

HB 106-FN - AS INTRODUCED

2023 SESSION

23-0042

07/04

HOUSE BILL ***106-FN***

AN ACT relative to extreme risk protection orders.

SPONSORS: Rep. Bradley, Hills. 41; Rep. Ames, Ches. 13; Rep. S. Newman, Hills. 4; Rep. Abbott, Ches. 6; Rep. P. Schmidt, Straf. 14; Sen. Watters, Dist 4; Sen. D'Allesandro, Dist 20; Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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-E
7 the following new chapter:

8 CHAPTER 159-F

9 EXTREME RISK PROTECTION ORDERS

10 159-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F: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-F:4 and 159-F: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-F: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 court
24 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-F: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-F: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-F: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-F: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-F: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-F: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-F:7, V.

19 159-F: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-F: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-F: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, 2023 for use by January 1, 2024, 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, 2023, 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, 2024.

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-F: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-F:13, as inserted by section 2 of this act shall take effect September 20, 2023.

34 II. The remainder of this act shall take effect January 1, 2024.

**HB 106-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to extreme risk protection orders.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	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	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

LOCAL:

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

METHODOLOGY:

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. 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 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
Violation and Misdemeanor Level Offense	\$119	\$122	\$122
Complex Felony Case	\$3,195	\$3,244	\$3,366
Routine Criminal Case	\$644	\$657	\$779
Appeals	Varies	Varies	Varies

Judicial Council	FY 2023	FY 2024
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney - Felony	\$825/Case \$105 administrative fee \$200 incarceration fee (If applicable)	\$825/Case \$105 administrative fee \$200 incarceration fee (If applicable)
Contract Attorney – Misdemeanor	\$300/Case \$70 administrative fee \$100 incarceration fee (If applicable)	\$300/Case \$70 administrative fee \$100 incarceration fee (If applicable)
Assigned Counsel - Felony. Travel time to court does not count toward the cap.	\$90/Hour up to \$5,500	\$90/Hour up to \$5,500
Assigned Counsel- Misdemeanor. Travel time to court does not count toward the cap.	\$90/Hour up to \$2,000	\$90/Hour up to \$2,000
Assigned Counsel - Supreme Court Appeal	\$125/Hour up to \$10,000	\$125/Hour up to \$10,000
<p>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. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.</p>		
Department of Corrections	FY 2023	FY 2024
FY 2022 Average Cost of Incarcerating an Individual	\$64,223	\$64,223
FY 2022 Annual Marginal Cost of a General Population Inmate	\$6,123	\$6,123
FY 2022 Average Cost of Supervising an Individual on Parole/Probation	\$688	\$688
<p>The Department notes any increase in the incarcerated population will have a direct impact on overtime costs given the Department's history of challenges associated with recruitment. In addition, the NH State Prison for Men has a degrading infrastructure which will only be exacerbated if an increase in the incarcerated population were to occur.</p>		
NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

In addition to the potential costs for misdemeanor and felony charges shown in the table above, the Judicial Branch has identified the following fiscal impacts to the Branch which would be significant but indeterminable.

- The receipt of pleadings, scheduling hearings, hearings, and post-hearing document management will have a fiscal impact on court staff and judicial resources. Those pleadings and hearings include the following:
 - o Petitions for issuance of extreme risk protection orders.
 - Hearings to be held within 7 days of the filing of the petition, or 4 days of service on respondent.
 - o Petitions that include requests for temporary hearings by petitioner.
 - Hearings to be held by the day following receipt of the request.
 - o Motions for expedited hearing filed by respondent.
 - Hearings to be held 3-5 business days after receipt of the motion.
 - o Orders would need to be entered in the Court's database and transmitted to the Department of Safety on the day the order is issued.
 - o Hearing for the respondent to demonstrate that all weapons and ammunition have been relinquished to be held within 3 business days of the date the order is issued.
 - o Motions for return of weapons following an order to vacate or expiration of an extreme risk protection order
 - Hearings must be held within 15 days of the order's expiration date.
 - o Motions to vacate filed by respondent.
 - Hearings must be held between 14-30 days after the date of service on the petitioner.
 - o Requests for search warrants.
- Mental health or chemical dependency evaluation orders.
 - o The cost of such evaluations would be borne by the Judicial Branch.
- Development of forms, instructions and information brochures in English and translated into other languages determined by the Judicial Branch.
- Collection of data with reports to be filed annually.
- Appeals filed in the Superior Court and the Supreme Court.

Because the filings and hearings under this bill are new, the Branch does not have data to evaluate how many cases would be filed nor can it determine how many criminal cases may flow from the violations described in the bill.

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 may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

The New Hampshire Municipal Association states participation in potential, additional court processes by municipal law enforcement officers may result in additional costs, including overtime costs, being incurred by municipalities. However, the frequency of filings, the necessity of overtime, or additional hiring by a municipal police department to meet potential additional demands on law enforcement personnel are all indeterminable. Additional local expenditures, while likely, are indeterminable.

The New Hampshire Association of Counties contacted the Sheriff's Association to inquire about the fiscal impact of this bill. The Sheriffs indicated there is no way to estimate the fiscal impact, but indicated that in addition to serving an extreme risk protection order, there could be additional costs for storage of firearms and ammunition that has been relinquished or sized.

The Department of Safety, Division of State Police indicates this bill would have no impact on the Department.

AGENCIES CONTACTED:

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

REGULAR CALENDAR

February 16, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 106-FN,

AN ACT relative to extreme risk protection orders.

Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Terry Roy

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 106-FN
Title:	relative to extreme risk protection orders.
Date:	February 16, 2023
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The majority of the committee, after hearing testimony from advocates for and against this bill, agreed that it should be found inexpedient to legislate. The deprivation of a fundamental constitutional right without due process, is contrary to the spirit of both the New Hampshire and United States Constitutions. While advocates claim these laws exist in other states and are therefore constitutional, the Supreme Court has yet to rule on such a case. They did however make a key ruling in 2022 in the case of New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. (2022). In this case, the court found that state restrictions on the 2nd Amendment must be evaluated considering the "historical tradition of firearm regulation." Subsequently, citing the Bruen decision, on December 22, 2022, the New York State Supreme Court found that state's "Red Flag law" unconstitutional. This bears repeating; Just 2 months ago, the supreme court of one of the largest states in the country, a state with a history of very restrictive firearms laws, found "Red Flag laws" unconstitutional. The New Hampshire House would be wise to do the same.

Vote 11-9.

Rep. Terry Roy
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 106-FN, relative to extreme risk protection orders. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the committee, after hearing testimony from advocates for and against this bill, agreed that it should be found inexpedient to legislate. The deprivation of a fundamental constitutional right without due process, is contrary to the spirit of both the New Hampshire and United States Constitutions. While advocates claim these laws exist in other states and are therefor constitutional, the Supreme Court has yet to rule on such a case. They did however make a key ruling in 2022 in the case of New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. (2022). In this case, the court found that state restrictions on the 2nd Amendment must be evaluated considering the "historical tradition of firearm regulation." Subsequently, citing the Bruen decision, on December 22, 2022, the New York State Supreme Court found that state's "Red Flag law" unconstitutional. This bears repeating; Just 2 months ago, the supreme court of one of the largest states in the country, a state with a history of very restrictive firearms laws, found "Red Flag laws" unconstitutional. The New Hampshire House would be wise to do the same. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 16, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 106-FN,

AN ACT relative to extreme risk protection orders.

Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Nancy Murphy

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 106-FN
Title:	relative to extreme risk protection orders.
Date:	February 16, 2023
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

After having undergone several drafts and incorporating numerous edits and input from many stakeholders, this public safety bill passed both chambers as HB 687 in the 2019-2020 session before being vetoed. Gun violence tragedies, like mass shootings and gun suicides, are often preceded by 'red flag' warning signs, such as threats and other dangerous behavior. "Red Flag Laws" such as this bill authorize courts to issue temporary Extreme Risk Protection Orders (ERPOs) relative to firearms under very explicit circumstances. They have been enacted in 19 states and DC; meet the standards set by the Supreme Court; and have been found to be constitutionally sound and withstand due process challenges. Research shows that ERPOs are working and save lives. Under current NH statute, a person who displays warning signs that they're considering suicide or engaging in a violent act, but who is not a 'prohibited person' under federal law, would still be able to legally buy and possess firearms. In 2020, NH's gun suicide rate was around 17% higher than the national average and 89% of all NH gun deaths are suicides. This bill is a life-saving tool that can help fill this gap, allow people in crisis the chance to obtain the help they need, and prevent warning signs from escalating into tragedy for NH citizens. This bill creates a civil legal process for a narrowly defined group of persons, family and household members, an intimate partner, or law enforcement officers, to petition the court for an ERPO. During a hearing, the petitioner must prove by a preponderance of the evidence, that an individual in crisis poses an 'immediate' or 'significant' risk of harm to themselves or others if given access to firearms; and thus, an ERPO is necessary to prevent that from occurring. Any person who files a sworn petition containing allegations known to be false, or with the intent to harass the respondent, is subject to criminal penalties under RSA 159-F:11. ERPOs are temporary, do not result in a criminal record for the respondent, and allow for short term removal of firearms, up to five days maximum, after a hearing; followed by a full court hearing within 7 days of filing or 4 days of service of process to the respondent giving all parties the opportunity to be heard. A petitioner may request an extension of the ERPO which will only be granted by the court, not to exceed 12 months, if it is established by clear and convincing evidence that the respondent continues to pose a significant risk of causing bodily injury to him or herself or others if given access to firearms. Firearm ownership doesn't change when an ERPO is issued. When an ERPO is terminated or expires, a court order will direct the return of the respondent's firearms upon his or her request, unless the respondent is prohibited from possessing firearms for any other reason. The National Instant Criminal Background Check System (NICS) database entry includes the expiration date of the ERPO and a record of an expired ERPO will not result in a 'denied' response to a NICS background check. This bill will save lives and advance public safety. For these reasons, the minority recommends this bill ought to pass.

Original: House Clerk
Cc: Committee Bill File

Rep. Nancy Murphy
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 106-FN, relative to extreme risk protection orders. **OUGHT TO PASS.**

Rep. Nancy Murphy for the **Minority** of Criminal Justice and Public Safety. After having undergone several drafts and incorporating numerous edits and input from many stakeholders, this public safety bill passed both chambers as HB 687 in the 2019-2020 session before being vetoed. Gun violence tragedies, like mass shootings and gun suicides, are often preceded by ‘red flag’ warning signs, such as threats and other dangerous behavior. "Red Flag Laws" such as this bill authorize courts to issue temporary Extreme Risk Protection Orders (ERPOs) relative to firearms under very explicit circumstances. They have been enacted in 19 states and DC; meet the standards set by the Supreme Court; and have been found to be constitutionally sound and withstand due process challenges. Research shows that ERPOs are working and save lives. Under current NH statute, a person who displays warning signs that they’re considering suicide or engaging in a violent act, but who is not a ‘prohibited person’ under federal law, would still be able to legally buy and possess firearms. In 2020, NH’s gun suicide rate was around 17% higher than the national average and 89% of all NH gun deaths are suicides. This bill is a life-saving tool that can help fill this gap, allow people in crisis the chance to obtain the help they need, and prevent warning signs from escalating into tragedy for NH citizens. This bill creates a civil legal process for a narrowly defined group of persons, family and household members, an intimate partner, or law enforcement officers, to petition the court for an ERPO. During a hearing, the petitioner must prove by a preponderance of the evidence, that an individual in crisis poses an ‘immediate’ or ‘significant’ risk of harm to themselves or others if given access to firearms; and thus, an ERPO is necessary to prevent that from occurring. Any person who files a sworn petition containing allegations known to be false, or with the intent to harass the respondent, is subject to criminal penalties under RSA 159-F:11. ERPOs are temporary, do not result in a criminal record for the respondent, and allow for short term removal of firearms, up to five days maximum, after a hearing; followed by a full court hearing within 7 days of filing or 4 days of service of process to the respondent giving all parties the opportunity to be heard. A petitioner may request an extension of the ERPO which will only be granted by the court, not to exceed 12 months, if it is established by clear and convincing evidence that the respondent continues to pose a significant risk of causing bodily injury to him or herself or others if given access to firearms. Firearm ownership doesn’t change when an ERPO is issued. When an ERPO is terminated or expires, a court order will direct the return of the respondent’s firearms upon his or her request, unless the respondent is prohibited from possessing firearms for any other reason. The National Instant Criminal Background Check System (NICS) database entry includes the expiration date of the ERPO and a record of an expired ERPO will not result in a ‘denied’ response to a NICS background check. This bill will save lives and advance public safety. For these reasons, the minority recommends this bill ought to pass.

Original: House Clerk

Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 106 Date 2/8

Committee _____

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Terese Grinnell	Loudon	NH	self		X
Rep Cyril Aures			Merr 13		X
Rep Maria Perez			Milford	X	
Keith Miller	Monrotonck				X
Larisa Trexler	Stoddard		self		X
Senator Debra Altschiller	SD 24		self	X	
Wendy Grenier	Nashua		self		✓
James Corin	Nashua		self		X
Mary Heath				X	
Aaron Pentecik	Hollis		self		X
GEORGE R. GURICK JR.	FARMINGTON		SELF		X
Rep Kris Schultz				X	
VINCENT CHESTNUT	ELHAMSTEAD		self		X
Buzz Scherr					X
Rep Granger			Strafford 2		X
Jarah Chamberlain					X
Rep Walter			Rock 8		X
Rep J. Bernardy			Rock 36		X
Councilor Dave Wheeler					X
Joshua Elbahrany	Manchester		self		X
George Hildreth	Derry		self		X

SIGN UP SHEET extreme Risk

To Register Opinion If Not Speaking

Bill # HB 1060 Date 2/8
 Committee CO

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Kimberly Minin			Womens del lege		✓
Karina Mackenzie	Hollis NH		self	X	
Egan Beam	5 Hampton		self	X	✓
Penny Dean	59 Warren Ct		self		✓
Rev. John Gray-Davis	Merriden		Merriden Congregl Church, UCC	X	
Kevin Eng			Self		X
Rep Gilli Walsh	Norampstead				X
Nick Hubbard	PO Box 973, Dover	(928) 350-0851			X
T Moran	14 Tamarack Ln	Exeter		X	
Louise Spencer	Concord		Kent St. Coalition	X	
Judith Kurtz	Concord		self	X	
Rep JR Hall			NHFC / Merr 27		X
Louise Spencer	Concord			X	
Nick DeFence	Concord	603 545-7114	self	X	
Jeffrey Fetter	102 School Concord NH	03301	self	X	
Rep David Rochefort	Grafton				X
Rep Alvin See			Merrimack - 26		✓
SKIP BERRIER			Exeter	X	
REN INKA HASKINS			Exeter	X	
Virginia Bunker			Exeter	X	
Eric Turner			ROCK-6	X	
Ana Salcake			Amherst	X	

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 106-FN

Date: 2/8/23

Committee: Criminal Justice and Public Safety

** Please Print All Information **

Name	Address	Phone	Representing	Pro	Con
Jim McConnell	Swanzey		SELF		X
BRIAN K BLACKBURN	488 N STATE	CONCORD NH 03301	SELF		X
Ray Boulanger					X
Robert Clegg	Proctor NH				X
Timothy Wolfe					X
Herb Pratt					X
Dennis Lyman	375 NEWINGTON RD	NEWINGTON NH 03848-1113	SELF		X
Johanna Provt					X
Lawrence Heberge			NRA		X
Justin Davis			NRA		X
Elaine Kennedy MD			Pediatrics	X	
MATTHEW TYSZKA, JR.			SELF		X
Rep Ben GILFORD					X
Deborah Wyman	Newington		self		X
Brian J. Barry	Chester				X
Joanna Brown	Manchester		self		X
Ralph Demicco			Self		X
Gary Violette	Bedford		Self		X
Paul Chauvin	Manchester				X
JAMES GAFFNEY	WARNER		SELF		X
Erk Leiby	Leicester NH		Self		X
Jelly Hamel	E. Kingston NH				X
Carol Bostic			Self		X

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 106-FN

BILL TITLE: relative to extreme risk protection orders.

DATE: February 8, 2023

LOB ROOM: 202-204 **Time Public Hearing Called to Order:** 2:38 p.m.

Time Adjourned: 3:52 p.m.

Committee Members: Reps. Roy, Rhodes, A. Murray, Pratt, Sytek, Proulx, Janvrin, D. Mannion, Reid, Stone, Tenczar, Harriott-Gathright, Meuse, Bouldin, Bradley, N. Murphy, R. Newman, Newell, Selig and Wheeler

Bill Sponsors:

Rep. Bradley

Rep. Ames

Rep. S. Newman

Rep. Abbott

Rep. P. Schmidt

Sen. Watters

Sen. D'Allesandro

Sen. Fenton

Sen. Altschiller

TESTIMONY

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

Representative Bradley introduces her bill

- Rep Bradley lost a friend to suicide with a firearm. This bill would institute clear and high standards for a court to issue an ERPO, and require petitioners to appear in court under oath, so as to prevent abuse of the legislation. This bill will literally save lives by allowing friends and family to reach out to law enforcement when they have concern for a loved one.

Representative David Meuse, cosponsor

- Supports the bill
- Final order would remain in effect for only one year. The person asking for the order bears the burden of proving this person is unsafe with a weapon.

Former Representative John Burt

- Opposes the bill
- There is no punishment for someone that lies in court, and it happens all the time. When Rep Burt sat on this committee he asked law enforcement about the chance of prosecution and they said it was zero.

James Gaffney

- Opposes the bill
- This bill is not consistent with the constitution of the United States or NH. This bill wouldn't even allow someone to defend themselves or call witnesses in defense. The Supreme Court just overruled a similar bill in another state.

Kathy Holmes

- Opposes the bill

- Personally has experienced the negative impacts of similar legislation. Took ten years to override the restraining order, which went through the NH Supreme Court.

Dr Leonard Korn

- Supports the bill
- 23 days ago he attended the funeral of a 26 year old who had been in treatment who took his own life
- These kinds of red flag laws are present in 19 other states and they have been successful in preventing suicide, and sometimes homicide

George Gurick

- Opposes the bill
- Taking away someone's constitutional rights without any proof that they've committed a crime or harmed anyone is unconstitutional. "State of Mind" applies to red flag laws, they're unconstitutional.

Timothy Wolfe

- Opposes the bill
- The intent is good but the methodology is unconstitutional, this essentially says you're guilty until proven innocent.

Holly Stevens, director of public policy for NAMI NH

- Supports the bill
- Suicide is a major public health issue in the United States, and one that is preventable. Yet we have done little as a society, a state, or a country to remedy this issue.
- Suicide is the 2nd cause of death in NH

Dr John Hinck, NH Psychiatric Society

- Supports the bill
- Firearm-related deaths is a public health issue. The APA supports restricting access to firearms for persons whose conduct indicates they are a risk to themselves or others. Similar laws in other states have been proven to reduce suicide. Over half of gun-related deaths in the United States are suicide.

Elliot "Alu" Axelman

- Opposes the bill
- Red flag laws violate due process. We are innocent until proven guilty, not the other way around. Violates the second amendment by infringing on our natural rights.

Kimberly Morin

- Opposes the bill
- This is completely discriminatory legislation. The police can file a petition at any time as well. The rules for evidence are not the same as in a criminal case. Red flag laws have done nothing to stop suicide in other states. This law has been determined unconstitutional in the state of New York.

J. E. Simkin

- Opposes the bill

- Defending yourself in these cases costs tens of thousands of dollars. Attorneys are not charities.

Joanne Brown

- Opposes the bill
- Good intentions gone wrong. This bill does not even require that the person complaining is from the same city or town. It's all based on predictions, not actions.

Lena Nick, Moms Demand Action

- Supports the bill
- Provides families with a way to protect their loved ones. Gun suicide in N.H. has increased over 60% in the past five years compared to 12% nationwide. Having access to a firearm triples the risk of death by suicide.

Representative J. R. Hoell, NH Firearms Association

- Opposes the bill
- Supreme Court case determined that these bills could not be enforced because of the lack of constitutional safeguards. House rule 45 A would be in violation if we passed this bill. It turns a civil case into a criminal case.

Brian Barry

- Opposes the bill
- There are better ways to help people in jeopardy than making them a criminal.

Rep Tom Mannion

- Opposes the bill
- There is a fear amongst veterans that if they seek help, their guns will be taken away. This will leave people wanting to deal with their issues alone, making them more at risk of isolation and suicide.

Marie Cassidy

- Supports the bill
- Has lost two family members to gun suicide. Someone does by suicide every 68 hours in our state. Suicides are an impulsive act, guns are a fast and deadly way to act on those impulses.

Brian Blackden

- Opposes the bill
- Anything can be used as a weapon, this treats firearms differently for unfounded reasons. Perjury is almost never charged, so this leaves people wide open to false accusations.

Representative Sue Newman

- Supports the bill
- No amount of legislation can mandate good behavior, but I do believe that this extreme risk order does provide a way to intervene before warning signs become tragedies. The Parkland shooting could've been prevented if red flag laws were passed sooner in

Florida. We should fact check the Supreme Court cases are being cited in opposition to the passage of this bill.

William Rogers

- Opposes the bill
- We should think about how this will impact law enforcement when they have to enforce these protective orders, going to claim firearms from someone who is having a psychotic episode or wants to kill themselves. Now instead of one person dead we have two or three.

John Bunker

- Supports the bill
- These laws have been proven effective in 19 other states

Andrew Schueler

- Opposes the bill
- The government should serve all the people, not certain people over others. "Somebody said so" isn't a good enough reason to take away your constitutional rights.

Dr. Joe Hannon, Gun Owners of NH

- Opposes the bill
- There is no process to regain your property once the ERPO has ended. Having officers respond in these mental health crises puts them AND the mentally ill person at risk.

Jonathan Weinberg

- Supports the bill
- Bills like this minimize the risk of a serious outcome. Too many people are dying at the hands of gun violence. We use safeguards like helmets and seatbelts, they don't stop harm 100% of the time, but we know the majority of the time they do. Same logic applies.

Dr Michael Layon

- Opposes the bill
- Nowhere are the signs of racism more apparent than in gun control. Germany used red flag laws to disarm the "undesirables", such as Jewish people, queer people, etc

Kang Lu

- Opposes the bill
- The legislature has no power of legislation that overrides fundamental rights. The Supreme Court has affirmed this multiple times. The very purpose of the Bill of Rights was to withdraw certain topics from this type of debate and efforts at limitation.

