2. Be a qualified inhabitant; Inhabitant is defined in both Part I and Part II.

22. Part I Bill of Rights;

Article 11. All elections ought to be free, and every inhabitant of the State having the proper qualifications, has equal right to elect, and be elected into office.

Article 12. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary, or an equivalent. But no part of a man's

property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this State controllable by any other laws than those to which they, or their representative body have given their consent.

Article 28. No subsidy, charge, tax, impost or duty shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body.

#### Part II Form of Government;

Article 5. And be subject to fines, mulcts, imprisonments and other punishments ; and subject to proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and residents within the said State, and upon all estates within the same ; to be issued and disposed of by warrant under the hand of the president of this State for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this State, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be in force within the same.”

Article 30; “And every person qualified as the constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in that town, parish and plantation where he dwelleth and hath his home.”

23. Repeal any use of the 14<sup>th</sup> amendment definition of (citizen of the United States) as used in any legislation where such use has replaced the original intent and reference to a Citizen of the State. Restore all reference when necessary to Citizen of the State as described in the (1788) Federal Constitutional definition of (Citizen of the United States) is a Citizen of a State.
24. Repeal the 1976 Constitutional addendum of the word domicile and all of changes brought about by that addendum and restore the original Constitutional synonym for resides “dwell” and is domiciled “hath his home”

25. Repeal NH RSA's: 21:4, 21:6, 21:6-a. Said statutes are void for lack of jurisdiction as they are repugnant and contrary to the Constitution of New Hampshire.

26. Repeal NH RSA 654:1 and Restore the 1808 law [Chapter 49] An Act to determine who shall be legal Voters in town meetings, and to secure to the inhabitants of this State their rights of suffrage. The original Constitutional intent of Sec.1. and Sec.2. must be restored. Only Citizens of the State whom are Qualified Inhabitants may vote in New Hampshire elections.

I, Daniel Joseph Alain Richard who dwelleth and hath my home, in the town of Auburn at 95 Rockingham Rd. in Rockingham County, swear that all the information provided above to be true and correct.

Executed the \_\_\_\_\_ day of the \_\_\_\_\_ month, Two Thousand, Nineteen

\_\_\_\_\_

Notary Public ACKNOWLEDGEMENT

NEW HAMPSHIRE State, Hillsborough COUNTY, ss:

This Declaration was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_ by, \_\_\_\_\_, who, being first duly sworn on oath according to law, deposes and says that he has read the foregoing Declaration subscribing him and that the matters stated herein are true to the best of his information, knowledge and belief.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Title (and Rank)

My commission expires \_\_\_\_\_



Testimony of Mark Tuthill on HB 687

Open with Google Docs

As a New Hampshire resident, I urge you to oppose, stop, and remove HB 687 from consideration.

HB 687 allows for the issuance of ex parte orders that would suspend Second Amendment rights following baseless accusations without adequate due process.

This Bill is in direct violation of Articles 2, 2A, 2B, 15, 17, 18, 19, & 20 of the New Hampshire State Constitution Bill of Rights, as well as the II, IV, V, VI, & VIII Amendments to the United States Constitution Bill of Rights.

HB 687 is a no Due Process gun confiscation bill. It allows hearsay, telephonic hearings to take place without the accused being notified of the hearing. HB 687 sets up a process for secret, "star chamber" like proceedings to confiscate someone's firearms based upon the word of a disgruntled relative, neighbor or even a spurned lover. And since HB 687 says "The findings of facts shall be final..." there is little avenue for appeal.

Further, if the order were vacated after an individual surrendered their firearms, that individual would have to go to court to have their property returned, unlike when the court wrongfully took it away. Knowingly filing a false order is only a misdemeanor, while violating an order is a Class B felony, punishable by three and half to seven years of imprisonment. Such an extreme difference in punishments could lead to false accusations against many law-abiding individuals.

I am unaware of a rampant abuse of firearms in NH. To the contrary, NH firearms owners are honest, law-abiding contributing members of society. HB 687 is a solution in search of a non-existent problem.

Please oppose HB 687.

Thank you,

Mark Tuthill, RN-BC

Grafton County, NH

☺



Good morning Madame Chair and all the esteemed members of this committee.