Vic Topo, NH Health Association

- Supports the bill
- Mental health issues, especially amongst children and teens, have increased significantly in the past three years, which coincides with a severe lack of mental health professionals. We need to make sure we have guardrails in place to protect our people.

Penny Dean

- Opposes the bill
- This legislature shouldn't be passing laws that then have to be battled out in the courts, we are the first line of defense.

Respectfully submitted,

Rep. Alissandra Murray, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB106 on 2023- Support: 241 Oppose: 164 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>
Lemos, Chris	Freedom, NH mopar@nj@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No
Mercer, Jennifer	Loudon, NH jenannmercerc@gmail.com	A Member of the Public	Myself	Oppose	No	No
L, Elizabeth	Lichfield, NH Lzvici@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Murphy, Kevin	Hampstead, NH kfmurphy76@gmail.com	A Member of the Public	Myself	Oppose	No	No
Strakalaitis, Judy	Derry, NH FREE-DERRY@COMCAST.NET	A Member of the Public	Myself	Support	No	No
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Cote, Lois	Manchester, NH, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No
LaPointe, Susan	Epping, NH suelap16@gmail.com	A Member of the Public	Myself	Oppose	No	No
Mooney, John	Northfield, NH shmushkapop@aol.com	A Member of the Public	Myself	Oppose	No	No
Saba, Robin	Candia, NH rbrooks230@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Tyszka, Matthew	Newport, NH mattcol@aol.com	A Member of the Public	Myself	Oppose	No	No
Guven, Taci	Windham, NH taci.guven@yahoo.com	A Member of the Public	Myself	Oppose	No	No
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**NH House Criminal Justice and Public Safety Committee
February 8, 2023**

RE: HB 32 relative to possession or discharge of a firearm in a safe school zone.

8 years ago I testified before the Commerce and Consumer Affairs Committee in the shadow of the massacre of 20 children in Newtown Connecticut. Nichole Hockley, mother of Dylan Hockney, one of the 20 six and seven year old children murdered in 2012, appeared before the committee on that day asking for this state to take action to prevent a similar episode from occurring in NH. The killer in the Newtown massacre was born in Exeter and spent part of his childhood in NH. Sandy Hook could have been Main Street School in Exeter..

Now 8 years later what have we done to reduce the risk? Nothing. Instead the legislature voted to prohibit enforcement of federal protections in the case of firearms threats in NH schools. Our children are educated in fortress-like structures where children practice hiding from armed intruders. With the continuation of school shootings, no wonder our children are experiencing more angst and mental health deterioration.

HB 32 is one of many necessary steps to acknowledge that there are millions of guns in this state, some of which can get into the wrong hands and create mayhem in our schools. HB 32 provides a modicum of protection for our children and may provide our children with reassurance that we are looking out for them. HB 32 does not restrict anyone's rights to own or possess a gun except on school premises.

I urge you to vote OTP on HB 32.

**Skip Berrien
Exeter, NH
603 580 1240**

Testimony in Favor of HB 444-FN:

“AN ACT prohibiting possession of a firearm at a polling place”

Rep. Timothy Horrigan (Strafford 10)
House Election Law Committee; February 8, 2023

I am not the first legislator to try to address the issue of firearms at the polling place, but if HB 444-FN passes into law, maybe I can be the last (for a while, at least.)

I know from past gun-safety debates that gun owners have a lot of trouble keeping track of where they can or cannot carry their guns. This bill makes things easy for gun owners by simply banning guns and other deadly weapons within 100 feet of the polling place, using the commonly understood meaning of the phrase “polling place.” That phrase appears in many laws, and it is clearly understood to be simply the place where the election activities are taking place. (Usually, those activities take place in one room, but sometimes multiple rooms are used.)

Polling places are clearly marked here in New Hampshire, and in addition there are signs marking the 100-foot radius around the entrance. Even if the signs are missing, most people (though maybe not everyone) can reasonably be expected to have an intuitive sense of how long a distance of 100 feet is. Also, unless the turnout is extremely low, there will certainly be individuals holding political signs 101 feet from the entrance.

Gun owners who are worried about the possibility of encountering criminals, terrorists, stalkers, abusers, bears, etc. at the polling place should be able to take solace in the fact that there will always be law enforcement officers on duty there. Also, as a practical matter, HB 444 would apply primarily to open carried weapons. If your concealed weapon is adequately concealed, no one will ever know you were concealed carrying, and hence you will not be prosecuted. HB 444 also has a specific “carve-out” for unloaded weapons secured in motor vehicles (even those parked within 100 feet of the polling place.)

I urge the committee to vote “Ought to Pass” on HB 444-FN.

Jeffrey Fetter, MD

36 Clinton Street

Concord, NH 03301

February 8, 2023

House Committee on Criminal Justice and Public Safety

To the Chair and Members of the Committee:

I am a psychiatrist in the Concord area writing with a suggestion for amendment, and general support regarding HB 106 , an act relative to extreme risk protective orders. I speak in my capacity as an individual practicing psychiatrist, not in the various other capacities I have held in relation to the NH Psychiatric Society, New Hampshire Hospital, or other agencies I have worked for and represented before the legislature in the past.

Please consider including in this bill an amendment that would hold harmless any healthcare provider who do not initiate an extreme risk protective order, after having had a previous encounter with patients who subsequently use a firearm in the commission of a crime, or who harm themselves with it. The potential for such malpractice litigation on healthcare providers would be an incentive to overuse extreme risk protective orders. I think that such an amendment would ensure that any orders that healthcare workers request would only be those with the clearest immanent danger, rather than a routine employed as “defensive medicine.” Such an amendment would ensure that legitimate firearm ownership rights are protected.

Secondly, I do want to voice support for this bill as a psychiatrist who has been in the position of being unable to intervene on behalf of public safety when individuals under my care who need to be released from the involuntary hospitalization due to procedural legal reasons despite my clinical concerns, leaving no alternative but to discharge the patient from involuntary hospitalization. When I worked in an outpatient clinic, I would sometimes see patients who pose a risk to public safety for reasons not attributable to a mental illness as defined by RSA 135C and so we were unable to use the Involuntary Emergency Admission process, yet we knew the patient had access to firearms. An extreme risk protective order would provide a useful tool in these rare but high risk situations.

I regret I am unable to testify in person, but if you would like to contact me with questions, I am available at jfettermd@gmail.com

Thank you for your consideration,



Jeffrey C. Fetter, MD

**Testimony on HB 59-FN, requiring a Background Check prior to any commercial firearm sale and other gun bills scheduled
NH House Criminal Justice and Public Safety Committee
February 8, 2023**

By Leonard Korn MD

Representing the New Hampshire Medical Society (NHMS) and the New Hampshire Psychiatric Society (NHPS)

For more than ten years the NHMS and NHPS have been strongly supporting efforts to promote gun violence prevention in New Hampshire and throughout our country. Unfortunately, over that same period, gun violence has increased dramatically despite the efforts here in New Hampshire and throughout the US. The increasing gun violence has taken place despite a vast majority of our citizens (70% or more) supporting gun violence prevention. Simply put, politics rather than the will of the people and commonsense have thwarted the persistent efforts to curb gun violence.

The United States is an outlier compared to the rest of the world regarding gun violence in our homes, schools, supermarkets, churches, synagogues, everywhere people congregate. Our rates of gun violence are generally 25 or more times the rates of similar western democratic societies. Foreign countries are appalled at the gun violence here in America. We should be ashamed that our “do-nothing” politicians obstruct reasonable gun laws and shirk their responsibility to protect public safety. Let us hope that that obstruction ends in New

Hampshire and throughout our nation and that we can act to reduce gun violence.

The simple fact of gun violence is that it takes a person and a gun to commit gun violence, and we need to work on both sides of that simple equation to address our epidemic of gun violence. The first seven (of the nine) gun bills in the NH house that are before you today address those two factors, both the person and the easy accessibility of guns for violence prone individuals. The last two bills being heard today actually go in the opposite direction, encouraging or permitting potential gun violence.

There is little time today for many interested persons to address you today, so I want to briefly address each of the bills in my one opportunity to present testimony today. It is important to understand that only with comprehensive actions and laws in all aspects of our gun culture in the US can we expect to turn the tide of gun violence. No one of these and other necessary laws and regulations will alone have the desired effect, but each of the seven gun is a step forward in our desired effort to curb the epidemic of gun violence in our country.

HB 32-FN, relative to possession or discharge of a firearm in a safe school zone. Our students, teachers, school personnel are increasing frightened and anxious about the gun violence in schools. In New Hampshire we've been fortunate not to have much actual gun violence in our schools, but we have had many

threats called into schools terrifying students and teachers. We need to keep guns out of schools as one means to keep schools safe.

HB 59-FN, requiring a background check prior to any commercial firearm sale. In NH we've tried and tried again to have this statute approved, each time failing because of outrageous evasions of this completely reasonable bill. This statute is needed so that only individuals who are permitted to have guns can purchase guns. That is a bedrock of keeping our state and country safe from unauthorized persons accessing guns.

HB 76, imposing a waiting period between the purchase and delivery of a firearm. This statute is particularly warranted to prevent impulsive actions of suicidal individuals, as suicide is often an impulsive action and by delaying delivery of a gun for several days the impulsive suicidal act can often be averted. Suicide by guns is particularly frequent in NH. As a psychiatrist, I experience this aspect of gun violence all too frequently. Just twenty-three days ago, I lost a 26-year-old young man with an impulsive gun shot to his head.

HB 78, repealing an act prohibiting the state from enforcing any federal statute, regulation or Executive Order that restricts or regulates the right of the people to keep or bear arms. NH last year enacted this legislation, HB 1178, to prevent NH from following reasonable federal actions to reduce gun violence. HB 78 would repeal last year's law and indicate our state's

commitment to do what we can to reduce gun violence. There are many examples of federal regulations that NH ought to be following, but I'll mention just two.

NH has never followed the recommendation or requirement (the federal Brady Bill) that we send the names of persons who are judicially committed because of potential violence to themselves or others for involuntary admission to New Hampshire Hospital or other designated hospitals. Therefore, a person who after such commitment is then discharged can unfortunately immediately purchase a firearm. It simply doesn't make any sense that we in NH allow that to happen.

Another example of why HB 78 is necessary is a recent Executive Order to regulate or eliminate unregistered "ghost guns." It is simply not reasonable that unauthorized individuals can evade the background check system by accessing "ghost guns." Unfortunately, more and more crimes and deaths are promulgated with such unregistered "ghost guns."

HB 106-FN, relative to extreme risk protection orders. This statute, often referred to as "red flag laws," allows family and police to petition local courts to temporarily remove guns from individuals who are potentially dangerous to others or often mostly to themselves. Many studies have shown that this type of statute saves lives. We need it here in NH.

HB 351-FN, relative to the negligent storage of firearms. In the US we have seen so many examples of children accessing

firearms and harming or killing themselves or others. Indeed, we now know that guns kill more children, adolescents and young adults than any other means including more deaths than cancer or auto accidents. How can we let this tragedy continue unabated in our land!

HB 444-FN, prohibiting possession of a firearm at a polling place. Intimidation and threatened or actual violence at voting places is so detrimental to our democracy and should not be allowed.

HB 474-FN, relative to enforcement of federal firearm laws and establishing penalties. This proposed statute adds to the negative nature of last year's HB 1178 and goes against commonsense and responsible federal laws to curb gun violence. Again, as stated above in reference to HB 78, this proposed law and HB 1178 are likely unconstitutional and mean-spirited attempts to foster rather than curb gun violence. These laws should be shelved, not supported.

HB 512-FN, exempting firearms manufactured in NH from federal laws and regulations. We shouldn't give a free pass to any manufacturer, whether due to faulty cars or faulty guns, nor should we allow any manufacturer to falsely advertise and promote products that malfunction and cause harm. Certainly, gun and gun device manufacturers should be subject to the same laws as any manufacturer. Guns kill, and it is obviously important that gun manufacturers produce safe guns and devices.

Thank you for your attention to these important gun bills and to your sworn allegiance to promoting public safety in New Hampshire. We as citizens of New Hampshire depend on all of you to provide as safe an environment as possible for all of us in our state.

Jeffrey Fetter, MD

36 Clinton Street

Concord, NH 03301

February 8, 2023

House Committee on Criminal Justice and Public Safety

To the Chair and Members of the Committee:

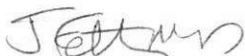
I am a psychiatrist in the Concord area writing with a suggestion for amendment, and general support regarding HB 106 , an act relative to extreme risk protective orders. I speak in my capacity as an individual practicing psychiatrist, not in the various other capacities I have held in relation to the NH Psychiatric Society, New Hampshire Hospital, or other agencies I have worked for and represented before the legislature in the past.

Please consider including in this bill an amendment that would hold harmless any healthcare provider who do not initiate an extreme risk protective order, after having had a previous encounter with patients who subsequently use a firearm in the commission of a crime, or who harm themselves with it. The potential for such malpractice litigation on healthcare providers would be an incentive to overuse extreme risk protective orders. I think that such an amendment would ensure that any orders that healthcare workers request would only be those with the clearest immanent danger, rather than a routine employed as "defensive medicine." Such an amendment would ensure that legitimate firearm ownership rights are protected.

Secondly, I do want to voice support for this bill as a psychiatrist who has been in the position of being unable to intervene on behalf of public safety when individuals under my care who need to be released from the involuntary hospitalization due to procedural legal reasons despite my clinical concerns, leaving no alternative but to discharge the patient from involuntary hospitalization. When I worked in an outpatient clinic, I would sometimes see patients who pose a risk to public safety for reasons not attributable to a mental illness as defined by RSA 135C and so we were unable to use the Involuntary Emergency Admission process, yet we knew the patient had access to firearms. An extreme risk protective order would provide a useful tool in these rare but high risk situations.

I regret I am unable to testify in person, but if you would like to contact me with questions, I am available at jfettermd@gmail.com

Thank you for your consideration,



Jeffrey C. Fetter, MD

A Facebook user who said that she was new to the liberty movement recently posted a question in a large pro-freedom group. She wanted to understand how libertarians (and voluntaryists) could possibly support the abolition of all gun laws. Like many others (including my old self), she has trouble feeling comfortable with truly bad people being able to access any firearms. I thought about her question and realized that while I've written around 30 articles and produced numerous videos about how horrible gun control laws are, I've never written an article simply explaining why all gun control should be abolished. So, I figured that I must write one.

Three distinct reasons

When explaining why no gun laws should exist, there are three entirely different approaches that one can take. Each of them alone would be indisputable arguments against all gun control laws. I have a favorite, but all three are excellently effective.

1) The US Constitution

Let's get my least favorite argument out of the way first. The US Constitution states in Amendment II that “...*the right of the people to keep and bear arms shall not be infringed.*” It does not say that gun rights can be infringed a little bit. It doesn't say that if politicians call the infringements 'reasonable', that makes them acceptable. It does not say that only good people have guns. It does not say that gun laws could be implemented by any vote, by cops, by politicians, judges, tragedies, or anything else. It simply states that this natural human right shall not be infringed. Among other reasons, I do not like the Constitutional argument because nearly every sheep in the US has accepted that the Constitution means whatever judges claim it means. So, when a judge inevitably rules that the Constitution does not really protect gun laws, conservatives - who pride themselves on their obedience to the law - would have to accept that the Constitution does not really protect gun rights. If you need any more clarification regarding what the authors of the amendment intended when they wrote it, check out [this article](#).

2) Human rights

On to my favorite of the three arguments. Unlike the Constitution, human rights are not really up for debate. The Constitution can technically be amended. Human rights cannot be amended. The Constitution can be reinterpreted by any judge anytime. Human rights are concrete and don't waiver depending on a judge's ruling. The right to ultimate control over one's person and their property (generally referred to as '[property rights](#)') is arguably the foundation upon which all human rights are built. If a person does not own themselves and their rightfully acquired property, they are a slave or a prisoner - not a free individual.

Once forced to make a binary decision, each individual must come to terms with their belief about property rights. Those who believe that each individual is naturally born as free humans support property rights for each individual. Those who believe that

individuals do not own themselves or their property, and instead everything is owned collectively by the community, society, or the government are called communists. The foundation of socialism and communism is the belief that individual property rights should not exist. They generally grant the power over all people and property to the government, figuring that the government could then give each person the amount of food and shelter they need - in a more fair way than ever before.

As someone who does believe that each individual is born with the natural human right to conduct their own lives and have their own property, I cannot support any gun control laws. Simply put, every single gun control law violates the property rights doctrine. If a person can rightfully own any property, how could they be prohibited from owning some items? Prohibiting people from owning dangerous items such as firearms would be immoral and would violate property rights. It would also require politicians to also prohibit cars, alcohol, cigarettes, cheeseburgers, sugar, and all drugs! So, the next time that you hear a politician claim that people should not be able to own a piece of plastic, ask yourself whether that politician supports property rights and freedom or collective rights and communism.

3) Practical application

For the less principled and more practical people, this is the argument that will be most meaningful. Gun control simply does not work. Time and again, we see that the areas in the US with the strictest gun control laws are consistently the most dangerous places. The areas with no gun control are consistently the least dangerous. This makes the correlation between gun control and murder rates nearly a perfect one. New Hampshire, Vermont, and Wyoming have historically had essentially no restrictions on firearms. Can you guess which three states are consistently the safest in the US each year in terms of homicides, violent crime, and gun crime? The states and cities with complete gun control - meaning that it is essentially impossible for those who obey the law to own a firearm - consistently experience the most murders, violent crime, and gun crime.

This is because laws do not affect criminals; they only restrict those who obey the law - by their very definition! If a person is seeking to kill others (only sociopaths and evil people generally seek blood), no extra law will stop them. People who are already so committed to murdering a person that they are willing to take a life, break a heinous law (murder), and are not afraid of their victim, would certainly not be stopped by gun control law. This is why gun control does not and could not stop murders from occurring. Law-abiding citizens, however, are hurt by gun control. I have a relative who lives in NYC. After a surgical procedure, he was ordered by his doctor to rest in bed for a few weeks. During this time, he was the only person at home during the day while the others in his house went to work and school. I urged him to get a firearm so that he could have a fighting chance should a person break into the house. This law-abiding citizen refused to risk going to prison for life, despite agreeing that he'd

be safer with a firearm by his bed. Weak, sick, and elderly women have even more reason to want a firearm when they go about their day all alone and defenseless in NYC. If this old lady is attacked, a gun is her only chance. Yet, politicians have made it a crime for her to have a fighting chance at repelling her assailant.

One must also consider that if we allow politicians to restrict firearms, magazines, accessories, and ammunition (which we already do), there will be no hard limit to their powers to control such items. I have said many times that as soon as the first politician (FDR) passed the first gun law and received no pushback from the sheep, gun rights were killed forever. If politicians say that automatic guns are too dangerous, what's to stop them from saying that semi-automatic guns are too dangerous next year? If 15 round magazines are too dangerous to be legal, what's to stop politicians from banning 12 round magazines next year? We have already seen the incremental erosion of gun rights by authoritarian politicians. Each day, politicians in places like New York and California brainstorm new ways to restrict individuals' rights to protect themselves from criminals and tyrants. So, I support no restrictions on firearms whatsoever. This is not to say that I support no punishment for violent crimes. I believe that anyone who hurts another peaceful person should be punished harshly. Violent crime is a bad thing. Owning an item is not a crime.

Some readers might still have concerns about mentally ill and dangerous people obtaining firearms. While it is simple to announce that such people should not have firearms, things get more complicated when you think about who makes the determination about a person's mental fitness. According to Democrats, anyone who supports a religion, capitalism, or firearms is inherently mentally ill. According to Republicans, anyone who is transgender, supports socialism, or hates police is inherently mentally ill. According to the CDC, over half of the US population is mentally ill. As for dangerous people, there are some complicating factors here, as well. Firstly, I must admit that some people are truly dangerous. Just like the truly psychotic, these people would not have access to any weapon in an ideal world. However, in the current system - the system which does have gun control in effect - many dangerous people somehow obtain firearms and kill thousands of people each year with them, mostly in the most Democratic gun-controlled cities. Additionally, the dangerous people who obtain firearms and use them to kill innocent people are often the government's agents!



Further reading:

[Crazy People Should Not Have Guns!](#)

[ATF: All Guns Are Machine Guns](#)

[The History of the Second Amendment](#)

[Yes, Government Can Confiscate Your Guns](#)

[Told You So: Self Defense Is A Crime](#)

[Know Your Candidates: Gun Rights](#)

[Conservatives, History, & Law Enforcement](#)

[Are All Students Potential School Shooters?](#)

[Warning: NH Red Flag Law is Disguised As Elder Abuse Bill](#)

[NH Dems Propose Slew of Anti-Gun Bills](#)

[The Ironic Danger of Protecting Others](#)

What most people mean when they say they're "pro gun"

"Republicans defend the second amendment"



18-21 purchase age



Thin blue line

Background checks



"I support the second amendment BUT...."

What I mean when I say I'm pro gun



February 8, 2023

Testimony supporting HB 106

Senator Debra Altschiller, District 24

Thank you Chairman Roy and Honorable Committee members.

My name is Debra Altschiller, I represent Senate District 24 which includes the towns of Exeter, Greenland, Hampton, Hampton Falls, North Hampton, Rye & Stratham. I write in support of HB 106: relative to extreme risk protection orders.

In 2019 the NH House and Senate passed an Extreme Risk Protection Order bill (HB 687) and New Hampshire was on the cusp of having a valuable tool available to family members of people experiencing extreme crisis. Since then, the number of states that have adopted this life saving legislation has grown to 19 plus the District of Columbia.

In that time the suicide and homicide rates in New Hampshire have grown. According to the US Center for Disease Control, New Hampshire was identified as having one of the largest increases in suicide rates compared to other states.

This is the data:

Suicides make up **89%** of all firearm deaths in New Hampshire.

Nearly half of all suicides in New Hampshire are by firearm.

According to the Office of the Chief Medical Examiner, in New Hampshire: **118 out of 129 firearm deaths in 2020 were suicides: 91% .**

From 2015 through 2019, suicide was the second-leading cause of death in the Granite State among those aged 10 to 34.

Nationwide, in 2020 (the most recent data), guns, more than cars, were the leading cause of death among children and adolescents, far outpacing cancer, infections and congenital causes.

Among firearm suicides in 18 to 20-year-olds, 85 percent used either their own gun or that of a family member.

An average of 4,500 veterans dies by firearm suicide every year—about 12 deaths a day. Over the past 15 years, the veteran firearm suicide rate has increased nearly every year, with a 31 percent increase over this period. The rate of firearm suicide among non-veterans increased 22 percent over this same period.

One of the more critical interventions, he says, is to give a suicidal person time to transition out of the crisis moment. Ensure they're not alone. Get them help.

Suicide is not an inevitability, it is preventable, and when it does reach a crisis point, a critical intervention giving the suicidal person time to transition out of the crisis moment, ensure them they are not alone, get them help is lifesaving. But if there is a firearm present, the chances of moving through that crisis diminish. We need to pass the Extreme Risk Protection Order bill again to give Granite Staters a chance at deescalating the potential lethality in these situations.

77% of Americans support Extreme Risk Protection Orders like the one we have crafted here in New Hampshire. Protecting people from harming themselves or others around them is a bipartisan issue. According to the most recent research by the American Public Media Research Lab, 70% of Republicans and 85% of Democrats support Extreme Risk Protective Orders.

But there is more to this debate than numbers and statistics. Behind those figures are people. New Hampshire citizens.

In March of 2019 Representatives Hall was full of people bringing their testimony to the Criminal Justice Committee. A petition with seven hundred signatures from Granite Staters, from Londonderry to Colebrook, Keene to Durham, Nashua to Bow and everywhere in between was presented to the committee then and those signatories were devastated by the veto of then HB 687. But they were not defeated, they chose the radical act of hope and kept fighting for change. Their request was that we make passing an extreme risk protection order our number one priority. We are still asking for that.

When a survivor comes here to Concord, raw with emotion, to be here in this place bravely sharing their pain so that others might not have to experience the same horror they did, they deserve our action.

One of the most horrific things a person can face is burying a loved one who was gunned down, either by someone else or by their own hand. A particular horror is a parent burying a child who took their own life. Today I want to share a statement from one of those survivors.

Her name is Dr. Margaret Tilton, she is a physician who lives with her husband Rob Leatherbee on the Seacoast. She is the mother of two adult children. She is kind, soft spoken and strong, so very strong. **She buried her son George in November of 2017.**

This is her statement to us.

“In March 2019 my husband and I testified before the Public Safety and Criminal Justice Committee in support of HB-687-FN.

I believed then and still believe that this bill, signed into law, will save lives here in New Hampshire. (In 2018) one of your members spoke in opposition to Extreme Risk Protection Orders and offered words to the effect of ‘This is New Hampshire. We don’t have these kinds of problems. Show me where this is a problem in New Hampshire.’ I tried to put a name and a face to this problem – my 23-year-old son George Tilton, whom we lost the day after Thanksgiving 2017 to suicide with a handgun.

(In 2019) I told his story, our family’s story, here in this chamber, and afterwards felt I had betrayed my son’s privacy for nothing. George would never have wanted me to share his struggles publicly, but I felt an obligation to other families. We have a largely silent epidemic of depression and hopelessness among young people in our state, and an alarming increase in the numbers we are losing to suicide by this most lethal means. We profess to value life and acknowledge our responsibility to protect the vulnerable. It’s a matter of public safety that we don’t allow a person incapacitated by drugs or alcohol to operate a motor vehicle. We have a similar obligation to protect an actively suicidal person by temporarily limiting, through rigorous due process, their access to a handgun.

Please have 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 kid safe – maybe long enough for their loved one to regain a sense of hope and to choose life.”

For Margaret Tilton, her husband Rob and for their late son George,

for those left behind from gun violence,

for those who are counting on us to do what we can to stop their loved ones from killing themselves or killing others,

I urge you to recommend HB 106: relative to Extreme Risk Protection Orders, ought to pass.

Thank you for your consideration.

Senator Debra Altschiller, District 24

BIPARTISAN SAFER COMMUNITIES ACT

The Bipartisan Safer Communities Act is a commonsense, bipartisan proposal to protect America's children, keep our schools safe, and reduce the threat of violence across our country.

SUPPORT FOR STATE CRISIS INTERVENTION ORDERS

- Creates a new **\$750 million** funding pot that will be available to states for the creation and administration of laws that help ensure deadly weapons are kept out of the hands of individuals a court has determined to be a significant danger to themselves or others, and other purposes such as mental health courts, drug courts, veterans courts, and extreme risk protection orders that have sufficient due process.

PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE

- Adds convicted domestic violence abusers in dating relationships to the National Instant Criminal Background Check System (NICS). Creates a process for removal from NICS five years after the completion of the sentence, only if there are no intervening prohibited crimes or other similar offenses.

CLARIFIED DEFINITION OF 'FEDERALLY LICENSED FIREARMS DEALER'

- Cracks down on criminals who illegally evade licensing requirements and clarifies which sellers need to register, conduct background checks, and keep appropriate records.

UNDER 21 ENHANCED REVIEW PROCESS

- Requires an investigative period to review juvenile and mental health records, including checks with state databases and local law enforcement, for buyers under 21 years of age.
- NICS will have up to three business days to conduct the initial enhanced search. If that search reveals a possible disqualifying record, NICS will have an extended window of no more than ten business days total to complete the investigation.
- Provides additional funding to the FBI to administer new process checks in NICS and grants to help states upgrade criminal and mental health records therein.

PENALTIES FOR 'STRAW PURCHASING'

- Creates federal straw purchasing and trafficking criminal offenses, allowing prosecutors to target dangerous illegal gunrunners.

VIOLENCE INTERRUPTION FUNDING

- Provides **\$250 million** in funding for community-based violence prevention initiatives.



February 8, 2022

House Committee on Criminal Justice & Public Safety
Legislative Office Building, Room 204
33 N. State Street
Concord, NH 03301

Dear Honorable Members of the House Criminal Justice & Public Safety Committee:

I am writing to you, on behalf of the National Rifle Association, regarding House Bill 106 (HB 106); an act relative to extreme risk protection orders. On behalf of the NRA, I would like to express our strong opposition to this legislation. HB 106 would suspend Second Amendment rights without adequate due process and requires an individual to go to court to retrieve their property – even if the individual was wrongfully deprived of their property in the first place.

This legislation allows the issuance of an ex-parte temporary extreme risk protection order “with or without actual notice to the defendant.” Constitutional rights should only be restricted with sufficient due process of law. Due process limits restrictions on constitutional rights to only serious convictions and adjudications that provide procedural protections to the accused, which results in more reliable proceedings. The Right to Keep and Bear Arms should not be treated as a second-class right and should not be restricted unless there are sufficient protections in place.

In the event an order is vacated or ends, the individual would have to petition the court to have their property returned. In this situation, an individual can have their property seized – without notice or a hearing - and then must return to court, bear those costs, to ask permission to have their seized property returned to them.

On behalf of our thousands of members across New Hampshire, I urge the committee to oppose House Bill 106 which deprives individuals of their Second Amendment rights without adequate due process. Please do not hesitate to call me if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren E. LePage", is positioned above the typed name.

Lauren E. LePage, Esq.
FYRE Strategies, LLC

Talking points - HB 106, relative to extreme risk protection orders.

February 8, 2023

Good afternoon, Chairman Roy and members of the House Criminal Justice and Public Safety Committee. My name is Vic Topo and I am here representing the NH Community Behavioral Health Association and the state's ten community mental health centers, to express our strong support for HB 106.

I am also here as a member of the New Hampshire Suicide Prevention Council. Part of the Council's charge, per RSA 126-R, is to oversee the implementation of the New Hampshire suicide prevention plan and to serve as a proponent for suicide prevention in New Hampshire.

According to the NH Child Fatality Review report issued last week, suicide was the cause of death for over 23% of our residents, age 1 to 21, between 2017 and 2021; and 38% of those suicides were gun deaths. Finding reasonable and practical ways to help prevent those deaths is part of my mission, personally, professionally, and as a member of the Suicide Prevention Council. HB 106 is one such solution.

We all know that mental health issues, especially among children and teens, spiked in the past three years, following the shutdowns and isolation of the COVID-19 pandemic. We also know that the state has a severe workforce shortage in the health care arena, and that extends to the community mental health system. We are struggling to ensure that everyone in all our communities gets the care they need, when they need it.

As you have already heard from others, 19 states and the District of Columbia now have so-called "red flag laws," and in New England, all our neighboring states except for Maine have enacted these laws. Maine passed a "yellow flag" law in 2019, which was a compromise with sportsmen's groups, and which is still being evaluated for its effectiveness.

In 2019, the National Council for Mental Wellbeing issued a valuable report - "Mass Violence in America" - following a 2-day convening of experts, including clinicians who treat individuals with mental illnesses and substance use disorders, administrators, policymakers, educators, advocates, law enforcement, judges, parents and payers. I won't read to you from that 96-page report - I will submit a

copy to your clerk for the file - but I will just highlight this recommendation: ***Enact state red flag or extreme-risk protection orders that allow the temporary removal of guns from individuals who are known to pose a high risk of harming others or themselves in the near future.***

Gun safety translates into public safety for all the parties involved:

- the at-risk individual who owns firearm
- family members
- and the community at large.

With ERPO, there are no losers but only winners who can **temporarily** remove a weapon and prevent a tragic incident.

By passing HB 106, it's no longer just the professional community that is working on suicide prevention - as the phrase goes, "it takes a village" - to reduce the likelihood of a tragic incident involving use of firearms. It's all of us understanding the risks and presenting the case in a court of law. Having an ERPO provides an opportunity for intervening with someone who may be at their worst breaking point in their lives and who have easy access to firearm to use on themselves or even others.

With the current implementation of the Rapid Response program across the state, the community mental health centers already work closely with law enforcement, and that collaboration will be greatly strengthened with a legal procedure such as extreme risk protection orders.

The community mental health centers are ready and willing to work with all our partners to ensure that this law, once enacted, is effective and helps saves lives. Please vote Ought to Pass on HB 106. Thank you for the opportunity to speak.

Kevin Murphy

"Extreme Risk Protection" orders are a violation of both the 2nd and 4th Amendments to the US Constitution. The US Supreme Court has already ruled so called, "red flag" laws unconstitutional in 2021 in *Caniglia v Strom*. Please disregard this awful and illegal bill.

Susan LaPointe

Red Flag Laws are Unconstitutional. Even the Lefty New York Supreme Court ruled that Red Flag Laws are Unconstitutional.

"The right of the people to keep and bear Arms shall not be infringed."

John Mooney

This is unnecessary legislation that has been proven unconstitutional in court time and time again. It will end up in court and lose causing large expenditures for nothing gained.

In NH we already have the "complaint and prayer" on the books that will deal with anyone that is unsafe around firearms and restrict their access.

<https://www.courts.nh.gov/documents/complaint-and-prayer-compulsory-mental-examination>

This is an egregious attempt to further control NH citizen's rights by denying them in ways that will only be abused.

Matthew Tyszka

This bill is unconstitutional in all respects. Existing laws provide for the emergency observation or committal for people who might harm themselves or others. This bill is just another attempt to seize firearms in violation of the Second, Fourth, Fifth and Fourteenth Amendments, as well as possibly the U.S. Constitution Article I, Section 10 (prohibiting states from issuing Bills of Attainder). Please ITL this bill.

Kathleen Tereshko

I believe that most law enforcement and judicial authorities have been in support of ERPO laws as they have are shown to reduce danger of threatening gun violence to the general public and law enforcement. These bills are temporary restraints, not a "ripping the guns out of legally owned hands" as believed by some. Clouded judgement by anger or compromised mental health should not lead to abuse and/or deaths.

Alu Axelman

This terribly anti-liberty bill violates due process, free speech, self-defense rights, and property rights. There may be no single law that could so viciously violate this many natural rights - rights that the US and NH Constitutions were created in order to protect. My family and I strongly urge you to kill this bill!!

Dena Romero

Many states have enacted extreme risk protection orders, often known as red flag laws. The idea is to remove firearms from persons exhibiting signs of disturbed thinking, threatening or angry behavior especially against a particular race, gender or group of people. Review of recent mass shootings often shows that the shooter is a disturbed person who never should have had a firearm or who, when his behavior came to someone's attention, should have had the firearm removed and been offered help. Instead the person murdered innocent people and was often killed in the process. In removing the firearm from this person before he commits a violent crime, the public will be protect and an opportunity is created to treat the person humanely and to offer help. Wouldn't this be a better way to function in our society instead of focusing on the right of unknown persons to bear arms and, as often happens, ending up with suicide by cop?

Cindy Kudlik

These Representatives should be removed from office for breaking their oath of office to perform their duties agreeably to the constitution. "[Art.] 2-a. [The Bearing of Arms.] All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state."

Stephanie Johnson

Please vote in favor of this bill, as it protects public safety by keeping firearms out of the hands of people who wish to harm themselves or others.

Jason MacDonald

I oppose this bill, as it fails to ensure citizens who have done nothing wrong can be potential targets. There are too many incidents of police and citizens being injured for no reason other than hearsay. I also propose that legislators who support this be on the front line when an order is executed.

Cynthia MacDonald

Dear legislators. NO to "extreme risk protection orders" -- Breonna Taylor is the prime example of why they should never be used.

Robert FEDER

New Hampshire cannot exclude itself from following the laws of the United States of America.

Jim Mastro

The first words of the Declaration of Independence are: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

The first words of the US Constitution are: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

It is clear from both of these documents that the founders placed the rights to life, liberty, and the pursuit of happiness above all else, and that those rights were to be ensured by laws promoting domestic tranquility, common defense, and the general welfare. Current firearm laws, which contribute to the prevalence of firearm deaths in this country (greater than in any other country except those in a state of war) fly in the face of those rights. Slavish adherence to a tortured interpretation of the Second Amendment (which ignores the requirement of a well-regulated militia as a prerequisite to firearm ownership) is the primary reason this condition exists. This same tortured interpretation also conveniently ignores the fact that when the amendment was written the only weapons available to anyone were muskets.

The Second Amendment was, at the time of its writing (and still is), clearly secondary to the primary rights noted above. The current interpretation of that amendment is contrary to those primary rights. One cannot count on life, the pursuit of happiness, domestic tranquility or general welfare when one is in constant fear of being shot at places that should be -- and historically have been until recently -- safe: schools, movie theaters, supermarkets, places of worship, and dance halls.

It is therefore incumbent on political leaders to pass laws (such as the one currently in review) that honor those primary rights and reduce to the greatest extent possible the harm to those rights caused by firearms.

David Strang

Passage of this bill would clearly be a violation of our second amendment rights. I urge you to vote "NO" (ITL)

Robert Early

Orwellian!

Daniel Richardson

Celebrate NH sovereignty from federal tyranny.

John O'Brien

Please support Bill HB 539 and keep vaccines out of schools. Parents, Grandparents, Guardians ect. have enough to worry about this day in age just sending their children to public schools, we don't need the stress, and fear of our children being vaccinated against the parents and child will. especially with the experimental Covid Jab.

Gerald Beuchelt

This "red flag" bill creates the possibility of unduly and without due process restricting a citizen's natural rights. Such a severe infringement is not acceptable. Also, effectiveness of such a law is dubious - especially in a state like NH, where we still have functioning communities, different from states like NY, CA, or MA.

Joseph Capriotti

Good Day,

Once again, the red flag laws rear their ugly head. Red flag laws are ripe for abuse from ex-lovers, ex-friends or enemies. I personally know folks from other states who were exonerated after a red flag law was put into effect against them and they had a very hard time getting their lawfully owned firearms back from the police department. This is a travesty to our 2nd amendment rights.

Joe Capriotti

Leonard Korn

HB 106-FN, relative to extreme risk protection orders. This statute, often referred to as “red flag laws,” allows family and police to petition local courts to temporarily remove guns from individuals who are potentially dangerous to others or often mostly to themselves. Many studies have shown that this type of statute saves lives. We need it here in NH.

Arthur Gardiner

It does not make sense to permit a person who evidences tendencies to harm to have access to guns. The second amendment does not require the public to accept the likelihood of harm.

Judy Aron

This is another awful anti-gun bill and it totally violates the rights of due process, free speech, self-defense, and property. I am strongly against these "red flag laws" and I wholeheartedly urge you to ITL this bill, HB106.

Simon Berrio

HB106 seeks to deny NH citizens of their natural right to keep and bear arms. It seeks to do this without allowing for subject to challenge it. ERPOs have been weaponized and are abused in every state that has implemented them. Furthermore, it subjects the firearm owner's very expensive personal property to haphazard handling by law enforcement as they remove these firearms. Stop attacking my rights and my personal property.

Representative John M Potucek

This Bill, House Bill 106 allows ex-parte orders to suspend Second Amendment rights without adequate due process. Due process limits restrictions on Constitutional Rights to only serious convictions and adjudications that provide procedural protections to the accused, which results in more reliable proceedings.

Donald Scott

I think, especially in the last couple of years, the amount of over-reach by the federal government and especially the executive branch, has been excessive. I see no reason to think this will not continue no matter who is in power. It is governing by decree and it is wrong. We should not repeal a protection in place to combat this, mostly unconstitutional, over-reach. Thank you

Gregory Davis

So-called "red flags" laws such as HB106 (ERPO) have been proven to save lives. There is broad spectrum support for this type of legislation. Please vote OTP. Thank you.

Barbara Zaenglein

I

Sara Smith

Deborah Mayo

I oppose this bill.

Laura Rundell

People who pose a risk to themselves or other should not be able to purchase or own a weapon.

Janet Stumpf

Please do not allow this bill to pass. It would make it far too easy for someone to have their firearms taken from them based on an unsupported accusation from anyone who may hold a personal grudge against them, with no means to deny the accusation. The removal of ones firearms then puts that person in a situation where they cannot defend themselves and their family from harm. This is a very dangerous bill.

Carter Judkins

Please support this bill. As a mental health worker who has dealt with suicidal students, this seems wise and important to me. Thank you.

Margery Phillips

I support this bill

Robert Beaulieu

This [proposed law is flawed on various levels. . It is unconstitutional whereas it allows to remove an individual's rights without due process. There is no burden of proof for those making accusations against an individual.

Catharine Farkas

COMMON SENSE!
Seriously!

Kathleen Slover

Firearm suicide is a serious issue in NH. I support an Early Risk Protection Order process. It ensures that family members and law enforcement officers who recognize signs of danger have the tools they need to prevent gun violence tragedies such as firearm suicides and mass shootings and also includes robust due process protections to protect individuals' rights.

Barbara Prien

Feb. 8, 2023

My name is Barbara Prien. I am a resident of Rye. I have lived in NH for over 60 years.

I ask you to support HB106 (ERPO).

This bill will help saves lives-help prevent suicide, help prevent a sad ending to a domestic violence incidence, help prevent a shooting in moments of crisis.

My father was a lifelong hunter and gun owner. I grew up with guns in my home. I went to firing ranges with my father.

But, in my family we had an incident in 2006, which resulted in my siblings and I removing a pistol from my father's possession and taking the key to his gun safe to one of our homes. My father was in a crisis situation with his own needs as a wheelchair bound person being challenged by a recent devastating diagnosis of my mother having a debilitating and fatal brain syndrome, PSP. He was facing giving up independent living and moving into an assisted living situation. This was a situation my parents had saved and planned to avoid at all cost. He had been depressed for weeks, repeatedly saying "this ruins everything", and clearly, that night, had become irrational. My sister, who was visiting, called my husband and me. When we arrived, my father was out of control and yelling that he would never allow a move to a nursing home. My mother was crying uncontrollably, continuously saying she was sorry about the diagnosis and ruining their plans.

The first thing I did was to go to my father's bedroom and remove the loaded pistol from his night stand. After several hours, I sent it home with my husband and my sister. My brother took home the key to the safe. I, to my father's dismay, stayed the night.

I didn't even think of, nor was I aware that, our removing his access to his guns at a time like this was unlawful. To us it was just COMMON SENSE. I have to admit I'd do it again. Later, after a few weeks, my father gave the pistol to my husband and the hunting guns to my brother and brother-in-law.

I shudder to think of what would've happened if we didn't deny the availability of his guns that night.

This bill is just COMMON SENSE!

Please support HB106 (ERPO).

Thank you.

Barbara Prien
6 Stonewall Lane
Rye, NH 03870

Michael Raimondi

A person's constitutional right cannot be taken away without due process. This bill provides no means to for a person to defend themselves in court prior to such seizure since it is not a criminal process.

Stephen Karney

New Hampshire is one of the safest places in the world, no need to add restrictions to the natural rights of it's citizens

Stephen Daves

[Art.] 2-a. [The Bearing of Arms.] All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state.

anthony holtz

County Commissioners have county-wide responsibilities. Those responsibilities, and the public obligations they include, are best represented -- and best elected - on a county-wide basis. Having separate districts in a county makes no sense, provides no benefit to the electorate, and would further fragment government to no purpose. Leave the representation and the elections county-wide.

David Breault

My name is David Breault. I live in Salem, New Hampshire. I worked as a clinical social worker psychotherapist for 50 years. For many of those years I worked at the University of New Mexico in the Department of psychiatry. I am now retired.

I am speaking in support of HB 106, an Extreme Risk Protection Order bill. I have done therapy with many survivors of gun violence and hundreds and hundreds of people with post traumatic stress disorder, a significant number of which was subsequent to gun violence. Our gun suicide rate in New Hampshire is increasing dramatically (61% increase between 2011 and 2020). I know from working with many suicidal people that the suicide can be prevented with timely intervention. Removing the gun from a seriously suicidal person by the person's family and the court working together as this bill calls for can really save lives and ensure that individual rights are protected. This law is working in 19 states.

Please vote in favor of HB 106 and give us a real tool in our toolbox to reduce gun violence. Thank you.

Susan Clay DeMarco

I am lifelong resident of NH and have raised my children here. Now, I am fortunate enough to have grandchildren growing up here. It is imperative that we take steps to support our families and communities by doing all that we possibly can to prevent tragedies and to help keep people safe. Additionally, I have a son who is in law enforcement in NH, which again makes these bills near and dear to me.

HB 106 provides necessary tools for law enforcement to temporarily restrict someone's access to firearms to harm themselves or others. Suicide by firearm is higher in NH than nationally; this is a serious problem. These laws work, as we have seen in other states, and the edits submitted today include appropriate edits made by the voices from key stakeholders in NH.

I urge you to vote in SUPPORT of HB 106

Patricia Anastasia

walter kirsch

Shall not be infringed !

Susan Richman

The delay of even one day between the impulse to buy a gun and actually having it in hand could prevent countless suicides. No doubt it would also cool other hot tempers and allow people to reflect, rather than to act in the heat of the moment.

Kim Marie Fudge

Kenneth Noel

There are already laws/procedures to handle situations stated in this bill. This is another government attempt to confiscate legally owned firearms.

Paul Skudlarek

I Strongly support this bill.