My name is Mary Jane Mulligan. Representative Mulligan, from the Grafton District #12 of Hanover and Lyme.

I am here today in support of HB687, the ERPO Bill (Extreme Risk Protection Order). Also known as the Red Flag Bill.

Here is what House Bill 687, NH Extreme Risk Protection Orders, does and doesn't do.

1. It will provide an avenue for concerned family members and law enforcement, to ask the courts for assistance, in protecting someone who is demonstrating through their behaviors, that they are a danger to themselves, or others around them, from using the most lethal means to do harm, a firearm.
2. It will not be available, as some who oppose the bill assert, to angry neighbors, frustrated co-workers, or anyone who just has a grudge against someone and wants revenge. That is specifically blocked. Those asking for an ERPO must swear in court that their statements are true under penalty of perjury.
3. NH ERPO does have a full due process incorporated in it. The Constitutionality has been tested in other states and upheld by the U.S. Supreme Court. The U.S. Supreme Court recognizes the need for ERPO, under "exigent circumstances" (aka: extreme risk).
4. ERPOs are a civil order. They are designed to protect the public safety, when there is an Extreme Risk. There are petitioners (those asking for the extreme risk protective order) and respondents to the order. Petitioners may ask the court for an Extreme Risk Protective Order and the courts are under absolutely no obligation to grant the order, only to hear the petition. Should a judge decide to grant the temporary order, a hearing must be held no sooner than three days and no later than seven days
5. It is not a criminal proceeding. No arrests, no fingerprints or no criminal records. No one is prosecuted in the criminal courts. There is no guilty or innocent in this civil order.
6. ERPOs will prevent people who are an extreme risk to themselves and others around them, from using their own firearm to do harm and from them acquiring a new firearm or ammunition during the length of the order, which can be as short as three days but absolutely no longer than 12 months.
7. ERPOs will not prevent people from ever having a firearm again. It is a temporary order to be used only in extreme situations to address issues of public safety.
8. Suicide in NH is on the rise, it is the second leading cause of death in people under 24 (50% higher than the national average and climbing). The highest number of suicides are by gun. Firearms provide the most lethal means to die by suicide. We cannot afford to do nothing, people are dying, parents are burying children and none of this is OK. Removing firearms quickly during a time of crisis with an Extreme Risk Protection Order can be the difference between life and death. Extreme Risk Protection Orders save lives.

Please vote in support of this bill, HB 687 the ERPO Bill, and know that you are saving lives.

Thank you for listening to my testimony.

Mary Jane Mulligan

Rep. Mary Jane Mulligan  
NH State Representative  
Children and Family Law Committee  
Representing Grafton District 12  
Hanover/Lyme

Please excuse any typos.

*Rep. Mary Jane Mulligan  
NH State Representative  
Children and Family Law Committee  
Representing Grafton District 12  
Hanover/Lyme*

Good morning,

I am Erica Layon from Derry New Hampshire. I have a degree in economics from MIT and I was an analyst for over a decade, and now I am home with my children. I am submitting this written testimony in opposition to HB 687 - Extreme Risk Protection Orders aka Red Flag Laws.

While there are numerous reasons to oppose this bill on its own merits, the ongoing rioting due to abuse of police authority should give the committee pause in regard to this legislation.

Despite some attempts at safeguards in this bill, the Extreme Risk Protection Order bill is ripe for abuse from angry roommates, rejected dating partners, partners looking to enhance divorce proceedings, and law enforcement officers with an axe to grind. This weaponizes police at a very time where there are significant efforts to defund police across the nation. Statues are toppling and people are losing jobs because of mere blood relationships. The anger against oppression is palatable.

Does this committee want to expand subjective police powers that are ripe for abuse, and which have already led to deaths of innocent people? Do we really need our own George Floyd moment, or can we learn from mistakes of others? I ask that you kill this bill. Not only is it a bad bill, it is also bad optics. This will make the New Hampshire Democrats the face of expanding aggressive policing powers.

Thank you  
Erica Layon

# Women's Defense League

OF NEW HAMPSHIRE

Imagine if you will, going about your daily routine at home when suddenly there's a knock at the door (if you're lucky). You open the door to discover the police.