Janice Mathews

“Shall not be infringed...”

Mollie Allen

I support HB 106 in regard to general and individual care and knowing who may be a risk to themselves or others with the use of extreme protection orders. This seems solidly in line with generally accepted community standards.

Suzanne Butcher

Edward Beauchamp

I oppose this bill it is a infringement of our second amendment right, and against the NH way "live free or die" if a person is convicted of crimes then they are not allowed to possess fire arms however criminals will always find a way to possess them. Having red flag laws does nothing other than allow a behavior similar to the salem witch trials what happened to innocent until proven guilty or probable cause you need a basis to go off, people will abuse the system!

Sarah Zuech

As a mother of four young children, a property owner, and law-abiding citizen, I ask that you please vote Inexpedient to Legislate on HB 106. Red Flag Law is not only completely unconstitutional, it is a terrifying piece of proposed legislation which threatens not only the rights, but the safety of gun owners, leaving them open to abuse by vengeful, spiteful individuals. In every state that has passed Red Flag Law, there has been abundant evidence of abuse.

I again respectfully request that you vote to ITL this horrible bill.

MICHAEL CESTONE

I vigorously oppose this proposed legislation. I will oppose any legislation where it is decided to confiscate property with an ex-parte hearing. I believe that this also runs afoul of the Fourth Amendment to the Constitution.

The chance for abuse of this type of law is very likely. This legislation allows an ex-spouse, ex-romantic partner or the police (who do not know the individual) to file a ex-parte petition with the court and send the police in to confiscate all firearms and ammunition. We have all heard the stories of women lying obtain restraining orders against their soon to be ex-husbands. I doubt any of them have been charged with lying to procure the restraining order.

The police will then keep the firearms for up to a year; for which they can then charge the respondent for storage. The police are not responsible for any damage during storage. It does not take much for a firearms collection to run into several thousands of dollars in value. Also remember that many firearms have sentimental value because they were handed down from previous generations as family heirlooms.

There is a process in place to return firearms, after 12 months a hearing may be scheduled where the respondent has to prove they are no longer a danger to themselves or society. However, an anti-gun district attorneys can easily push off this hearing for several months, if not indefinitely.

My own brother was the victim of a red flag order in NJ. A friend had the police do a wellness check on him. The police officer (who had never met him before) filed for and obtained a red flag order. His firearms and ammunition were all confiscated. He entered and completed a substance abuse program immediately. That was 18 months ago. He has retained an attorney in an attempt to regain his firearm collection, which includes our father's guns. However, the District Attorney keeps getting the hearing postponed. I oppose this proposed legislation vigorously.

Daniel Itse

Honorable Members of the House Committee on Criminal Justice and Public Safety,
For the record, I am Daniel C. Itse. I represented the town of Fremont from 2001 to 2018. I served as Chairman of Constitutional Review and Statutory Recodification in 2011/2012, and I rise in opposition to HB32, HB59, HB76, HB78, HB106, HB351, & HB444. I am speaking to you on all of these Bills in one communication because though they vary in their specifics, they all odious for principally the same reason. Though HB106 does rise above the others in its repugnancy to the Constitution of the State of New Hampshire.

The fundamental purpose of government is to promote the general good (N.H. Constitution, Bill of Rights, Article 1) also phrased the common benefit (N.H. Constitution, Bill of Rights, Article 10). When this was put into our Constitution it was understood to mean that the government must enforce natural law, protect the life, liberty and property of the people better than they could on their own, if there were no government. This gives us the fundament of crime, harming another person in their life, liberty or property. If no one has been harmed, there has been no crime.

You are hearing a number of Bills that at their core seek to stop crime before it occurs. There is a fundamental flaw in this. No law ever stopped a crime. The only people who can be trusted to obey those laws, are people who would never commit the crime they intend to stop. The people who might commit the crime intended to be stopped (felonies to capital crimes) will not be deterred by misdemeanors. The only rational purpose of a law is to punish those who have committed a crime after they have been convicted of the crime pursuant to due process. The laws proposed by these Bills patently violate N.H. Constitution, Bill of Rights, Article 18, there having been no actual harm, and some violate N.H. Constitution, Bill of Rights, Article 15 by denying due process.

Fundamentally, these Bills seek to restrict the people from the right of self-defense, as enshrined in N.H. Constitution, Bill of Rights, Article 2-a. This is a relatively recent amendment, having been adopted in 1982, there is no question of the intent of the amendment.

HB106 is particularly troubling with the terms of section IV. on temporary orders which allow the taking of pursuant to an ex parte hearing which the respondent need not be apprised of. There is a federal Supreme Court case (Caniglia V. Strom) which identifies these types of laws as repugnant to the Fourth Amendment to the Constitution for the United States of America for denial of due process. If they are contrary to the Fourth Amendment, they are certainly contrary to N.H. Constitution, Bill of Rights, Articles 15 & 19, which are far broader and more strict. It is also particularly noxious because it does not require the preservation of the property seized, its value to be guaranteed, or its return if the allegations are determined unfounded. Remember the fundamental principal that a person is innocent until proven guilty. If the allegations are not proven, then all property must be returned without qualification and undamaged.

I remind you of The House of Representatives Rules of the House 45 (d): No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of any article of the Constitution of New Hampshire or the Constitution of the United States of America or

grant broad rulemaking authority to an agency or department. The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

Dan Itse

Hon. Daniel C. Itse

Tyranny is Government in Defiance of Reality.

603-702-0381

Vasant Dass

Suicides are the largest number of deaths resulting from guns in New Hampshire. I believe most of them are young who would otherwise a long fruitful life to look forward to. It's their loss and of their parents, siblings, friends and colleagues.

If we each think about it, we all have been affected by the suicide of someone we knew or loved. We need to prevent easy access to guns. A lot of suicides occur within a very short time after the person buys the gun lawfully. Even though the gun may have been bought lawfully, their loss of life is still tragic and avoidable. Let's do something about it as soon as possible. Every day's delay is tragic. Please act to save lives.

Deborah Lussier

I oppose HB106 because it would allow people to "Red Flag" neighbors or people on a whim without proof, who are completely innocent law abiding citizens. Please oppose this bill.

Michael Werner

It seems that a certain side of the aisle would and is setting up a perfect storm for law abiding citizens. If this draconian law is ever enacted, unconstitutionally, the weaponization of merely an accusation will be a tool in the tool box for those who decide to move on anyone citizen they don't like and even worse against anyone that speaks the truth against their dictates. All those who value the US constitution, the freedoms that come with it, they are endowed by our creator. No one has the right to levy a justification against these rights.

Susan Taylor

People under extreme protection orders should not be allowed to have guns.

Renee Werner

This is a bill that could really hurt people. Where a neighbor or someone who doesn't like a person could make accusations and there would be NO DUE PROCESS for that individual. It is wholly UN-American and would be a black mark upon the great state of New Hampshire.

Hon. Dawn Johnson

I remind you of The House of Representatives Rules of the House 45 (d): No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of any article of the Constitution of New Hampshire or the Constitution of the United States of America or grant broad rulemaking authority to an agency or department. The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

Rodney Towne

I've seen this type of law abused firsthand and would not been abused if there was due process.

David Kiley

Dear Honorable Reps,

Please observe the right of individuals under the our Constitution, which you are bound to by oath. Our rights under Part I Article 2, 2a, and 2b are being warred upon by this bill.

-We have the right to acquire property

-We have the right to privacy free from any intrusion of government

-We have the right to bear arms

Infringement on these rights without due process of law is a violation of your oaths and grounds for you to remove yourself or be removed from your official capacity.

Philip Bergen

The second amendment is very clear in its language. We do not trust the government not to take advantage of an unarmed public.

Debbie Magee

Absolutely NOT! This is a red flag law! Slippery slope and We Know WILL BE ABUSED! It's A Given. Our constitutionally protected right to bear arms is SO IMPORTANT that WE CANNOT RISK the slippery slope!! Without It Our Country WILL BE STOLEN! That is EXACTLY what they're trying to do and WE KNOW IT!

Brady Owens

I am here to oppose this bill. As written this bill seeks to strip the constitutional rights of a citizen. To strip the rights of a citizen, that requires process under the law. This bill is unconstitutional as a violation of due process. The supreme court has already indicated that the 14th amendment stands strong to protect citizens with due process under law. This bill uses the words “subsequently” and “may” when mentioning the issuance of a warrant by a court for search and confiscation. Warrants are not “subsequent” they come first and they must be required.

In 2021, *Caniglia v. Strom*, the Supreme Court ruled that the police had no right to enter the home of the plaintiff and confiscate his firearms due to a perceived “extreme risk”. The actions the police took were essentially the execution of a perceived “extreme risk” protection order and it was deemed to be unconstitutional and a violation of Caniglia’s rights.

Eric Ives

I oppose this bill

jonathan gettier

Stop governmental overreach.

Susan Stearns

I support this bill which would offer families the opportunity to intervene if their loved one is at extreme risk of suicide and temporarily prevent their access to the most lethal means. I've had a family member in another state have their gun removed when they were suicidal and then returned once they were well. And I'm so grateful they are still with us and doing well now. Please vote "ought to pass" on HB 106, so that other families can be spared the heartbreak of losing a loved one to suicide by firearm.

Alexander Page

I, along other numerous law-abiding New Hampshire citizens, find these proposed laws egregious. They would do absolutely nothing to enhance public safety and politicians know this. These proposed laws are nothing more than Mike Bloomberg and other multi-billionaire elites pouring in their out-of-state money and propaganda to control our laws and further infringe on our freedoms as a free people. This is the "live free or die state." Keep statism and Mike Bloomberg OUT!!!

Parker Shorten

I, along other numerous law-abiding New Hampshire citizens, find these proposed laws egregious. They would do absolutely nothing to enhance public safety and politicians know this. These proposed laws are nothing more than Mike Bloomberg and other multi-billionaire elites pouring in their out-of-state money and propaganda to control our laws and further infringe on our freedoms as a free people. This is the "live free or die state." Keep statism and Mike Bloomberg OUT!!!

Carla Billingham

I support HB106 because law enforcement, domestic violence survivors and the professionals who help them know it is crucial that weapons be removed from those who are at risk for harming someone or harming themselves.

Jeffrey Smith

I support HB106. Nineteen U.S. states already have these so-called "red flag" laws. Nothing can be more important in a crisis situation than the ability, with a judge's approval, to remove firearms and ammunition from those who pose a credible, imminent threat to themselves or others.

Katherine Shea

This bill is treading on the rights of the American citizen. As a victim of red flagging for other reasons, during a long, contentious divorce, these types of ideas in the spirit of "safety" backfire on everyday American citizens, rendering them even more helpless at times when they need protection the most. It is entirely too easy right now for anyone to make up anything about anyone, and have it 'stick'. The risk associated with this bill to the state, is huge. As well as to a lot of innocent people who it will be weaponized (no pun intended) against as a way to retaliate. We already have this issue with mandatory reporters. This is mandatory reporting on steroids and very dangerous overall. OPPOSE.

Sarah Oxnard

Federal statutes are there to keep us safe. I support federal regulations which limit the use of guns in schools and other public buildings.

Judson Belmont

My family and I support believe the intent and effects of this bill are, while possibly well intentioned, are in fact infringements on the protections that our US and state constitutions guarantee. We sincerely hope that our representative will not approve this bill. We do not support the infringement of the federal government on our freedoms. We have witnessed in recent years over reach of federal power to the detriment of our rights and protections.

Leane Garland

As has been demonstrated in recent cases, domestic violence is one of the most risky situations for rapid escalation. Firearms are a credible threat to members of a family when misused or used to threaten and coerce. The law should support limitations on gun possession in situations in which the risk has been demonstrated to be high.

February 8, 2023

Testimony supporting HB 106

Senator Debra Altschiller, District 24

Thank you Chairman Roy and Honorable Committee members.

My name is Debra Altschiller, I represent Senate District 24 which includes the towns of Exeter, Greenland, Hampton, Hampton Falls, North Hampton, Rye & Stratham. I write in support of HB 106: relative to extreme risk protection orders.

In 2019 the NH House and Senate passed an Extreme Risk Protection Order bill (HB 687) and New Hampshire was on the cusp of having a valuable tool available to family members of people experiencing extreme crisis. Since then, the number of states that have adopted this life saving legislation has grown to 19 plus the District of Columbia.

In that time the suicide and homicide rates in New Hampshire have grown. According to the US Center for Disease Control, New Hampshire was identified as having one of the largest increases in suicide rates compared to other states.

This is the data:

Suicides make up **89%** of all firearm deaths in New Hampshire.

Nearly half of all suicides in New Hampshire are by firearm.

According to the Office of the Chief Medical Examiner, in New Hampshire: **118 out of 129 firearm deaths in 2020 were suicides: 91%** .

From 2015 through 2019, suicide was the second-leading cause of death in the Granite State among those aged 10 to 34.

Nationwide, in 2020 (the most recent data), guns, more than cars, were the leading cause of death among children and adolescents, far outpacing cancer, infections and congenital causes.

Among firearm suicides in 18 to 20-year-olds, 85 percent used either their own gun or that of a family member.

An average of 4,500 veterans dies by firearm suicide every year—about 12 deaths a day. Over the past 15 years, the veteran firearm suicide rate has increased nearly every year, with a 31 percent increase over this period. The rate of firearm suicide among non-veterans increased 22 percent over this same period.

One of the more critical interventions, he says, is to give a suicidal person time to transition out of the crisis moment. Ensure they're not alone. Get them help.

Suicide is not an inevitability, it is preventable, and when it does reach a crisis point, a critical intervention giving the suicidal person time to transition out of the crisis moment, ensure them they are not alone, get them help is lifesaving. But if there is a firearm present, the chances of moving through that crisis diminish. We need to pass the Extreme Risk Protection Order bill again to give Granite Staters a chance at deescalating the potential lethality in these situations.

77% of Americans support Extreme Risk Protection Orders like the one we have crafted here in New Hampshire. Protecting people from harming themselves or others around them is a bipartisan issue. According to the most recent research by the American Public Media Research Lab, 70% of Republicans and 85% of Democrats support Extreme Risk Protective Orders.

But there is more to this debate than numbers and statistics. Behind those figures are people. New Hampshire citizens.

In March of 2019 Representatives Hall was full of people bringing their testimony to the Criminal Justice Committee. A petition with seven hundred signatures from Granite Staters, from Londonderry to Colebrook, Keene to Durham, Nashua to Bow and everywhere in between was presented to the committee then and those signatories were devastated by the veto of then HB 687. But they were not defeated, they chose the radical act of hope and kept fighting for change. Their request was that we make passing an extreme risk protection order our number one priority. We are still asking for that.

When a survivor comes here to Concord, raw with emotion, to be here in this place bravely sharing their pain so that others might not have to experience the same horror they did, they deserve our action.

One of the most horrific things a person can face is burying a loved one who was gunned down, either by someone else or by their own hand. A particular horror is a parent burying a child who took their own life. Today I want to share a statement from one of those survivors.

Her name is Dr. Margaret Tilton, she is a physician who lives with her husband Rob Leatherbee on the Seacoast. She is the mother of two adult children. She is kind, soft spoken and strong, so very strong. **She buried her son George in November of 2017.**

This is her statement to us.

"In March 2019 my husband and I testified before the Public Safety and Criminal Justice Committee in support of HB-687-FN.

I believed then and still believe that this bill, signed into law, will save lives here in New Hampshire. (In 2018) one of your members spoke in opposition to Extreme Risk Protection Orders and offered words to the effect of 'This is New Hampshire. We don't have these kinds of problems. Show me where this is a problem in New Hampshire.' I tried to put a name and a face to this problem – my 23-year-old son George Tilton, whom we lost the day after Thanksgiving 2017 to suicide with a handgun.

(In 2019) I told his story, our family's story, here in this chamber, and afterwards felt I had betrayed my son's privacy for nothing. George would never have wanted me to share his struggles publicly, but I felt an obligation to other families. We have a largely silent epidemic of depression and hopelessness among young people in our state, and an alarming increase in the numbers we are losing to suicide by this most lethal means. We profess to value life and acknowledge our responsibility to protect the vulnerable. It's a matter of public safety that we don't allow a person incapacitated by drugs or alcohol to operate a motor vehicle. We have a similar obligation to protect an actively suicidal person by temporarily limiting, through rigorous due process, their access to a handgun.

Please have 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 kid safe – maybe long enough for their loved one to regain a sense of hope and to choose life."

For Margaret Tilton, her husband Rob and for their late son George,

for those left behind from gun violence,

for those who are counting on us to do what we can to stop their loved ones from killing themselves or killing others,

I urge you to recommend HB 106: relative to Extreme Risk Protection Orders, ought to pass.

Thank you for your consideration.

Senator Debra Altschiller, District 24

BIPARTISAN SAFER COMMUNITIES ACT

The Bipartisan Safer Communities Act is a commonsense, bipartisan proposal to protect America's children, keep our schools safe, and reduce the threat of violence across our country.

SUPPORT FOR STATE CRISIS INTERVENTION ORDERS

- Creates a new **\$750 million** funding pot that will be available to states for the creation and administration of laws that help ensure deadly weapons are kept out of the hands of individuals a court has determined to be a significant danger to themselves or others, and other purposes such as mental health courts, drug courts, veterans courts, and extreme risk protection orders that have sufficient due process.

PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE

- Adds convicted domestic violence abusers in dating relationships to the National Instant Criminal Background Check System (NICS). Creates a process for removal from NICS five years after the completion of the sentence, only if there are no intervening prohibited crimes or other similar offenses.

CLARIFIED DEFINITION OF 'FEDERALLY LICENSED FIREARMS DEALER'

- Cracks down on criminals who illegally evade licensing requirements and clarifies which sellers need to register, conduct background checks, and keep appropriate records.

UNDER 21 ENHANCED REVIEW PROCESS

- Requires an investigative period to review juvenile and mental health records, including checks with state databases and local law enforcement, for buyers under 21 years of age.
- NICS will have up to three business days to conduct the initial enhanced search. If that search reveals a possible disqualifying record, NICS will have an extended window of no more than ten business days total to complete the investigation.
- Provides additional funding to the FBI to administer new process checks in NICS and grants to help states upgrade criminal and mental health records therein.

PENALTIES FOR 'STRAW PURCHASING'

- Creates federal straw purchasing and trafficking criminal offenses, allowing prosecutors to target dangerous illegal gunrunners.

VIOLENCE INTERRUPTION FUNDING

- Provides **\$250 million** in funding for community-based violence prevention initiatives.



National Alliance on Mental Illness

NAMI | New Hampshire

February 8, 2023

Honorable Chair Terry Roy
House Criminal Justice and Public Safety Committee
Legislative Office Building 204
North State St., Concord, NH 03301

RE: NAMI NH Support for HB 106

Dear Chair and Committee Members:

Thank you for the opportunity to testify today. My name is Holly Stevens, and I am the Director of Public Policy at NAMI NH, the National Alliance on Mental Illness. NAMI NH is a non-profit, grassroots organization whose mission is to improve the lives of all people impacted by mental illness and suicide through support, education and advocacy. On behalf of NAMI NH, I am here today to speak in favor of HB 106, relative to extreme risk protection orders.

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. The impact of even a single death is profound and ripples out to family, friends, schools, workplaces, first responders and beyond. In addition to the human cost, 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. The 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. Unlike most other means of suicide, use of a firearm in a suicide attempt is almost always lethal and leaves little opportunity for intervention. While people may contemplate suicide for a long period of time, once they make the decision to end their life, the window of time before they make an attempt is often very small. Toward that end, temporarily restricting access to lethal means – in this case firearms – is an

Reflecting on 40 Years: Continuing Our Journey to Hope, Help, and Health

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

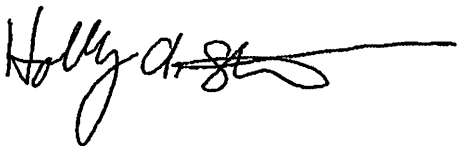
InfoLine: 800-242-6264 • Tel. 603-225-5359 • Fax 603-228-8848 • info@naminh.org / www.NAMINH.org

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 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 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. From 2015-2020, firearms were used in 49% of suicide deaths in New Hampshire. During that same period, of all firearm deaths, suicide accounted for 89%.

Simply put, temporarily restricting access to firearms when individuals poses a significant risk of causing harm to themselves or others is a commonsense measure to assist in addressing the major public health issue of suicide in New Hampshire. Therefore, NAMI NH urges the committee vote to recommend ought to pass for HB 106.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly A. Stevens", with a long horizontal flourish extending to the right.

Holly A. Stevens, Esq.



NH Leading Causes of Death: 2016-2020

Rank	Age Groups										All Ages
	<1	1-4	5-9	10-14	15-24	25-34	35-44	45-54	55-64	65+	
1	Short Gestation 34	Unintentional Injury 12	Malignant Neoplasms ---	Malignant Neoplasms 12	Unintentional Injury 303	Unintentional Injury 784	Unintentional Injury 653	Malignant Neoplasms 823	Malignant Neoplasms 2,571	Heart Disease 11,383	Malignant Neoplasms 13,991
2	Congenital Anomalies 32	Congenital Anomalies ---	Unintentional Injury ---	Suicide 12	Suicide 162	Suicide 196	Malignant Neoplasms 206	Heart Disease 1,469	Heart Disease 1,469	Malignant Neoplasms 10,290	Heart Disease 13,659
3	Placenta Cord Membranes 16	Homicide ---	Benign Neoplasms ---	Unintentional Injury ---	Heart Disease 19	Malignant Neoplasms 59	Suicide 185	Heart Disease 599	Unintentional Injury 503	Chronic Low. Respiratory Disease 3,080	Unintentional Injury 4,526
4	Maternal Pregnancy Comp. 14	Malignant Neoplasms ---	Congenital Anomalies ---	Benign Neoplasms ---	Malignant Neoplasms 19	Heart Disease 56	Heart Disease 125	Suicide 259	Chronic Low. Respiratory Disease 409	Alzheimer's Disease 2,321	Chronic Low. Respiratory Disease 3,592
5	Respiratory Distress 12	Influenza & Pneumonia ---	Homicide ---	Congenital Anomalies ---	Homicide 17	Liver Disease 18	Liver Disease 80	Liver Disease 184	Liver Disease 287	Cerebro-vascular 2,307	Cerebro-vascular 2,587
6	SIDS 12	Diabetes Mellitus ---	Acute Bronchitis ---	Influenza & Pneumonia ---	Congenital Anomalies ---	Cerebro-vascular 12	Diabetes Mellitus 29	Diabetes Mellitus 96	Diabetes Mellitus 267	Unintentional Injury 1,647	Alzheimer's Disease 2,355
7	Bacterial Sepsis ---	Heart Disease ---	Diseases Of Appendix ---	Chronic Low. Respiratory Disease ---	Chronic Low. Respiratory Disease ---	Homicide 11	Homicide 22	Chronic Low. Respiratory Disease 81	Suicide 222	Diabetes Mellitus 1,298	Diabetes Mellitus 1,702
8	Circulatory System Disease ---	Septicemia ---	Heart Disease ---	Heart Disease ---	Cerebro-vascular ---	Diabetes Mellitus ---	Cerebro-vascular 21	Cerebro-vascular 71	Cerebro-vascular 171	Influenza & Pneumonia 977	Suicide 1,277
9	Intrauterine Hypoxia ---	---	---	Nephritis ---	Diabetes Mellitus ---	Complicated Pregnancy ---	Chronic Low. Respiratory Disease 13	Septicemia 35	Septicemia 94	Parkinson's Disease 838	Influenza & Pneumonia 1,074
10	Unintentional Injury ---	---	---	Pneumonitis ---	Four Tied ---	Septicemia ---	Congenital Anomalies ---	Nephritis 27	Nephritis 82	Nephritis 787	Liver Disease 935

Source: CDC WISQARS, 2016-2020

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Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981–2015

Aaron J. Kivisto, Ph.D., and Peter Lee Phalen, M.A.

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[View Article](#)

Abstract

Objective:

This study evaluated whether risk-based firearm seizure laws in Connecticut and Indiana affect suicide rates.

Methods:

A quasi-experimental design using annual state-level panel data from the 50 states between 1981 and 2015 was used. When analyses controlled for a range of risk factors for population-level suicide rates, the effects of Connecticut and Indiana's firearm seizure laws on firearm and nonfirearm suicide rates were evaluated by using the synthetic-control methodology and difference-in-place placebo tests. Sensitivity analyses employed regression-based difference-in-differences analyses with randomization inference.

Results:

Indiana's firearm seizure law was associated with a 7.5% reduction in firearm suicides in the ten years following its enactment, an effect specific to suicides with firearms and larger than that seen in any comparison state by chance alone. Enactment of Connecticut's law was associated with a 1.6% reduction in firearm suicides immediately after its passage and a 13.7% reduction in firearm suicides in the post-Virginia Tech period, when enforcement of the law substantially increased. Regression-based sensitivity analyses showed that these findings were robust to alternative specifications. Whereas Indiana demonstrated an aggregate decrease in suicides, Connecticut's estimated reduction in firearm suicides was offset by increased nonfirearm suicides.

Conclusions:

Risk-based firearm seizure laws were associated with reduced population-level firearm suicide rates, and evidence for a replacement effect was mixed.

Noncriminalizing firearm seizure laws are important in the United States, where strong gun rights protections make it difficult to legally prohibit many individuals at risk of injuring themselves or others from possessing firearms. Even when individuals are prohibited by federal law from owning firearms, they may be allowed to keep the guns they have because they live in states without legal mechanisms to remove them. In 1999, Connecticut became the first state to enact firearm seizure legislation following a mass shooting at the state lottery headquarters (1). Indiana followed suit in 2005 after the fatal shooting of a police officer in Indianapolis. Indiana's law permits warrantless seizure of a person's firearms if a police officer believes the person has a "mental illness" and is "dangerous," defined as an imminent or future "risk of personal injury" to self or others (2). Connecticut's law requires an "independent investigation" by police if they believe that a person poses "a risk of imminent personal injury" to self or others, followed by a warrant request, with several formal checks on the judge's ability to order the seizure and retention of firearms by law enforcement (1).

Connecticut's law is thus more stringent, although the "warrant first" requirement is often circumvented in practice (3). There was an eight-year lag after the enactment of Connecticut's firearm seizure legislation during which time very few guns were seized, but seizure rates increased fivefold following the mass shooting at Virginia Tech on April 16,

2007 (3). By contrast, Indiana's enactment in 2005 corresponded almost immediately with meaningful levels of enforcement (4,5). Of the 762 individuals exposed to firearm seizures between 1999 and 2013 in Connecticut, 21 committed suicide (six via firearm) (3). In Indiana, 404 people were exposed to firearm seizure in Marion County (Indianapolis) between 2006 and 2013 (5), although outcomes of these cases are unknown.

Four additional states (California, Washington, Oregon, and Florida) have recently passed risk-based firearm seizure laws. Although the specifics of each piece of legislation vary, all of these laws (also called red flag, risk warrant, gun violence restraining order, or extreme risk protection order laws) allow firearm seizures that are time limited, with a level of judicial oversight and due process, and that apply to persons who are not already prohibited from owning guns. To date, 19 other states have proposed such legislation, and federal policies are being considered. However, little information is available regarding the effect of such legislation. One exception comes from a recent evaluation of Connecticut's law, which found decreased firearm suicide rates among individuals subjected to firearm seizures; the study also found a partial replacement effect, whereby reductions in firearm suicides were offset by increases in nonfirearm suicides (3).

Although firearm seizure laws in Indiana and Connecticut were enacted in response to firearm homicides, data show that these laws have functioned primarily as a means of permitting law enforcement to remove guns from individuals perceived as being at risk of suicide (3–7). In this study, we evaluated the effect of firearm seizure legislation in Connecticut and Indiana on state-level suicide rates. We examined firearm and nonfirearm suicide rates separately, with the expectation that any observed effects would be specific to firearm suicides and to test whether these effects were offset by increased nonfirearm suicides.

Methods

Study Design and Data

We merged several sources of state-level panel data from 1981 to 2015 to evaluate the effects of firearm seizure legislation on suicide rates in Indiana and Connecticut. The outcome variables, firearm and nonfirearm suicide rates per 100,000 population, came from the Centers for Disease Control and Prevention's (CDC's) Web-Based Injury Statistics Query and Reporting System (WISQARS) (8). The key independent variable was the

enactment of firearm seizure legislation in Connecticut (October 1, 1999) and Indiana (July 1, 2005). We also evaluated the effect of Connecticut's increased enforcement of its firearm seizure law, which, following Swanson and colleagues (3), we dated to the mass shooting at Virginia Tech (April 16, 2007).

Finally, we selected state-level covariates shown to be associated with state-level suicide rates, including age, sex, race-ethnicity, high school completion, poverty, unemployment, spirit alcohol consumption, violent crime, population density, and household gun ownership. For age, we calculated the percentage of each state's population ages 15 to 24 (9) and ≥ 65 (10) by using data from the U.S. Census. U.S. Census data were also used to calculate the percentage of each states' population that was white, black, and Hispanic (10,11); percentage of adults with a high school diploma (9,12); percentage below the federal poverty threshold (13,14); percentage male (9,10); and the population density of each state (residents per square mile) (15). We used data from the Bureau of Labor Statistics to calculate the annual unemployment rate (13,14), and data from the National Institute on Alcohol Abuse and Alcoholism were used to calculate average per capita gallons of spirit ethanol consumption (16). We used the FBI's Uniform Crime Report to obtain annual state-level violent crime rates. Finally, we calculated a widely used proxy for household firearm ownership rates (17,18), represented as firearm suicides as a percentage of all suicides, by using data from the CDC's WISQARS.

All data were publicly available. The study did not involve human participants, and institutional review board approval was not required.

Statistical Analysis

We employed the synthetic-control method to examine the impacts of firearm seizure laws on state-level suicide rates in Indiana and Connecticut (19). The synthetic-control method constructs a weighted combination of donor states to best fit the prelaw characteristics and suicide trends of Indiana and Connecticut, estimating an empirically derived counterfactual (19–21). Pre- and postlaw comparisons between Indiana or Connecticut and their synthetic-control units thus allowed for a comparison between rates of suicide observed in the affected states to expected rates had the legislation not been implemented. This methodology produces control units with better preintervention fit to the treated unit

compared with other methodologies, allowing for more valid inferences regarding the effect of policy change (19–21).

The prelaw period was used to generate synthetic controls for firearm and nonfirearm suicide rates in Indiana and Connecticut. As recommended, we limited analysis of outcomes to no more than ten years postintervention (20). Connecticut's preenactment period was 1981 to 1998 and postenactment was 1999 to 2009. The preenactment period for tests of Connecticut's increased enforcement was 1981 to 2006 and postenforcement was 2007 to 2015. Indiana's preenactment period was 1981 to 2004, and postenactment was 2005 to 2015. States were excluded from the donor pool if they enacted similar legislation during each state's respective follow-up period (21). Ultimately, Connecticut's enactment donor pool included 48 states, excluding Indiana, and its postenforcement donor pool included 47 states, excluding Indiana and California. Indiana's donor pool included 47 states, excluding Connecticut and California. Outcome data were smoothed by using three-year moving averages, $[(y-1)+y+(y+1)]/3$, to reduce year-to-year volatility in suicide rates (22).

Predictors were averaged across the preintervention period, and mean scores for each synthetic-control unit and its target state were calculated. Following Abadie and colleagues (20), we entered three preintervention observations of the dependent variable. For Connecticut, we entered firearm and nonfirearm suicide rates from 1982, 1990, and 1998 for postenactment analyses, and 1982, 1994, and 2006 for postenforcement analyses. For Indiana, we entered rates from 1982, 1993, and 2004. All covariates were entered in the construction of the synthetic-control units. Degree of fit between synthetic-control units and their respective states was assessed with the root mean square prediction error (RMSPE), a measure of the spread of the preintervention synthetic-control trends around the target state's trends.

Because the synthetic-control method does not provide standard measures of statistical inference, we employed "so-called placebo" tests (20,21,23). Like permutation tests, so-called placebo tests iteratively construct a sampling distribution. Specifically, so-called difference-in-place placebo tests iteratively construct synthetic-control units for each state in the donor pool and run analyses as though each state had implemented legislation in the specified year. By arbitrarily assigning the law to each state and comparing its effect relative to each state's unique synthetic-control unit, difference-in-place placebo tests

generate a distribution of effects for states where no law was enacted. The distribution provides information on the rarity of observing an effect as large as that in the target state by chance alone. We excluded states with poor prelaw fit to their synthetic counterparts, defined as RMSPE values ≥ 5 times those in Indiana or Connecticut (20,23).

Sensitivity Analysis

Sensitivity analyses employed regression-based difference-in-differences tests. The data set was employed with a pre-post indicator variable representing the firearm law enactment, coded 0 prior to the enactment of the law and 1 afterward, with the year of enactment coded as a fraction according to the day the law was enacted. Time (pre versus post) was entered as a fixed effect, and the interaction between time and the state of interest (Indiana or Connecticut) was used as an estimator of the differential effect of the law on suicide rates. Negative binomial regression was used to account for the dispersion observed in the data, and standard errors were adjusted to account for clustering. After testing for variance inflation to ensure efficient model specification, analyses controlled for all predictors entered in the synthetic-control analyses. Finally, because difference-in-differences tests with a small number of treated clusters can underestimate standard errors (24), follow-up analyses employed randomization inference to account for within-group correlation of model errors (24,25). All analyses were conducted in Stata 15.0.

Results

There were 15,130 firearm suicides in Indiana and 4,020 in Connecticut from 1981 to 2015. Indiana's rate of 7.21 per 100,000 population was more than twice as high as Connecticut's rate of 3.28 during this period. Table 1 shows states with nonzero weights in the construction of synthetic Indiana and Connecticut across firearm and nonfirearm suicide rates. The synthetic controls for Indiana's firearm (RMSPE=.123) and nonfirearm (RMSPE=.102) suicide rates evidenced a good fit to the preintervention data. For Connecticut's postenactment analyses, the synthetic controls showed a good fit to the state's nonfirearm suicide rate (RMSPE=.147) and an acceptable fit to the firearm suicide rate (RMSPE=.289). The synthetic controls for Connecticut's postenforcement analyses evidenced an acceptable fit to the state's firearm (RMSPE=.203) and nonfirearm (RMSPE=.182) suicide rates.



TABLE 1. States contributing to the construction of synthetic-control units for Indiana and Connecticut, by type of suicide and weight^a

Enlarge table

Table 2 presents preintervention means for all predictors entered into the models for Indiana and Connecticut. In general, each state closely mirrored its synthetic control in terms of gender, age, race-ethnicity, education, unemployment, and gun ownership rates. Each state's poverty rates were slightly lower than those of its respective synthetic-control units, and there were some differences in spirit alcohol consumption. Both states evidenced higher population density than their synthetic controls, and Indiana's violent crime rate was higher than its synthetic control. Each state's synthetic-control units closely approximated preintervention rates of firearm and nonfirearm suicide.



TABLE 2. State-level and synthetic-control unit characteristics of Indiana and Connecticut before enactment and increased enforcement of firearm seizure laws^a

Enlarge table

Figure 1 provides a panel of suicide rates in Indiana and Connecticut relative to their synthetic counterparts before and after implementation of firearm seizure legislation, providing a comparison between states' actual suicide trends and trends that would be expected had no legislation been implemented. Indiana's firearm suicide rate closely tracked its synthetic control across the prelaw period, with each showing an average rate of 7.30 firearm suicides per 100,000 population between 1981 and 2004. A distinctive gap emerged after the Indiana law's enactment in 2005, with mean postenactment firearm suicide rates of 6.98 and 7.55 for Indiana and its synthetic control, respectively, showing a 7.5% reduction in firearm suicide rates in Indiana across the postenactment period. Given the 5,105 firearm suicides in Indiana between 2005 and 2015 (8), these analyses indicate that 383 firearm suicides might have been prevented across 10 years as a result of the law. This effect was specific to firearm suicides, with Indiana evidencing 1.0% more nonfirearm suicides than its synthetic counterpart postenactment. Given the 4,428 nonfirearm suicides in Indiana between 2005 and 2015 (8), this suggests that 44 nonfirearm suicides might be attributed to the law.

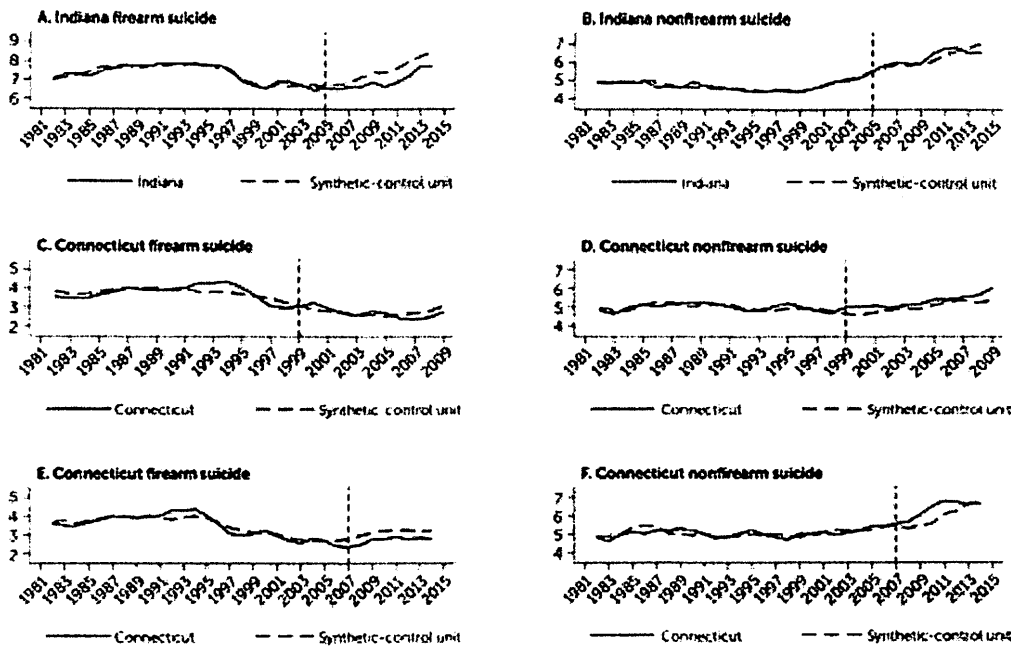


FIGURE 1. Synthetic-control analyses of suicide rates in Indiana and Connecticut before and after enactment and increased enforcement of firearm seizure laws, by type of suicide^a

^aThe analysis compares suicide rates in Indiana and Connecticut with those of a synthetic-control unit, a weighted combination of other states that best fit the characteristics and suicide trends in Indiana and Connecticut before enactment of the firearm seizure laws. The y-axis represents suicide rate per 100,000 population. Dashed vertical lines correspond to Indiana’s enactment of firearm seizure law on July 1, 2005 (panels A and B); Connecticut’s enactment of firearm seizure law on October 1, 1999 (panels C and D); and Connecticut’s increased enforcement of firearm seizure law on April 16, 2007 (panels E and F).

Both Connecticut and its synthetic counterpart showed mean firearm suicide rates of 3.75 per 100,000 population from 1981 to 1998, and Connecticut’s mean postenactment rate was 1.6% lower than that of its synthetic counterpart. Postenactment nonfirearm suicides were 5.7% higher in Connecticut than for its synthetic counterpart. When the point of intervention was moved forward to the period following the Virginia Tech shooting (postenforcement), firearm suicide rates in Connecticut (2.69 per 100,000 population) were distinctly lower than in the synthetic control (3.12 per 100,000 population), a 13.7%

mean decrease in firearm suicides from 2007 to 2015. Given that there were 933 firearm suicides in Connecticut between 2007 and 2015 (8), these estimates suggest that enforcement of Connecticut's law might have prevented an estimated 128 firearm suicides during this eight-year period. There was a 6.5% postenforcement increase in Connecticut's nonfirearm suicide rates, and this increase coincided precisely with the law's increased enforcement. There were 2,153 nonfirearm suicides in Connecticut between 2007 and 2015 (8), and this suggests that 140 nonfirearm suicides might be attributed to the increased enforcement of the law.

Figure 2 provides a panel of so-called placebo tests applying the synthetic-control method to each state in the donor pool to generate a random distribution of postlaw effects to test the rarity of obtaining effects as large as those seen in Indiana and Connecticut by chance alone. When we arbitrarily assigned exposure to the law's enactment to other states in the donor pool, there was a very low probability of observing a treatment effect on firearm suicide rates as large as that seen in Indiana (Figure 2A). Of the 47 states in Indiana's donor pool for which synthetic controls were constructed, seven were excluded because of poor preenactment fit. Of the remaining 39 states for which placebo tests were calculated, none exhibited mean postenactment decreases as large as Indiana's. Indiana's 1.0% increase in nonfirearm suicides relative to its synthetic control was similar to the variation observed in states that enacted no firearm seizure legislation, with 13 of 39 states displaying larger increases (Figure 2B).

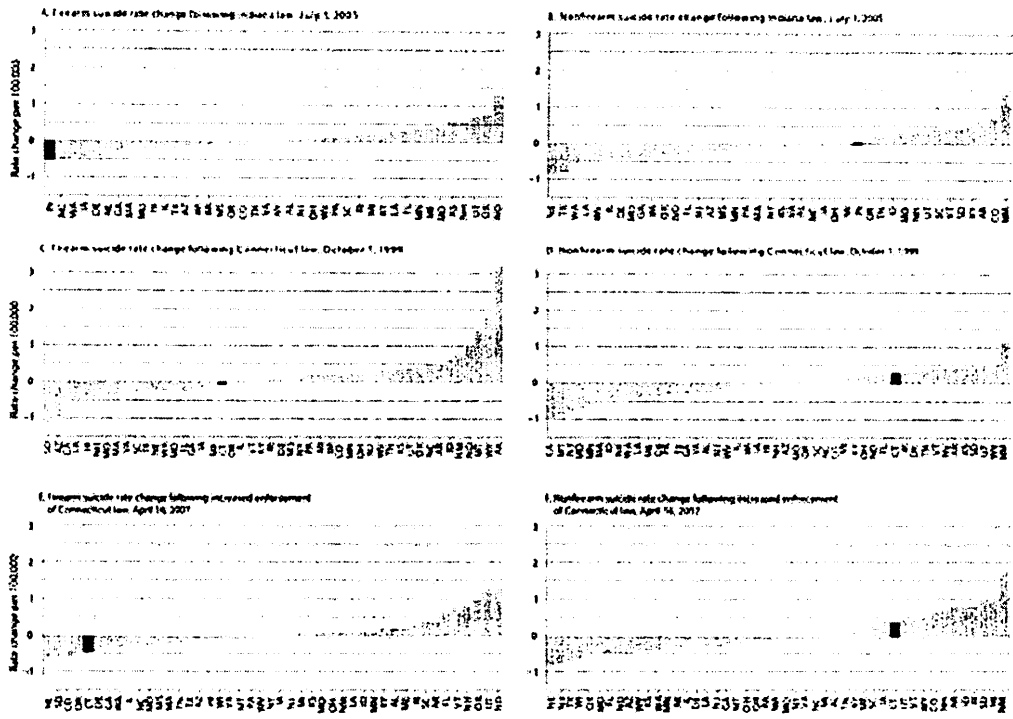


FIGURE 2. Placebo tests of the effects of firearm seizure laws implemented in Indiana and Connecticut on suicide rates, by type of suicide^a

^aPlacebo tests compare the change in suicide rate between each state and its synthetic-control unit, a weighted combination of other states that best fit the characteristics and suicide trends in the state before enactment of the firearm seizure laws. The y-axis represents the rate difference per 100,000 population between each state and its synthetic-control unit. Bars for California and Indiana are highlighted in black.

Of the 48 states in Connecticut’s donor pool, two were excluded because of poor preenactment fit, resulting in the construction of placebo tests for 46 states. Seventeen states showed a greater decrease than Connecticut in firearm suicides relative to their synthetic controls (Figure 2C), and 11 states demonstrated larger postenactment increases in nonfirearm suicide rates compared with Connecticut’s 5.7% increase (Figure 2D). When the point of intervention was moved to 2007 (enforcement after the Virginia Tech shooting), two states were removed from firearm suicide analyses because of poor preenforcement fit and none were removed from nonfirearm suicide analyses. The 13.7% post-2007 decrease in firearm suicides in Connecticut was large compared with other

states, with just four states showing a larger average decrease from 2007 to 2015 (Figure 2E). Connecticut's 6.5% increase in nonfirearm suicide rates was less unusual, with 11 states showing larger increases (Figure 2F).