The police are there because in a secret meeting with a judge, someone, who remains anonymous, told the judge they believed you were \*THINKING\* about committing a crime or harming yourself sometime in the future. And because you have firearms, those firearms, along with any ammunition and your pistol revolver license, must be handed over to the police.

No, this isn't the Twilight Zone.

It's the Red Flag zone.

Where law-abiding citizens are 'red flagged' during secret meetings because they own firearms.

It was only a few years ago that we finally ended almost 100 years of state-sanctioned discrimination against law-abiding Granite Staters. A law that allowed governing bodies and law enforcement to discriminate, at will, against constituents who wanted to practice their fundamental human right to self defense by carrying a firearm concealed.

It is now 2020 and we're here to fight more state-sanctioned discrimination against law-abiding Granite Staters who dare own firearms or ammunition.

At a time when people are screaming from the rooftops about discrimination and equality, the legislature is trying to pass a bill, written by an out-of-state organization, that is one of the most discriminatory pieces of legislation to be heard in decades.

The people pushing this bill may believe it's okay to discriminate against law-abiding citizens who own firearms but those citizens come from all walks of life. They are made up of all races, sexes, socioeconomic backgrounds and sexual orientations. This type of legislation would never be allowed if it was against those who own butcher knives, rope or baseball bats. And remember, more homicides are committed in the United States using hands and fists, than using rifles.

The supporters of this legislation claim it's to stop people from harming themselves or others yet this legislation does nothing to actually stop people from doing either. This legislation deprives people of their protected rights based on the word of an anonymous person who they never face in a court of law.

No crime has been committed. No laws broken. A law-abiding citizen is denied their fundamental human right to self defense based on secret meetings with anonymous petitioners who claim they know exactly what a person is \*thinking\* about doing in the future.

The Red Flag bill is nothing but a modern-day witch hunt. The Salem witch trials ended in the 1600s, they should never be brought back. Passing this legislation brings the Salem witch trials to the Granite State only instead of being 'on trial' for being a witch, law-abiding Granite Staters are on trial for being gun owners.

If the proponents of this bill are truly concerned about people harming themselves or others, they would work on the EXISTING involuntary admissions law that actually provides due process, gets people the help they need and doesn't discriminate against those who own inanimate objects. They would work to MAKE mental health help more accessible for those who need it.

This Red Flag bill isn't about protection, it's about gun confiscation.

Please vote in opposition to this out-of-state legislation. New Hampshire is consistently one of the safest states in the country. This legislation will make Granite Staters, especially women, less safe.

Margaret Tilton, MD  
29B Court Street  
Exeter, NH 03833  
[margaret.tilton@outlook.com](mailto:margaret.tilton@outlook.com)  
Supports HB 687-FN

Thank you, Mr. Chairman and honorable members of the Judicial Committee.

My name is Margaret Tilton and I have lived in Exeter for 23 years. I am a semi-retired 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 again share my son George's story. I sacrifice his privacy in the belief that this bill, signed into law, will save lives in New Hampshire.



As a little boy, George was a delightful, intelligent, exuberant child who charmed everyone who met him. At age 9, he was diagnosed with depression and as an adolescent, his depression became increasingly severe and resistant to treatment. His first psychiatric hospitalization, for being suicidal, was in high school 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. 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 severely depressed 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 3<sup>rd</sup> voluntary 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 genuinely concerned for his safety.

Now George was not 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 severely depressed, 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 was not 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.

Our family has attempted to cope with George's senseless death by working for meaningful change. Most people who survive a suicide attempt do *not* go on to die by suicide later. Forty percent of gun fatalities are suicides and those who attempt to end their lives with guns almost never survive. They don't get that second chance to take up their lives again.

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 respectfully ask you to give us access to them by having the courage to vote yes for this legislation. You will give some nameless, faceless parent who will probably never thank you the ability to keep their child safe – maybe long enough for their loved one to regain a sense of hope and to choose life.



June 24, 2020

Honorable Senator Martha Hennessey  
Senate Judiciary Committee  
107 North Main Street  
Concord, New Hampshire 03301

Dear Madam Chair 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 served as a member of the Steering Committee of the National Suicide Prevention Lifeline for over a decade and on NH's legislatively established Suicide Prevention Council since its inception. NAMI NH strongly supports HB 687 as a mechanism for preventing suicide.