Finally, sensitivity analyses employed difference-in-differences estimates by using negative binomial regression models with panel data from comparison states included in the synthetic-control analyses. Indiana's seizure law was associated with an estimated 5% reduction in overall suicide rates ($p < .01$) (Table 3). This effect was driven by a 10% reduction in firearm suicide rates ($p < .001$), which was partially offset by a 10% increase in nonfirearm suicide rates ($p < .001$). The enactment and increased enforcement of Connecticut's law were associated with a 16% and 12% reduction in firearm suicide rates, respectively ($p < .001$ for both), with no evidence of a replacement effect. Randomization inference results accounting for within-group correlation of model errors did not alter the significance of these findings, except that Indiana's increase in nonfirearm suicide rates was rendered nonsignificant ($p = .06$). [Results of this analysis are presented in a table in an online supplement to this article.]



TABLE 3. Association between enactment and enforcement of firearm seizure laws in Indiana and Connecticut and suicide rates^a

Enlarge table

Discussion

This study found that firearm seizure legislation was associated with reductions in state-level firearm suicide rates and that these effects were robust to alternative specifications. Using panel data from the 50 states and controlling for population-level risk factors, Indiana's synthetic-control analyses showed a 7.5% decrease in firearm suicides in the first decade postenactment. On the basis of this finding, we estimated that Indiana's firearm seizure law may have prevented 383 firearm suicides in the first ten years after its enactment while contributing to 44 nonfirearm suicides. Although synthetic-control analyses showed that the enactment of Connecticut's legislation was associated with only a 1.6% reduction in firearm suicides, the reduction increased to 13.7% following increased enforcement of the law after the 2007 Virginia Tech shooting. Thus we estimated that the increased enforcement of Connecticut's firearm seizure law may have prevented 128 firearm suicides between 2007 and 2015 while contributing to 140 nonfirearm suicides.

Differences across states after enactment of the laws were generally specific to suicides with firearms, and evidence for a replacement effect was mixed. Little evidence of a replacement effect was found in Indiana, and results showed a substantial aggregate decrease in suicides. Connecticut's increased enforcement of the law was associated with a sustained decrease in firearm suicides coupled with a sustained increase in nonfirearm suicides, compared with its synthetic counterpart. Although so-called placebo tests showed that Connecticut's increase in nonfirearm suicides was not atypical, increased enforcement appears to have resulted in a moderate aggregate increase in suicides.

Our estimates are arguably high compared with those of Swanson and colleagues (3), who estimated that 72 suicides were prevented in Connecticut between 1999 and 2013. Our higher rates for 2007–2015 could have been partly due to observed continuous increases in enforcement after 2007 and differences in methodology. Thus, although convergence between results across methods suggests that many firearm suicides may have been prevented, our point estimate may be higher than the true count.

Some limitations should be considered. First, our analysis was conducted at the state level, and thus we were unable to look at regional variations in the implementation of firearm seizure laws in Indiana and Connecticut, and variations in other laws (for example, Connecticut's Permit-to-Purchase legislation introduced in 1995) complicate the policy picture. Second, we were unable to account for precise variations in the enforcement of this legislation over time. Finally, although we included a variety of identified risk factors for population-level suicide rates, it is possible that there were additional factors for which we could not account. Despite these limitations, use of the synthetic-control methodology provided a rigorous analysis of the effect of firearm seizure laws on suicide rates, and these results were robust to alternative specifications.

Conclusions

Even though risk-based firearm seizure laws have typically been enacted in response to mass homicides, the laws have functioned primarily as a means of seizing firearms from suicidal individuals. These findings suggest that firearm seizure legislation is associated with meaningful reductions in population-level firearm suicide rates, with mixed evidence for a replacement effect.

The authors are with the School of Psychological Sciences, University of Indianapolis, Indianapolis. Mr. Phalen is also with the Department of Psychiatry, School of Medicine, University of Maryland, Baltimore.

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The authors report no financial relationships with commercial interests.

References

1

Conn Gen Stat: Title 29. 2016, chap 529, 29–38cGoogle Scholar

2

Ind Code §35-47-14 (2016)Google Scholar

3

Swanson J, Norko M, Lin H, et al.: Implementation and effectiveness of Connecticut's risk-based gun removal law: does it prevent suicides? **Law and Contemporary Problems** 80:179–208, 2017Google Scholar

4

Parker GF: Application of a firearm seizure law aimed at dangerous persons: outcomes from the first two years. **Psychiatric Services** 61:478–482, 2010Link, Google Scholar

5

Parker GF: Circumstances and outcomes of a firearm seizure law: Marion County, Indiana, 2006–2013. **Behavioral Sciences and the Law** 33:308–322, 2015Crossref, Medline , Google Scholar

6

Rose V, Cummings L: Gun Seizure Law. Report no 2009-R-0306. Hartford, Connecticut General Assembly, Office of Legal Research, 2009.

<https://www.cga.ct.gov/2009/rpt/2009-R-0306.htm>Google Scholar

7

Norko M, Baranoski M: Gun control legislation in Connecticut: effects on persons with mental illness. **Connecticut Law Review** 46:1609–1631, 2014Google Scholar

8

Web-Based Injury Statistics Query and Reporting System (WISQARS). Fatal Injury Data and Nonfatal Injury Data. Atlanta, Centers for Disease Control and Prevention, Injury Prevention and Control, 2015. <http://www.cdc.gov/injury/wisqars/index.html>
Google Scholar

9

Kessler RC, Borges G, Walters EE: Prevalence of and risk factors for lifetime suicide attempts in the National Comorbidity Survey. **Archives of General Psychiatry** 56:617–626, 1999Crossref, Medline, Google Scholar

10

Spicer RS, Miller TR: Suicide acts in 8 states: incidence and case fatality rates by demographics and method. **American Journal of Public Health** 90:1885–1891, 2000Crossref, Medline, Google Scholar

11

Zimmerman SL: States' spending for public welfare and their suicide rates, 1960 to 1995: what is the problem? **Journal of Nervous and Mental Disease** 190:349–360, 2002Crossref, Medline, Google Scholar

12

Li Z, Page A, Martin G, et al.: Attributable risk of psychiatric and socio-economic factors for suicide from individual-level, population-based studies: a systematic review. **Social Science and Medicine** 72:608–616, 2011Crossref, Medline, Google Scholar

13

Agerbo E, Sterne JA, Gunnell DJ: Combining individual and ecological data to determine compositional and contextual socio-economic risk factors for suicide. **Social Science and Medicine** 64:451–461, 2007Crossref, Medline, Google Scholar

14

Qin P, Agerbo E, Mortensen PB: Suicide risk in relation to socioeconomic, demographic, psychiatric, and familial factors: a national register-based study of all suicides in Denmark, 1981–1997. **American Journal of Psychiatry** 160:765–772, 2003Link, Google Scholar

15

Middleton N, Gunnell D, Frankel S, et al.: Urban-rural differences in suicide trends in young adults: England and Wales, 1981–1998. **Social Science and Medicine** 57:1183–1194, 2003Crossref, Medline, Google Scholar

16

Landberg J: Per capita alcohol consumption and suicide rates in the US, 1950–2002. **Suicide and Life-Threatening Behavior** 39:452–459, 2009Crossref, Medline , Google Scholar

17

Kellermann AL, Rivara FP, Simes G, et al.: Suicide in the home in relation to gun ownership. **New England Journal of Medicine** 327:467–472, 1992Crossref, Medline , Google Scholar

18

Miller M, Azrael D, Hemenway D: Household firearm ownership and suicide rates in the United States. **Epidemiology** 13:517–524, 2002Crossref, Medline, Google Scholar

19

Abadie A, Gardeazabal J: The economic costs of conflict: a case study of the Basque country. **American Economic Review** 93:112–132, 2003Crossref, Google Scholar

20

Abadie A, Diamond A, Hainmueller J: Synthetic control methods for comparative case studies: estimating the effect of California's tobacco control program. **Journal of the American Statistical Association** 105:493–505, 2010Crossref, Google Scholar

21

Abadie A, Diamond A, Hainmueller J: Comparative politics and the synthetic control method. **American Journal of Political Science** 59:495–510, 2015Crossref, Google Scholar

22

Crifasi CK, Meyers JS, Vernick JS, et al.: Effects of changes in permit-to-purchase handgun laws in Connecticut and Missouri on suicide rates. **Preventive Medicine** 79:43–49, 2015Crossref, Medline, Google Scholar

23

Abadie A, Diamond A, Hainmueller J: Synth: an R package for synthetic control methods in comparative case studies. **Journal of Statistical Software** 42:1–17, 2011Crossref, Google Scholar

24

Rokicki S, Cohen J, Fink G, et al.: Inference with difference-in-differences with a small number of groups: a review, simulation study, and empirical application using SHARE data. **Medical Care** 56:97–105, 2018Crossref, Medline, Google Scholar

25

Hess S: Randomization inference with Stata: a guide and software. **Stata Journal** 17:630–651, 2017Crossref, Google Scholar

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Testimony on HB 106-FN, relative to extreme risk protection orders scheduled at the NH House of Criminal Justice and Public Safety Committee. February 8, 2023

By John Hinck MD, President of the New Hampshire Psychiatric Society

The New Hampshire Psychiatric Society is a branch of the American Psychiatric Association (APA). The APA recognizes the critical public health need for action to promote safe communities and reduce deaths and injuries due to firearm related violence.

Many deaths and injuries from gun violence can be prevented through national and state legislation and regulations. The APA views the problem of firearm related deaths and injuries as a public health issue and supports interventions that reduce the risk of such harm.

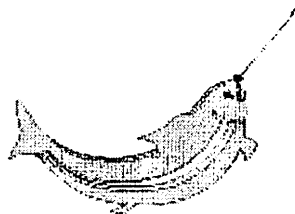
The APA supports restricting access to firearms for persons whose conduct indicates they present a heightened risk of violence to themselves or others.

Extreme risk protection orders laws in other states have been shown to reduce suicide rates. These types of laws exist in 19 states and the District of Columbia. They allow for family or police to petition a court to ask for temporary removal of guns from people who they fear may be at risk of harming themselves or others.

In Connecticut, an extreme risk protection order law was passed and was shown to prevent suicides. Research by Swanson regarding the Connecticut law showed that for every 10 to 20 guns removed, one suicide death was prevented. Over half of gun related deaths in the United States are deaths by suicide, and legislation such as HB 106-FN may help reduce those deaths. Another study by Kivisto and Phalen in 2018 showed that risk based firearm seizure laws in Connecticut and Indiana were associated with reduced firearm suicide rates ("Effects of Risk Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates 1981-2015," Kivisto and Phalen).

Of particular concern, gun violence is now the leading cause of death of children in the United States (2020 CDC). For the first time in 2020, more children died from gunfire than motor vehicle accidents, with 3,597 lives lost. 30% of the child gun deaths were due to suicide.

Thank you all for your attention to the importance and potential benefits of HB 106-FN.



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

Testimony

HB106-FN

House Criminal Justice and Public Safety Committee

8 February 2023 / 1:00 p.m.

HB 106-FN will damage law-abiding New Hampshire firearm-owners. Unless amended as below set forth, it – and any variant(s) – should be deemed “inexpedient to legislate”.

This proposed “Red flag” law shares with similar laws, two lethal defects:

First, HB106-FN does not provide that one accused of being a threat, should get prompt and full reimbursement from public funds, of his or her attorney’s fees and costs, at that attorney’s usual hourly rate. Otherwise, for almost all, a “red flag” order means life-long loss of firearms and the civil right to be armed.

The reason: few have the tens of thousands of dollars required to litigate with a State. To level the playing field, a “red flag” law must ensure reimbursement from public funds, of an accused’s legal expenses – from the time an order is sought until the lifting of such any such order and the return of any firearms/ammunition, etc. – at their attorney’s usual hourly rate. Bills must be paid within 30 days of submission, or there’s a 50% penalty.

Second, “red flag” laws must contain a “right of private action”. If someone lies to a Court, and so gets a “red flag” order, the person targeted must be empowered to pursue a perjury charge, if a prosecutor won’t. The person must have an attorney bring the charge and prosecute it. This attorney’s fees and costs must be met from public funds, as would be so if a prosecutor brought and prosecuted a perjury charge.

Few perjurers are prosecuted. A “red flag” accusation can destroy a person’s good name. There must be sure recourse against those, who lie to Courts. HB106-FN provides no recourse at all!

Those put into secure facilities, must have an annual review before a judge. The detainee must have an attorney of his/her choosing, paid from public funds – promptly – at that attorney’s usual hourly rate. Few small law firms can fund long lawsuits.

Because HB106-FN, as written, loads the dice against the accused, no legislator, with a moral compass, should vote for HB106-FN.

Thank You, Mr. Chairman and Members of the Committee, for hearing my testimony. I'll be happy to answer any questions related to my testimony.

House Criminal Justice and Public Safety Committee

HB106 Extreme Risk Protective Order Bill

Wednesday, February 8, 2023, 1:00 PM, Reps Hall, State House

I SUPPORT HB106

My name is Lena Nirk and I represent Moms Demand Action for Gun Sense in America. I am testifying in support of HB106, the Extreme Risk Protective Order Bill.

I support the Extreme Risk Protective Order Bill because it provides families a proven tool to reduce gun suicides and mass shootings. I will focus my comments on gun suicide because a shocking 89% of the gun deaths in New Hampshire are suicides. Gun suicide in NH has increased 61% between 2011 and 2020, compared to 12% increase nationwide. Many gun violence tragedies are preceded by red flags - warning signs - that are often noticed by family members. Reducing a suicidal person's access to firearms by temporarily removing them when that person is clearly in crisis could save their life. Data shows that having access to a firearm triples one's risk of death by suicide and states that have passed this type of protective order or red flag law have seen decreases in firearm suicide rates.

My personal experience working in New Hampshire with families in crisis reinforces my belief that families deserve access to every tool that can help prevent warning signs from escalating into tragedy. The ability to temporarily limit access to lethal firearms by individuals in crisis can help save lives.

Wednesday, February 8, 2023, 1:00 PM, Ray Hall, State House

SUPPORT HR108

My name is Lane Nirk and I represent Morris Demand Action for Gun Sense in America. I am testifying in support of HR108, the Extreme Risk Protective Order Bill.

I support the Extreme Risk Protective Order Bill because it provides families a proven tool to reduce gun suicides and mass shootings. I will focus my comments on gun suicide because a shocking 23% of the gun deaths in New Hampshire are suicides. Gun suicide in NH has increased 61% between 2011 and 2020, compared to 13% increase nationwide. Many gun violence tragedies are preceded by red flag - warning signs - that are often noticed by family members. Reducing suicidal person's access to firearms by temporarily removing them when that person is clearly in crisis could save their life. Data shows that having access to a firearm triples one's risk of death by suicide and states that have passed this type of protective order or red flag law have seen decreases in firearm suicide rates.

My personal experience working in New Hampshire with families in crisis reinforces my belief that families deserve access to every tool that can help prevent warning signs from escalating into tragedy. The ability to temporarily limit access to lethal firearms by individuals in crisis can help save lives.



New Hampshire Firearms Coalition

NH's Only No-Compromise Gun Rights Organization

February 8th, 2023

Dear Criminal Justice and Public Safety Committee Member,

The New Hampshire Firearms Coalition Inc., (NHFC) a 501C4 non-profit represents firearms owners, dealers, sporting clubs and manufacturers of firearms so as to protect our 2nd Amendment rights from both direct and subtle encroachments by those who wish to strip our members as well as the general public of those rights.

As a representative of NHFC, I would like to alert you to a host of firearms bills that will be before your committee next Wednesday, February 8. I will only touch on the salient portions of these bills so as to highlight why they are a serious attack on our constitutional right to keep and bear arms.

We ask that you vote “Inexpedient to Legislate” on the following bills and include a copy of this letter in all of those bills files.

The most egregious in this list is **HB 106-FN**, what we have dubbed “The Red Flag Gun Confiscation Act.” Simply put, this measure would allow anyone to make reckless accusations against another person, simply on the pretext that they have “belief” that such a person is a threat. This bill would allow the police to seize your property, even though you’ve done nothing wrong and without you even having a chance to defend yourself in court. It’s an attempt to use the ‘civil’ process to strip law abiding people of their 2nd Amendment rights. Additionally the NY Supreme court just ruled on ‘ERPO’ language and found that their laws violate the constitutional protections.

HB 32-FN is an effort to impose so-called safe school zones on us but could best be entitled “The Criminal Empowerment” bill. Schools already prohibit students from having weapons, but this bill will prevent you and I as law-abiding citizens, from being armed so as to protect others from people who refuse to obey our laws.

HB 59-FN is what can best be described as the “Register All Firearm Sales Act”. It would transform any sale or exchange, even between family members, into a ‘commercial firearms’ transaction that must involve a background check. This would turn two gun owners, who trade firearms at the monthly meeting of their shooting club, into potential felons for just trading firearms.



New Hampshire Firearms Coalition

NH's Only No-Compromise Gun Rights Organization

HB 76 would impose a waiting period on law-abiding citizens before one can purchase a firearm. This could best be described as the “Hurry Up and Wait” bill, as you have to indulge government bureaucrats before you can purchase something that is already legal. This would force the average gun owner to make not one, but two trips to the store to pick up the firearm, and constitutes a form of harassment to make it difficult to purchase legal products—one to go fill out the paperwork and a second trip three days later to go pick up the firearm.

HB 78 can best be described as the “Uncle Sam Knows Best” bill. This is an effort to rollback last-year's signing of HB 1178 by Gov. Sununu, which placed important limits on federal government overreach regarding our 2nd Amendment rights that were embodied in such unconstitutional measures as the Crime Control Act of 1990.

HB 351-FN is best dubbed “The Gun Lock Gotcha Act”. This would require private sellers to ensure that anyone buying a firearm from them must have in their possession an “approved” locking device before the sale can be completed. If you, the seller, are unaware of what constitutes “approved,” you could be fined \$1,000. This sets up law-abiding citizens to be victims of government sting operations, and would place a chilling effect on private sale of lawful property.

HB 444-FN is another “Gun Owner Voter Suppression Act” bill. This would make it illegal for a person to carry, even concealed, within 100 feet of a polling place on election day. We cannot even imagine how law enforcement would even enforce this measure.

Again, we ask that you vote “Inexpedient to Legislate” on the above bills.

Finally, there are two additional bills, HB 474-FN and HB 512-FN, that will be heard near the end of the day. These appear favorable to 2nd Amendment rights, but we would like to see testimony on these measures as to their necessity and efficacy.

I realize that next Wednesday will be a busy day for you, and we thank you for your attention to these matters.

For the protection of our 2nd Amendment rights,

Rep JR Hoell
Secretary, NHFC, Inc.

Honorable Members of the House Committee on Criminal Justice and Public Safety,

For the record, I am Daniel C. Itse. I represented the town of Fremont from 2001 to 2018. I served as Chairman of Constitutional Review and Statutory Recodification in 2011/2012, and I rise in opposition to HB32, HB59, HB76, HB78, HB106, HB351, & HB444. I am speaking to you on all of these Bills in one communication because though they vary in their specifics, they all odious for principally the same reason. Though HB106 does rise above the others in its repugnancy to the Constitution of the State of New Hampshire.

The fundamental purpose of government is to promote the general good (N.H. Constitution, Bill of Rights, Article 1) also phrased the common benefit (N.H. Constitution, Bill of Rights, Article 10). When this was put into our Constitution it was understood to mean that the government must enforce natural law, protect the life, liberty and property of the people better than they could on their own, if there were no government. This gives us the fundament of crime, harming another person in their life, liberty or property. If no one has been harmed, there has been no crime.

You are hearing a number of Bills that at their core seek to stop crime before it occurs. There is a fundamental flaw in this. No law ever stopped a crime. The only people who can be trusted to obey those laws, are people who would never commit the crime they intend to stop. The people who might commit the crime intended to be stopped (felonies to capital crimes) will not be deterred by misdemeanors. The only rational purpose of a law is to punish those who have committed a crime after they have been convicted of the crime pursuant to due process. The laws proposed by these Bills patently violate N.H. Constitution, Bill of Rights, Article 18, there having been no actual harm, and some violate N.H. Constitution, Bill of Rights, Article 15 by denying due process.

Fundamentally, these Bills seek to restrict the people from the right of self-defense, as enshrined in N.H. Constitution, Bill of Rights, Article 2-a. This is a relatively recent amendment, having been adopted in 1982, there is no question of the intent of the amendment.

HB106 is particularly troubling with the terms of section IV. on temporary orders which allow the taking of property pursuant to an ex parte hearing which the respondent need not be apprised of. I have attached the federal Supreme Court case (Caniglia V. Strom) which identifies these types of laws as repugnant to the Fourth Amendment to the Constitution for the United States of America for denial of due process. If they are contrary to the Fourth Amendment, they are certainly contrary to N.H. Constitution, Bill of Rights, Articles 15 & 19, which are far broader and more strict. It is also particularly noxious because it does not require the preservation of the property seized, its value to be guaranteed, or its return if the allegations are determined unfounded. Remember the fundamental principal that a person is innocent until proven guilty. If the allegations are not proven, then all property must be returned without qualification and undamaged.

I remind you of The House of Representatives Rules of the House 45 (d): No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of any article of the Constitution of New Hampshire or the Constitution of the United States of America or grant broad rulemaking authority to an agency or department. The vice chairman or another member of each committee shall review all pending legislation and shall advise

the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

Dan Itse

Hon. Daniel C. Itse

Tyranny is Government in Defiance of Reality.

603-702-0381

G.W. v C.N.
2022 NY Slip Op 22392
Decided on December 22, 2022
Supreme Court, Monroe County
Moran, J.
Published by <u>New York State Law Reporting Bureau</u> pursuant to Judiciary Law § 431.
This opinion is uncorrected and subject to revision before publication in the printed Official Reports.

Decided on December 22, 2022
Supreme Court, Monroe County

<p>G.W., Petitioner,</p> <p>against</p> <p>C.N., Respondent.</p>

Index No. 2022-2431

G.W., Pro Se

Daniel Strollo, Esq.
28 East Main Street, Suite 1200
Rochester, New York 14614
Attorney for Respondent
Thomas E. Moran, J.

On August 30, 2022, petitioner G.W. filed with this Court an application for a Temporary Extreme Risk Protection Order (hereinafter "TERPO"). In his application G.W. alleged that his estranged girlfriend, C. N., was a threat to herself, the petitioner, or another person. In support of

his TERPO request, G.W. submitted various statements in which he alleges Ms. N. indicated that she would harm herself by means of a gun or firearm, should she be able to gain access to same. However, the allegations submitted to this Court (and accompanying the TERPO request) were statements allegedly made by Ms. N. from December 5, 2020, up through and including February 27, 2021. Regardless, Mr. W.'s petition alleged Ms. N.'s acts occurred less than six months ago.^[EN1]

In an abundance of caution, on August 30, 2022 this Court issued a TERPO order which prohibited Ms. N. from purchasing or possessing any firearms, rifles or shotguns, and ordered her to surrender any within her possession. The matter was then adjourned to September 2, 2022, for purposes of a hearing on the merits. Additionally, Ms. N. held a pistol permit that had previously been issued by a Monroe County Court Judge. On September 7, 2022 Monroe County Court Judge Julie Hahn suspended Ms. N.'s pistol permit based upon the allegations in the TERPO petition and the issuance of the TERPO order.

Thereafter, Mr. W. submitted a supplemental affidavit (notarized October 25, 2022) in support of his request for a final Extreme Risk Protection Order (hereinafter "ERPO"). Mr. W.'s affidavit alleged that Ms. N. was attempting to access Mr. W.'s safe at the house that was presently occupied by Ms. N. Further, Mr. W. alleged that this safe contained "weapons" or guns that could be used by Ms. N. to hurt herself, petitioner or others.

Prior to a hearing being held on the issuance of an ERPO, Ms. N. retained Daniel Strollo, Esq. as her counsel for purposes of defending her rights by attempting to quash the pending TERPO and prevent the issuance of an ERPO. Attorney Strollo appeared before this Court and indicated that he was challenging CPLR §6342's constitutionality. As required by law, Strollo served the New York State Attorney General, placing them on notice of his intentions with this motion. Attorney Strollo's motion was returnable on November 7, 2022. Prior to the return date, the Attorney General sent a correspondence to this Court wherein Mr. Ester Murdukhayeva (Deputy Solicitor General) acknowledged that Attorney Strollo had informed his office of his intentions to challenge CPLR §6342's constitutionality, but that the Attorney General's office declined to intervene pursuant to Executive Law §71 or CPLR §1012(b).

On November 7, 2022, Attorney Strollo moved on behalf of Ms. N. before this Court to declare CPLR §6342 unconstitutional (as he previously disclosed to the Attorney General) and tasked this Court with reviewing the propriety of said statute.

The question presented is whether CPLR Article 63-a sufficiently protects a New York citizen's due process rights when, as here, the state denies a fundamental right, to wit: by infringing on that citizen's right to keep and bear arms under the Second Amendment of the United States Constitution.

This Court holds that CPLR §63-a does not sufficiently protect a citizen's rights and therefore is unconstitutional.

Prior to addressing the constitutionality of CPLR §63-a (Extreme Risk Protection Orders), the Court has looked for guidance from the Supreme Court's recent decision in *New York State Rifle and Pistol Assn., Inc. v. Bruen*, 142 S.Ct. 2111 (2022). In *Bruen*, the Court recognized that "the Second and Fourteenth Amendments protect an individual right to keep and bear arms for self-defense." *Bruen*, at 2125. Further, in following the lead of *District of Columbia v. Heller*, 128 S.Ct. 2783 (2008), the *Bruen* court reiterated that "when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct, and to justify a firearm regulation the government must demonstrate that the regulation is consistent with the Nation's historical tradition of firearm regulation." *Bruen*, at 2126.

Also, it is of import for the present discussion to review the United States Supreme Court's interpretation of the value of the Second Amendment. In *McDonald v. City of Chicago*, [*2]Ill, 561 U.S. 742, 780, 130 S.Ct. 3020 (2020) the United States Supreme Court declared that the Second Amendment is not a "second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees." *McDonald* at 780. Most recently, in *New York Rifle and Pistol Association, Inc. v. Bruen, supra*, the Supreme Court reaffirmed *McDonald*. Here, the Court stressed that "[t]he constitutional right to bear arms in public for self-defense is not 'a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.'" *Bruen* at 2156, quoting *McDonald, supra*, at 780.

New York's Extreme Risk Protection Statute (Article 63-a of the New York Civil Practice Law and Rules) became effective on August 24, 2019, and thereafter amended on July 6, 2022. CPLR § 6341 ("Application for an extreme risk protection order") outlines who may and must file for a TERPO, and the basis for such order:

In accordance with this article, a petitioner may file an application, which shall be sworn, and accompanying supporting documentation, setting forth the facts and circumstances justifying the issuance of an extreme risk protection order. Provided, however, that a petitioner who is a police officer or district attorney *shall* (emphasis added) file such application upon the receipt of credible information that an individual is likely to engage in conduct that would result in serious harm to himself, herself, or others, as defined in paragraph one or two of subdivision (a) of section 9.39 of the mental hygiene law, unless such petitioner determines that there is no probable cause for such filing.^[FN2]

Prior to July 6, 2022, police officers and district attorneys were *permitted* (i.e, within their discretion) to file for a TERPO. However, after July 6, 2022, the aforementioned public safety officers were now *mandated* ("*must*") to file for a TERPO "upon the receipt of credible information that an individual is likely to engage in conduct that would result in serious harm to himself, herself or others, as defined in paragraph one or two of subdivision (a) of section 9.39 of the mental hygiene law." CPLR §6341.^[FN3]

"Likely to engage in conduct that would result in serious harm to himself, herself, or others" has it's own special meaning in our law. CPLR §63-a directs a petitioner to MHL §9.39 for the definition of "likelihood to result in serous harm," and specifically to paragraphs one or two of subdivision (a) of section 9.39 of the Mental Hygiene Law. In relevant part, MHL §9.39 provides:

'Likelihood to result in serious harm' as used in this article shall mean: (1) substantial risk of physical harm to himself as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that he is dangerous to himself; or (2) a substantial risk of physical harm to other persons as manifested by homicidal or other [*3]violent behavior by which others are placed in reasonable fear of serious physical harm. *See*, MHL §9.39.

Thus, CPLR 63-a and the Mental Health Law operate under the same definition of "likelihood to result in serious harm." Why should the law not treat similarly situated people the

same, with the same Constitutional guarantees and protections, if both are deemed to present as having a "likelihood to result in serious harm."

The New York Legislature drafted MHL § 9.39 to provide a necessary procedure to involuntarily hospitalize a patient for care and treatment. MHL § 9.39 demands that a determination that a patient presents a "likelihood to result in serious harm" is to be made by a staff *physician* (emphasis added). Further, if the same patient is to be held in a facility for more than 48 hours, a second physician must confirm the first physician's findings (i.e., that the patient presents a "likelihood to result in serious harm"). *See*, MHL §9.39.

Turning back to 63-a, CPLR §Section 6340(2) lists the possible petitioners who may (or are required to) seek a TERPO/ERPO. The majority of petitioners in Article 63-a cases, however, are not physicians (who presumably possess a psychological or medical background to allow them to make a determination that a person possesses a condition "likely to result in serious harm"). Rather, the great majority of 63-a referrals would come from police officers, District Attorneys, school administrators (or their designees), family and household members, and even mental health professionals (not a physician or psychiatrist) who are not licensed to make a medical determination that a respondent presents a mental condition "likely to result in serious harm" under MHL §9.39.

Since MHL §9.39 and CPLR §63-a both employ the same definition for "likelihood to result in serious harm," why should respondents under the Mental Health Law be granted greater safeguards (such as having their case be reviewed by a physician with the educational background and experience to make such a determination) than matters pursuant to CPLR 63-a in which "lay people" make such a determination?^[FN4] These are similarly situated people (by legislative definition) but as such are not to be treated equally, nor afforded the same constitutional guarantees that protect all citizens of New York State.

In contrast to 63-a, one can also look to MHL §9.39, where the legislature addressed patients who are brought to the hospital for examination and care, and set forth requirements whereby a petitioner could keep that patient in the hospital against their wishes. The legislature

imposed safeguards (in the mental health context) to protect a New York citizen from losing his or her fundamental Fourth Amendment right to be free from an unlawful search and seizure. Clearly, MHL §9.39 demands an expert opinion from a doctor and, then, beyond 48 hours, a second opinion from a physician confirming that the patient presents a condition "likely to result in serious harm" before that patient can be held against their will. An involuntary civil commitment has been recognized as a "massive curtailment of liberty" (*See, Vitek v. Jones*, 445 [*4]U.S. 480 at 491, 100 S.Ct. 1254, 1263, 63 L.Ed.2d 552 [1980]) (internal quotation marks omitted), which cannot permissibly be adjudicated without due process of law. *Id.* at 492, 100 S.Ct. at 1263; *See also, O'Connor v. Donaldson*, 422 U.S. 563, 580, 95 S.Ct. 2486, 2496, 45 L.Ed.2d 396 (1975) (Burger, C.J., concurring); and *Project Release v. Prevost*, 722 F.2d 960, 971 (2d Cir.1983) ("*Project Release* "). This, however, is not the standard employed in CPLR Article 63-a matters.

Again, CPLR § 6341 would demand adherence to MHL § 9.39's definition of "likelihood to result in serious harm" and it's safeguards insofar as the statutes recite the same definition. Yet, CPLR §63-a permits (and in some cases demands) non-physicians to make a medical determination for which, due to lack of education, experience, or expertise, they should not be authorized or capable of making. Of great importance to this Court is a recognition that an ERPO extensively effects a person's Second Amendment right to bear arms. Second Amendment rights are no less fundamental than, for example, Fourth Amendment rights (the right to liberty), and must be provided the same level of due process and equal protection. *McDonald v. City of Chicago, Ill., supra* at 780, 130 S.Ct. 3020.

As such, this Court holds that, under CPLR 63-a, in order to pass constitutional muster, the legislature must provide that a citizen be afforded procedural guarantees, such as a *physician's* determination that a respondent presents a condition "likely to result in serious harm," before a petitioner files for a TERPO or ERPO. Since this standard is required to prevent a respondent from being deprived of fundamental rights under the Mental Hygiene Law, then anything less (as contained in 63-a) deprives a citizen of a fundamental right without due process of law.

One may posit the position, *arguendo*, that the Mental Hygiene Law *does* allow non-physicians to determine whether a respondent poses a condition "likely to result in serious harm." There, MHL §9.41 states that peace officers and police officers

may take into custody any person who appears to be mentally ill and is conducting himself or herself in a manner which is likely to result in serious harm to the person or others. Such officer may direct the removal of such person or remove him or her to any hospital specified in subdivision (a) of section 9.39 of this article, or any comprehensive psychiatric emergency program specified in subdivision (a) of section 9.40 of this article, or pending his or her examination or admission to any such hospital or program, temporarily detain any such person in another safe and comfortable place, in which event, such officer shall immediately notify the director of community services or, if there be none, the health officer of the city or county of such action. *See*, MHL §9.41[a].

However, the aforementioned imposes only a brief detention, solely for the purposes of bringing the patient to an appropriate medical facility where an assessment may be completed by a mental health professional. Police Officers are merely the conduit by which a person, who the officer believes possesses a condition "likely to result in serious harm" to himself or others, is simply transported by the officer to a medical facility. Thereafter, the person is transferred to a facility and to the care of a professional to make a proper psychological or medical determination [§5] to corroborate, or disavow, the officers initial opinion.^{1FNS1}

MHL §9.41 is, in fact, titled "*Emergency* assessment for *immediate* observation, care, and treatment" (emphasis added). The seizure, and by extension the deprivation of the fundamental right to freedom, at the hands of police or peace officers, is extremely limited to just that amount of time necessary for the police to bring a patient before a competent physician. Contrast that to CPLR §63-a, where an officer, or any civilian petitioner's non-professional belief is that a respondent presents a condition "likely to result in serious harm," with the consequence being the denial of a respondent's Second Amendment rights for a period of at least three days and up to six days. CPLR §6342 [4][d][ii]. This circumvents the Constitutional due process protections guaranteed to every citizen of this state of the United States.

Another section of CPLR 63-a which troubles this Court concerns the possibility that, based upon the opinion of a non-physician, a court may be permitted to issue a search warrant to

confiscate a respondent's guns, but which also may result in certain circumstances of the confiscation of guns owned or possessed by non-respondents. *See*, CPLR §6342 [8]. Under our law "possess" has it's own special meaning. It does not simply mean "to own." It holds an expanded meaning. "A person has tangible property in his or her constructive possession when that person exercises a level of control over the area in which the property is found sufficient to give him or her the ability to use or dispose of the property." *People v Manini*, 79 NY2d 561, 573 (1992). In situations where many people live in the same residence (and a respondent is simply one of the residents), a court could order the search and seizure of all guns in possession of the respondent, including guns owned by the other residents on the theory that those guns are in the respondent's "constructive possession." In this instance CPLR 63-a offers no due process to the non-respondent residents prior to the guns being taken. As a result, the non-respondent residents have become the victims of a search and seizure, conducted against them without any probable cause whatsoever, and in complete violation of the non-respondents' Second and Fourth Amendment rights.

The non-respondents are further burdened by CPLR §6344 (2), which states:

If the location to be searched during the execution of a temporary extreme risk protection order or extreme risk protection order is jointly occupied by two or more parties, and a firearm, rifle or shotgun located during the execution of such order is owned by a person other than the respondent, the court shall, upon a written finding that there is no legal impediment to the person other than the respondent's possession of such firearm, rifle or [*6]shotgun, order the return of such firearm, rifle or shotgun to such lawful owner and inform such person of their obligation to safely store their firearm, rifle, or shotgun in accordance with section 265.45 of the penal law.

In this instance the non-respondent must then take affirmative steps in order to regain their firearms, and thereby reestablish their fundamental Second Amendment Rights. As detailed above, the Second Amendment establishes that the exercise of a fundamental right "shall not be infringed." However, CPLR § 6344 (2), does exactly that.

Significantly, *Bruen* speaks to history and permits courts to analogize when analyzing and determining the constitutionality of a present-day law, by placing that law in it's historical context. In mental illness cases, which involve the deprivation of liberty, New York has a long

history of providing a base level of procedural due process to a citizen when the state undertakes to deprive that citizen of a fundamental right. Extreme Risk Protection Orders (ERPOs) undertake an evaluation of a person's mental health to determine whether depriving that person's fundamental right to bear arms should be suspended and constitute the means to ensure the safety of himself, herself or others. However, history shows that an argument can be advanced that procedural due process is lacking regarding the procedure for granting a TERPO (and the final ERPO hearing) itself, as the necessary constitutional safeguards or guarantees to protect a person are absent from the law. CPLR §63-a.

An example where due process guarantees are employed on mental health issues can be seen in *Rivers* hearings. In *Rivers v Katz*, 67 NY2d 485 (1986), the Court of Appeals addressed the ability of the state to force medications upon a hospital patient refusing those medications. The Court held that a judicial determination was required to determine if the patient had the capacity to make a reasoned decision with respect to proposed treatment before the state could administer medications over the patient's objection. At the judicial determination, "the State would bear the burden to establish by clear and convincing evidence the patient's incapacity to make a treatment decision. If, after duly considering the State's proof, the evidence offered by the patient, and any independent psychiatric, psychological or medical evidence that the court may choose to procure. . . , " the court shall determine a patient's capability (or incapability) to make his or her own treatment decisions. *Rivers, supra* at 497. In a *River's* setting, the state always provides proof from a physician at the hearing. Additionally, *Rivers* also held that due process demanded that the respondent be entitled to representation and, if unable to afford, counsel would be assigned representation from Mental Health Legal Services to protect the respondent's rights.

To further illustrate, procedural guarantees for the mentally ill are prominently included in the process for involuntary admissions of a person to a hospital for treatment under MHL §9.31. Retention hearings are held under MHL §9.33, and require that Supreme Court hold a hearing "in like manner as is provided for hearings in section 9.31." MHL §9.33(c). At the hearing, the court shall hear testimony and examine the person deemed to be mentally ill. The hospital must

"demonstrate, by clear and convincing evidence, that the patient is mentally ill and in need of continued, supervised care and treatment, and that the patient poses a substantial threat of physical harm to himself and/or others." *Matter of Ford v. Daniel R.*, 215 AD2d 294, 295 (1995). The evidence in these hearings always includes the testimony of at least one physician. [*7]The hospital appears as a party, and is always represented by counsel. If the matters involves a state hospital, the Attorney General appears on behalf of the State. A private hospital is represented by their private attorneys. Similar to the above, respondents in these matters are represented by Mental Health Legal Services. *See*, MHL §Section 9.31(9)(c).

Again, these protections of due process and representation by counsel are not present nor guaranteed under CPLR §63-a proceedings.

Should the law not demand the same rights for everyone similarly situated?

"Article 10" proceedings are another example where New York imposes substantive and procedural due process rights. In Article 10 of the Mental Hygiene Law (titled "Sex offenders requiring civil commitment or supervision"), both civil confinement and supervision implicate an individual's right to be free from unlawful government seizure. In Article 10 proceedings, the State must file a petition, in an appropriate jurisdiction, alleging that the respondent is a sex offender requiring civil management or confinement. Further, the court must then appoint respondent an attorney if he/she cannot afford one, so that the respondent is afforded the necessary representation to protect him/her during the proceedings. Additionally, the State and the respondent may have the services of a psychiatric examiner (at the state's expense) to assist him/her with defending the protections of their individual rights. Moreover, the respondent is entitled to a probable cause hearing within 30 days from the time the Attorney General files a petition. Finally, the respondent is entitled to a jury trial upon the issues present before the court prior to the denial of any liberties. *See*, MHL Article 10. At the trial, the State is represented by the Attorney General and respondent, in like fashion, by his own counsel.

Similar to the above examples, these protections of due process, expert testimony and representation by counsel, are neither present, nor guaranteed under CPLR §63-a proceedings.

Where a mental health "illness" forms the basis for the denial of a fundamental right in this state, New York has historically employed substantive and procedural due process rights to respondents before the state can take those fundamental rights away. The examples cited above clearly set forth the type and extent of due process afforded citizens when the state denies that citizen a fundamental right (e.g., their freedom of movement) due to mental illness. First, in these historical instances, any deprivation of a fundamental right must be based upon a mental health professional's expert opinion as to the respondent's mental health condition. Second, every respondent is entitled to representation and, if the respondent can not afford an attorney, the state provides an attorney at state expense. Third, petitioners are always represented by counsel, thereby avoiding the practice of law by non-lawyers.

Why should a respondent subject to a CPLR §63-a proceeding not be afforded the same constitutional protections as the aforementioned cases, when all are based upon allegations of mental illness? This Court believes that, in its position as *parens patrie*, a potentially mentally ill citizen should enjoy the rights and privileges as any person of this state. However, this is not the standard as employed with TERPO/ERPO determinations, as they deprive a citizen of New York of their constitutional rights.

This Court is not unmindful of the dangers firearms may pose when possessed in the hands of a person suffering a mental illness, harboring a criminal intent, or both. However, when viewed objectively, CPLR §63-a's goal of removing weapons from the otherwise lawful possession of them by their owners, without adequate constitutional safeguards, cannot be condoned by this Court.

While some may advocate that "the ends justify the means" in support of §63-a, where those means violate a fundamental right under our Bill of Rights to achieve their ends, then the law, on its face, cannot stand.

Therefore, the "Temporary Extreme Risk Protection Order" (TERPO) and "Extreme Risk Protection Order" (ERPO) are deemed to be unconstitutional by this Court as CPLR Article 63-a

is presently drafted. It can not be stated clearly enough that the Second Amendment is *not* a second class right, nor should it ever be treated as such.

Accordingly, it is hereby

ORDERED, that Article 63-a of the New York Civil Practice and Rules is deemed unconstitutional; and it is further

ORDERED, that the above-titled petition is hereby dismissed, in its entirety, and any temporary order or final order issued by this Court pursuant to the instant action is, hereby, vacated.

This shall constitute the decision and order of the Court.

Dated: December 22, 2022
Rochester, New York

HON. THOMAS E. MORAN
Justice of the Supreme Court

Footnotes

Footnote 1:Of note, the parties are presently engaged in a collateral Family Court proceeding in which Ms. N. was granted a temporary order of protection against Mr. W., pending a full fact-finding hearing in that court. The order of protection barred Mr. W. from the home he shared with Ms. N.

Footnote 2:The Court notes that this statute offers no guidance with respect to the meaning of "probable cause" in this context.

Footnote 3:This statute mandates non-attorneys file for TERPOs/ERPOs and requires (in effect) that they practice law without a license in order to prosecute these petitions in violation of the Judiciary Law and without any legislative exception to do same. *See ,Judiciary Law §§478, 484; Duguid v. B.K., 76 Misc 3d 1005 (Saratoga Cty, 2022).*

Footnote 4:As noted previously, the "petitioner" in this matter is a lay person and household member. In his affidavit in support of his ERPO filing, the petitioner offered an opinion, stating: "I, Mr. [G.W.], am even more fearful that Ms. [N.] is becoming more intent on inflicting harm and/or death upon myself and/or my family." *See, W. affidavit, October 25, 2022.*

Footnote 5: The newly amended CPLR §63-a (July 6, 2022) demands police officers file a TERPO every time they believe a person taken into custody appears to be mentally ill and is conducting himself or herself in a manner which is likely to result in serious harm to the person or others. Similarly, every time a police officer takes into custody a person pursuant to MHL §9.41, they have formed an opinion that a person is likely to result in serious harm to the person or others, which allows them to take the person into custody. *See* MHL §9.41. To illustrate, in 2021, police officers in Monroe County made 6112 MHL arrests. (*Per Richard Tantalo, Monroe County Director of Public Safety*). Since the amendment of Article 63-a, however (changing it's enforcement from discretionary to mandatory), strict adherence to the mandate of CPLR 6342 by police officers would, in this Court's opinion, result in overwhelming the court system.

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CANIGLIA v. STROM

Supreme Court

Syllabus

CANIGLIA v. STROM

953 F. 3d 112, vacated and remanded.

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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

Caniglia v. Strom ET AL.

certiorari to the united states court of appeals for the first circuit

No. 20–157. Argued March 24, 2021—Decided May 17, 2021

During an argument with his wife, petitioner Edward Caniglia placed a handgun on the dining room table and asked his wife to “shoot [him] and get it over with.” His wife instead left the home and spent the night at a hotel. The next morning, she was unable to reach her husband by phone, so she called the police to request a welfare check. The responding officers accompanied Caniglia’s wife to the home, where they encountered Caniglia on the porch. The officers called an ambulance based on the belief that Caniglia posed a risk to himself or others. Caniglia agreed to go to the hospital for a psychiatric evaluation on the condition that the officers not confiscate his firearms. But once Caniglia left, the officers located and seized his weapons. Caniglia sued, claiming that the officers had entered his home and seized him and his firearms without a warrant in violation of the Fourth Amendment. The District Court granted summary judgment to the officers. The First Circuit affirmed, extrapolating from the Court’s decision in *Cady v. Dombrowski*, 413 U. S. 433, a theory that the officers’ removal of Caniglia and his firearms from his home was justified by a “community caretaking exception” to the warrant requirement.