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 fatal 90% of the time. 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.

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 the third highest increase in suicide rates compared to other states. As indicated by the accompanying 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 NH in 2018 there were 273 suicide deaths with 132 of them or 48% involving a firearm. That number closely reflects the last 5 years in New Hampshire with a total of 1,240 suicide deaths and 589 or 48% using a firearm.

*Find Help, Find Hope.*

NAMI New Hampshire • 85 North State Street • Concord, NH 03301  
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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:

**NH Leading Causes of Death 2014-2018**

Rank	Age Groups											All Ages
	<1	1-4	5-9	10-14	15-24	25-34	35-44	45-54	55-64	65+		
1	Heart Disease 37	Congenital Anomalies 11	Malignant Neoplasms 11	All Causes 14	Heart Disease 18	Malignant Neoplasms 20	Heart Disease 22	Malignant Neoplasms 24	Heart Disease 25	Heart Disease 25	Heart Disease 25	Malignant Neoplasms 23
2	Congenital Anomalies 15	Heart Disease 15	Heart Disease 15	Heart Disease 15	Heart Disease 15	Heart Disease 15	Heart Disease 15	Heart Disease 15	Heart Disease 15	Heart Disease 15	Heart Disease 15	Heart Disease 15
3	Malignant Neoplasms 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19
4	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19
5	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19
6	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19
7	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19
8	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19
9	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19
10	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19	Heart Disease 19

Source: CDC WISQARS, 2014-2018



- 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 in 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 seek to voluntarily remove firearms from the individual and or have them engage in treatment voluntarily. However, we have seen first-hand the tragedy which occurs when that does not happen. We recognize that this bill is an extreme measure and should only be considered when other less intrusive alternatives have been attempted.

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 as a result 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

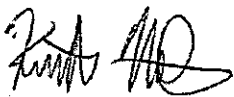
psychiatric facility. While admittedly temporary removal of firearms is an extreme measure it is far less extreme than an involuntary hospitalization. It is also important to note that the length of stay for most psychiatric hospitalizations is about 10 days. Family and friends may not have had the ability 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://www.nraila.org/media/20180312/video/we-can-prevent-violence-and-protect-free>

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 studies have not 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 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 sufficient due process to protect an individual's 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

# Voting Sheets

# Senate Judiciary Committee

## EXECUTIVE SESSION

Bill # HB687

Hearing date: \_\_\_\_\_

Executive session date: \_\_\_\_\_

Motion of: ITL

VOTE: 2-3 (Hennessey, Chandley, Levesque)

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input checked="" type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input checked="" type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

Motion of: OTD

VOTE: 3-2 (Carson, French)

<u>Made by</u> Hennessey <input checked="" type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input checked="" type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hennessey, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Chandley, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Levesque	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, June 24, 2020

THE COMMITTEE ON Judiciary

to which was referred **HB 687-FN**

AN ACT relative to extreme risk protection orders.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 3-2

Senator Martha Hennessey  
For the Committee

Jennifer Horgan 271-2609

**JUDICIARY**

**HB 687-FN**, relative to extreme risk protection orders.

Ought to Pass, Vote 3-2.

Senator Martha Hennessey for the committee.

## General Court of New Hampshire - Bill Status System

## Docket of HB687

Docket Abbreviations

**Bill Title:** relative to extreme risk protection orders.

## Official Docket of HB687.:

Date	Body	Description
1/17/2019	H	<b>Introduced</b> 01/03/2019 and referred to Criminal Justice and Public Safety <b>HJ 3 P. 26</b>
1/23/2019	H	==ROOM CHANGE== Public Hearing: 03/05/2019 10:00 am Reps Hall
2/26/2019	H	Executive Session: 03/13/2019 10:00 am LOB 204
3/13/2019	H	Retained in Committee
6/5/2019	H	Subcommittee Work Session: 06/11/2019 01:00 pm LOB 204
6/18/2019	H	Subcommittee Work Session: 08/22/2019 10:00 am LOB 204
8/29/2019	H	Subcommittee Work Session: 09/05/2019 11:00 am LOB 204
9/9/2019	H	Subcommittee Work Session: 09/12/2019 10:00 am LOB 204
9/20/2019	H	Subcommittee Work Session: 10/01/2019 01:00 pm LOB 204
10/3/2019	H	Subcommittee Work Session: 10/10/2019 11:00 am LOB 204
10/2/2019	H	Full Committee Work Session: 10/23/2019 10:00 am LOB 204
10/2/2019	H	Executive Session: 10/30/2019 10:00 am LOB 202-204
11/15/2019	H	Committee Report: Without Recommendation (Vote ; RC) <b>HC 50 P. 19</b>
1/9/2020	H	Amendment <b>#2019-2790h</b> : AA <b>RC 213-162</b> 01/08/2020 <b>HJ 1 P. 68</b>
1/9/2020	H	<b>Ought to Pass with Amendment</b> 2019-2790h: MA <b>RC 201-176</b> 01/08/2020 <b>HJ 1 P. 68</b>
3/12/2020	S	Introduced 03/11/2020 and Referred to Judiciary; <b>SJ 7</b>
6/19/2020	S	Remote <b>Hearing</b> : 06/24/2020, 09:10 am; <b>SC 24</b>
6/19/2020	S	Committee members will receive secure Zoom invitations via email. <b>SC 24</b>
6/19/2020	S	Members of the public may attend using the following links: <b>SC 24</b>
6/19/2020	S	1. To sign-in and/or speak in support or opposition, please register in advance by using this link: <a href="https://www.zoom.us/webinar/register/WN_QH1esiFMQNC5q9CjM5O_jA">https://www.zoom.us/webinar/register/WN_QH1esiFMQNC5q9CjM5O_jA</a> <b>SC 24</b>
6/19/2020	S	2. To submit your testimony to the committee, please send all documents via email to <a href="mailto:remotesenate@leg.state.nh.us">remotesenate@leg.state.nh.us</a> <b>SC 24</b>
6/19/2020	S	3. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833 <b>SC 24</b>
6/19/2020	S	4. Or iPhone one-tap: 13126266799,,94954573376# or 19292056099,,94954573376# <b>SC 24</b>
6/19/2020	S	5. Webinar ID: 949 5457 3376 <b>SC 24</b>
6/19/2020	S	6. To view/listen to this hearing on YouTube, use this link: <a href="https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA">https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA</a> <b>SC 24</b>
6/19/2020	S	The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: <a href="mailto:remotesenate@leg.state.nh.us">remotesenate@leg.state.nh.us</a> or call (603-271-3043). <b>SC 24</b>
6/24/2020	S	Committee Report: Ought to Pass, 06/29/2020; <b>SC 25</b>



6/29/2020	S	<b>Ought to Pass: RC 14Y-10N, MA; OT3rdg; 06/29/2020; SJ 9</b>
7/9/2020	S	Enrolled Bill Amendment #2020-1630e Adopted, VV, (In recess of 06/29/2020); <b>SJ 9</b>
7/10/2020	H	Enrolled Bill Amendment #2020-1630: AA VV 06/30/2020
7/16/2020	S	Enrolled (In recess 06/29/2020); <b>SJ 9</b>
7/16/2020	H	Enrolled 06/30/2020 <b>HJ 10</b>

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NH House

NH Senate

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# Other Referrals

July 8, 2020  
2020-1630-EBA  
11/10

Enrolled Bill Amendment to HB 687-FN

The Committee on Enrolled Bills to which was referred HB 687-FN

AN ACT           relative to extreme risk protection orders.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

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Explanation to Enrolled Bill Amendment to HB 687-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 687-FN

Amend 159-E:5, IV as inserted by section 2 of the bill by replacing line 3 with the following:

to the court in a sworn written affidavit, with copies to each party and his or her attorney, if one is

## Senate Inventory Checklist for Archives

Bill Number: H3687

Senate Committee: Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

as amended by the senate      \_\_\_ as amended by the house  
final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Jennifer Horgan  
Committee Aide

7/23/20  
Date

Senate Clerk's Office \_\_\_\_\_