Held: Neither the holding nor logic of *Cady* justifies such warrantless searches and seizures in the home. *Cady* held that a warrantless search of an impounded vehicle for an unsecured firearm did not violate the Fourth Amendment. In reaching this conclusion, the Court noted that the officers who patrol the “public highways” are often called to discharge noncriminal “community caretaking functions,” such as responding to disabled vehicles or investigating accidents. 413 U. S., at 441. But searches of vehicles and homes are constitutionally different, as the *Cady* opinion repeatedly stressed. *Id.*, at 439, 440–442. The very core of the Fourth Amendment’s guarantee is the right of a person to retreat into his or her home and “there be free from unreasonable governmental intrusion.” *Florida v. Jardines*, 569 U. S. 1, 6. A recognition of the existence of “community caretaking” tasks, like rendering aid to motorists in disabled vehicles, is not an open-ended license to perform them anywhere. Pp. 3–4.

953 F. 3d 112, vacated and remanded.

THOMAS, J., delivered the opinion for a unanimous Court. ROBERTS, C. J., filed a concurring opinion, in which BREYER, J., joined. ALITO, J., and KAVANAUGH, J., filed concurring opinions.

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Opinion

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the

Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 20–157

EDWARD A. CANIGLIA, PETITIONER v. ROBERT F. STROM, ET AL.

on writ of certiorari to the united states court of appeals for the first circuit

[May 17, 2021]

JUSTICE THOMAS delivered the opinion of the Court.

Decades ago, this Court held that a warrantless search of an impounded vehicle for an unsecured firearm did not violate the Fourth Amendment. *Cady v. Dombrowski*, 413 U. S. 433 (1973). In reaching this conclusion, the Court observed that police officers who patrol the “public highways” are often called to discharge noncriminal “community caretaking functions,” such as responding to disabled vehicles or investigating accidents. *Id.*, at 441. The question today is whether *Cady*’s acknowledgment of these “caretaking” duties creates a standalone doctrine that justifies warrantless searches and seizures in the home. It does not.

I

During an argument with his wife at their Rhode Island home, Edward Caniglia (petitioner) retrieved a handgun from the bedroom, put it on the dining room table, and asked his wife to “shoot [him] now and get it over with.” She declined, and instead left to spend the night at a hotel. The next morning, when petitioner’s wife discovered that she could not reach him by telephone, she called the police (respondents) to request a welfare check.

Respondents accompanied petitioner’s wife to the home, where they encountered petitioner on the porch. Petitioner spoke with respondents and confirmed his wife’s account of the argument, but denied that he was suicidal. Respondents, however, thought that petitioner posed a risk to himself or others. They called an ambulance, and petitioner agreed to go to the hospital for a psychiatric evaluation—but only after respondents allegedly promised not to confiscate his firearms. Once the ambulance had taken petitioner away, however, respondents seized the weapons. Guided by petitioner’s wife—whom they allegedly misinformed about his wishes

—respondents entered the home and took two handguns.

Petitioner sued, claiming that respondents violated the Fourth Amendment when they entered his home and seized him and his firearms without a warrant. The District Court granted summary judgment to respondents, and the First Circuit affirmed solely on the ground that the decision to remove petitioner and his firearms from the premises fell within a “community caretaking exception” to the warrant requirement. 953 F. 3d 112, 121–123, 131 and nn. 5, 9 (2020). Citing this Court’s statement in *Cady* that police officers often have noncriminal reasons to interact with motorists on “public highways,” 413 U. S., at 441, the First Circuit extrapolated a freestanding community-caretaking exception that applies to both cars and homes. 953 F. 3d, at 124 (“Threats to individual and community safety are not confined to the highways”). Accordingly, the First Circuit saw no need to consider whether anyone had consented to respondents’ actions; whether these actions were justified by “exigent circumstances”; or whether any state law permitted this kind of mental-health intervention. *Id.*, at 122–123. All that mattered was that respondents’ efforts to protect petitioner and those around him were “distinct from ‘the normal work of criminal investigation,’ ” fell “within the realm of reason,” and generally tracked what the court viewed to be “sound police procedure.” *Id.*, at 123–128, 132–133. We granted certiorari. 592 U. S. ____ (2020).

II

The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” The “ ‘very core’ ” of this guarantee is “ ‘the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion.’ ” *Florida v. Jardines*, 569 U. S. 1, 6 (2013).

To be sure, the Fourth Amendment does not prohibit all unwelcome intrusions “on private property,” *ibid.*—only “unreasonable” ones. We have thus recognized a few permissible invasions of the home and its curtilage. Perhaps most familiar, for example, are searches and seizures pursuant to a valid warrant. See *Collins v. Virginia*, 584 U. S. ____, ____–____ (2018) (slip op., at 5–6). We have also held that law enforcement officers may enter private property without a warrant when certain exigent circumstances exist, including the need to “ ‘render emergency assistance to an injured occupant or to protect an occupant from imminent injury.’ ” *Kentucky v. King*, 563 U. S. 452, 460, 470 (2011); see also *Brigham City v. Stuart*, 547 U. S. 398, 403–404 (2006) (listing other examples of exigent circumstances). And, of course, officers may generally take actions that “ ‘any private citizen might do’ ” without fear of liability. *E.g.*, *Jardines*, 569 U. S., at 8 (approaching a home and knocking on the front door).

The First Circuit’s “community caretaking” rule, however, goes beyond anything

this Court has recognized. The decision below assumed that respondents lacked a warrant or consent, and it expressly disclaimed the possibility that they were reacting to a crime. The court also declined to consider whether any recognized exigent circumstances were present because respondents had forfeited the point.

Nor did it find that respondents' actions were akin to what a private citizen might have had authority to do if petitioner's wife had approached a neighbor for assistance instead of the police.

Neither the holding nor logic of *Cady* justified that approach. True, *Cady* also involved a warrantless search for a firearm. But the location of that search was an impounded vehicle—not a home—“a constitutional difference” that the opinion repeatedly stressed. 413 U. S., at 439; see also *id.*, at 440–442. In fact, *Cady* expressly contrasted its treatment of a vehicle already under police control with a search of a car “parked adjacent to the dwelling place of the owner.” *Id.*, at 446–448 (citing *Coolidge v. New Hampshire*, 403 U. S. 443 (1971)).

Cady's unmistakable distinction between vehicles and homes also places into proper context its reference to “community caretaking.” This quote comes from a portion of the opinion explaining that the “frequency with which . . . vehicle[s] can become disabled or involved in . . . accident[s] on public highways” often requires police to perform noncriminal “community caretaking functions,” such as providing aid to motorists. 413 U. S., at 441. But, this recognition that police officers perform many civic tasks in modern society was just that—a recognition that these tasks exist, and not an open-ended license to perform them anywhere.

* * *

What is reasonable for vehicles is different from what is reasonable for homes. *Cady* acknowledged as much, and this Court has repeatedly “declined to expand the scope of . . . exceptions to the warrant requirement to permit warrantless entry into the home.” *Collins*, 584 U. S., at ____ (slip op., at 8). We thus vacate the judgment below and remand for further proceedings consistent with this opinion.

It is so ordered.

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Concurrence

SUPREME COURT OF THE UNITED STATES

EDWARD A. CANIGLIA, PETITIONER v. ROBERT F. STROM, ET AL.

on writ of certiorari to the united states court of appeals for the first circuit

[May 17, 2021]

CHIEF JUSTICE ROBERTS, with whom JUSTICE BREYER joins, concurring.

Fifteen years ago, this Court unanimously recognized that “[t]he role of a peace officer includes preventing violence and restoring order, not simply rendering first aid to casualties.” *Brigham City v. Stuart*, 547 U. S. 398, 406 (2006). A warrant to enter a home is not required, we explained, when there is a “need to assist persons who are seriously injured or threatened with such injury.” *Id.*, at 403; see also *Michigan v. Fisher*, 558 U. S. 45, 49 (2009) (*per curiam*) (warrantless entry justified where “there was an objectively reasonable basis for believing that medical assistance was needed, or persons were in danger” (internal quotation marks omitted)). Nothing in today’s opinion is to the contrary, and I join it on that basis.

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Concurrence

SUPREME COURT OF THE UNITED STATES

No. 20–157

EDWARD A. CANIGLIA, PETITIONER v. ROBERT F. STROM, ET AL.

on writ of certiorari to the united states court of appeals for the first circuit

[May 17, 2021]

JUSTICE ALITO, concurring.

I join the opinion of the Court but write separately to explain my understanding of the Court’s holding and to highlight some important questions that the Court does not decide.

1. The Court holds—and I entirely agree—that there is no special Fourth Amendment rule for a broad category of cases involving “community caretaking.” As I understand the term, it describes the many police tasks that go beyond criminal law enforcement. These tasks vary widely, and there is no clear limit on how far they might extend in the future. The category potentially includes any non-law-enforcement work that a community chooses to assign, and because of the breadth of activities that may be described as community caretaking, we should not assume that the Fourth Amendment’s command of reasonableness applies in the same way to everything that might be viewed as falling into this broad category.

The Court’s decision in *Cady v. Dombrowski*, 413 U. S. 433 (1973), did not recognize any such “freestanding” Fourth Amendment category. See *ante*, at 2, 4. The opinion merely used the phrase “community caretaking” in passing. 413 U. S., at 441.

2. While there is no overarching “community caretaking” doctrine, it does not follow that all searches and seizures conducted for non-law-enforcement purposes must be analyzed under precisely the same Fourth Amendment rules developed in criminal cases. Those rules may or may not be appropriate for use in various non-criminal-law-enforcement contexts. We do not decide that issue today.

3. This case falls within one important category of cases that could be viewed as involving community caretaking: conducting a search or seizure for the purpose of preventing a person from committing suicide. Assuming that petitioner did not voluntarily consent to go with the officers for a psychological assessment,¹ he was seized and thus subjected to a serious deprivation of liberty. But was this warrantless seizure “reasonable”? We have addressed the standards required by due process for involuntary commitment to a mental treatment facility, see *Addington v. Texas*, 441 U. S. 418, 427 (1979); see also *O’Connor v. Donaldson*, 422 U. S. 563, 574–576 (1975); *Foucha v. Louisiana*, 504 U. S. 71, 75–77, 83 (1992), but we have not addressed Fourth Amendment restrictions on seizures like the one that we must assume occurred here, *i.e.*, a short-term seizure conducted for the purpose of ascertaining whether a person presents an imminent risk of suicide. Every State has laws allowing emergency seizures for psychiatric treatment, observation, or stabilization, but these laws vary in many respects, including the categories of persons who may request the emergency action, the reasons that can justify the action, the necessity of a judicial proceeding, and the nature of the proceeding.² Mentioning these laws only in passing, petitioner asked us to render a decision that could call features of these laws into question. The Court appropriately refrains from doing so.

4. This case also implicates another body of law that petitioner glossed over: the so-called “red flag” laws that some States are now enacting. These laws enable the police to seize guns pursuant to a court order to prevent their use for suicide or the

infliction of harm on innocent persons. See, e.g., Cal. Penal Code Ann. §§18125–18148 (West Cum. Supp. 2021); Fla. Stat. §790.401(4) (Cum. Supp. 2021); Mass. Gen. Laws Ann., ch. 140, §131T (2021). They typically specify the standard that must be met and the procedures that must be followed before firearms may be seized. Provisions of red flag laws may be challenged under the Fourth Amendment, and those cases may come before us. Our decision today does not address those issues.

5. One additional category of cases should be noted: those involving warrantless, nonconsensual searches of a home for the purpose of ascertaining whether a resident is in urgent need of medical attention and cannot summon help. At oral argument, THE CHIEF JUSTICE posed a question that highlighted this problem. He imagined a situation in which neighbors of an elderly woman call the police and express concern because the woman had agreed to come over for dinner at 6 p.m., but by 8 p.m., had not appeared or called even though she was never late for anything. The woman had not been seen leaving her home, and she was not answering the phone. Nor could the neighbors reach her relatives by phone. If the police entered the home without a warrant to see if she needed help, would that violate the Fourth Amendment? Tr. of Oral Arg. 6–8.

Petitioner’s answer was that it would. Indeed, he argued, even if 24 hours went by, the police still could not lawfully enter without a warrant. If the situation remained unchanged for several days, he suggested, the police might be able to enter after obtaining “a warrant for a missing person.” *Id.*, at 9.

THE CHIEF JUSTICE’S question concerns an important real-world problem. Today, more than ever, many people, including many elderly persons, live alone.³ Many elderly men and women fall in their homes,⁴ or become incapacitated for other reasons, and unfortunately, there are many cases in which such persons cannot call for assistance. In those cases, the chances for a good recovery may fade with each passing hour.⁵ So in THE CHIEF JUSTICE’S imaginary case, if the elderly woman was seriously hurt or sick and the police heeded petitioner’s suggestion about what the Fourth Amendment demands, there is a fair chance she would not be found alive. This imaginary woman may have regarded her house as her castle, but it is doubtful that she would have wanted it to be the place where she died alone and in agony.

Our current precedents do not address situations like this. We have held that the police may enter a home without a warrant when there are “exigent circumstances.” *Payton v. New York*, 445 U. S. 573, 590 (1980). But circumstances are exigent only when there is not enough time to get a warrant, see *Missouri v. McNeely*, 569 U. S. 141, 149 (2013); *Michigan v. Tyler*, 436 U. S. 499, 509 (1978), and warrants are not typically granted for the purpose of checking on a person’s medical condition. Perhaps States should institute procedures for the issuance of such warrants, but

in the meantime, courts may be required to grapple with the basic Fourth Amendment question of reasonableness.

6. The three categories of cases discussed above are simply illustrative. Searches and seizures conducted for other non-law-enforcement purposes may arise and may present their own Fourth Amendment issues. Today's decision does not settle those questions.

* * *

In sum, the Court properly rejects the broad "community caretaking" theory on which the decision below was based. The Court's decision goes no further, and on that understanding, I join the opinion in full.

Notes

1 The Court of Appeals assumed petitioner's consent was not voluntary because the police allegedly promised that they would not seize his guns if he went for a psychological evaluation. 953 F. 3d 112, 121 (CA1 2020). The Court does not decide whether this assumption was justified.

2 See Brief for Petitioner 38–39, n. 4 (gathering state authorities); L. Hedman et al., *State Laws on Emergency Holds for Mental Health Stabilization*, 67 *Psychiatric Servs.* 579 (2016).

3 Dept. of Commerce, Bureau of Census, *The Rise of Living Alone*, Fig. HH–4 (2020), <https://www.census.gov/content/dam/Census/library/visualizations/time-series/demo/families-and-households/hh-4.pdf>; Ortiz-Ospina, *The Rise of Living Alone* (Dec. 10, 2019), <https://ourworldindata.org/living-alone>; Smith, *Cities With the Most Adults Living Alone* (May 4, 2020), <https://www.self.inc/blog/adults-living-alone>.

4 See B. Moreland, R. Kakara, & A. Henry, *Trends in Nonfatal Falls and Fall-Related Injuries Among Adults Aged ≥65 Years—United States, 2012–2018*, 69 *Morbidity and Mortality Weekly Rep.* 875 (2020).

5 See, e.g., J. Gurley, N. Lum, M. Sande, B. Lo, & M. Katz, *Persons Found in Their Homes Helpless or Dead*, 334 *New Eng. J. Med.* 1710 (1996).

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Concurrence

SUPREME COURT OF THE UNITED STATES

No. 20–157

EDWARD A. CANIGLIA, PETITIONER v. ROBERT F. STROM, ET AL.

on writ of certiorari to the united states court of appeals for the first circuit

[May 17, 2021]

JUSTICE KAVANAUGH, concurring.

I join the Court’s opinion in full. I write separately to underscore and elaborate on THE CHIEF JUSTICE’S point that the Court’s decision does not prevent police officers from taking reasonable steps to assist those who are inside a home and in need of aid. See *ante*, at 1 (ROBERTS, C. J., concurring). For example, as I will explain, police officers may enter a home without a warrant in circumstances where they are reasonably trying to prevent a potential suicide or to help an elderly person who has been out of contact and may have fallen and suffered a serious injury.

Ratified in 1791 and made applicable to the States in 1868, the Fourth Amendment protects the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” As the constitutional text establishes, the “ultimate touchstone of the Fourth Amendment is reasonableness.” *Riley v. California*, 573 U. S. 373, 381 (2014) (internal quotation marks omitted). The Court has said that a warrant supported by probable cause is ordinarily required for law enforcement officers to enter a home. See U. S. Const., Amdt. 4. But drawing on common-law analogies and a commonsense appraisal of what is “reasonable,” the Court has recognized various situations where a warrant is not required. For example, the exigent circumstances doctrine allows officers to enter a home without a warrant in certain situations, including: to fight a fire and investigate its cause; to prevent the imminent destruction of evidence; to engage in hot pursuit of a fleeing felon or prevent a suspect’s escape; to address a threat to the safety of law enforcement officers or the general public; to render emergency assistance to an injured occupant; or to protect an occupant who is threatened with serious injury. See *Mitchell v. Wisconsin*, 588 U. S. ____, ____ (2019) (plurality opinion) (slip op., at 6); *City and County of San Francisco v. Sheehan*, 575 U. S. 600, 612 (2015); *Kentucky v. King*, 563 U. S. 452, 460, 462 (2011); *Michigan v. Fisher*, 558 U. S. 45, 47 (2009) (*per curiam*); *Brigham City v. Stuart*, 547 U. S. 398, 403 (2006); *Minnesota v. Olson*, 495 U. S. 91, 100 (1990); *Michigan v. Clifford*, 464 U. S. 287, 293, and n. 4 (1984) (plurality opinion); *Mincey v.*

Arizona, 437 U. S. 385, 392–394 (1978); *Michigan v. Tyler*, 436 U. S. 499, 509–510 (1978); *United States v. Santana*, 427 U. S. 38, 42–43 (1976); *Warden, Md. Penitentiary v. Hayden*, 387 U. S. 294, 298–299 (1967); *Ker v. California*, 374 U. S. 23, 40–41 (1963) (plurality opinion).

Over the years, many courts, like the First Circuit in this case, have relied on what they have labeled a “community caretaking” doctrine to allow warrantless entries into the home for a non-investigatory purpose, such as to prevent a suicide or to conduct a welfare check on an older individual who has been out of contact. But as the Court today explains, any such standalone community caretaking doctrine was primarily devised for searches of cars, not homes. *Ante*, at 3–4; see *Cady v. Dombrowski*, 413 U. S. 433, 447–448 (1973).

That said, this Fourth Amendment issue is more labeling than substance. The Court’s Fourth Amendment case law already recognizes the exigent circumstances doctrine, which allows an officer to enter a home without a warrant if the “exigencies of the situation make the needs of law enforcement so compelling that the warrantless search is objectively reasonable under the Fourth Amendment.” *Brigham City*, 547 U. S., at 403 (internal quotation marks omitted); see also *ante*, at 3. As relevant here, one such recognized “exigency” is the “need to assist persons who are seriously injured or threatened with such injury.” *Brigham City*, 547 U. S., at 403; see also *ante*, at 1 (ROBERTS, C. J., concurring). The Fourth Amendment allows officers to enter a home if they have “an objectively reasonable basis for believing” that such help is needed, and if the officers’ actions inside the home are reasonable under the circumstances. *Brigham City*, 547 U. S., at 406; see also *Michigan v. Fisher*, 558 U. S., at 47–48.

This case does not require us to explore all the contours of the exigent circumstances doctrine as applied to emergency-aid situations because the officers here disclaimed reliance on that doctrine. But to avoid any confusion going forward, I think it important to briefly describe how the doctrine applies to some heartland emergency-aid situations.

As Chief Judge Livingston has cogently explained, although this doctrinal area does not draw much attention from courts or scholars, “municipal police spend a good deal of time responding to calls about missing persons, sick neighbors, and premises left open at night.” Livingston, *Police, Community Caretaking, and the Fourth Amendment*, 1998 U. Chi. Leg. Forum 261, 263 (1998). And as she aptly noted, “the responsibility of police officers to search for missing persons, to mediate disputes, and to aid the ill or injured has never been the subject of serious debate; nor has” the “responsibility of police to provide services in an emergency.” *Id.*, at 302.

Consistent with that reality, the Court’s exigency precedents, as I read them, permit warrantless entries when police officers have an objectively reasonable basis

to believe that there is a current, ongoing crisis for which it is reasonable to act now. See, e.g., *Sheehan*, 575 U. S., at 612; *Michigan v. Fisher*, 558 U. S., at 48–49; *Brigham City*, 547 U. S., at 406–407. The officers do not need to show that the harm has already occurred or is mere moments away, because knowing that will often be difficult if not impossible in cases involving, for example, a person who is currently suicidal or an elderly person who has been out of contact and may have fallen. If someone is at risk of serious harm and it is reasonable for officers to intervene now, that is enough for the officers to enter.

A few (non-exhaustive) examples illustrate the point.

Suppose that a woman calls a healthcare hotline or 911 and says that she is contemplating suicide, that she has firearms in her home, and that she might as well die. The operator alerts the police, and two officers respond by driving to the woman's home. They knock on the door but do not receive a response. May the officers enter the home? Of course.

The exigent circumstances doctrine applies because the officers have an "objectively reasonable basis" for believing that an occupant is "seriously injured or threatened with such injury." *Id.*, at 400, 403; cf. *Sheehan*, 575 U. S., at 612 (officers could enter the room of a mentally ill person who had locked herself inside with a knife). After all, a suicidal individual in such a scenario could kill herself at any moment. The Fourth Amendment does not require officers to stand idly outside as the suicide takes place.¹

Consider another example. Suppose that an elderly man is uncharacteristically absent from Sunday church services and repeatedly fails to answer his phone throughout the day and night. A concerned relative calls the police and asks the officers to perform a wellness check. Two officers drive to the man's home. They knock but receive no response. May the officers enter the home? Of course.

Again, the officers have an "objectively reasonable basis" for believing that an occupant is "seriously injured or threatened with such injury." *Brigham City*, 547 U. S., at 400, 403. Among other possibilities, the elderly man may have fallen and hurt himself, a common cause of death or serious injury for older individuals. The Fourth Amendment does not prevent the officers from entering the home and checking on the man's well-being.²

To be sure, courts, police departments, and police officers alike must take care that officers' actions in those kinds of cases are reasonable under the circumstances. But both of those examples and others as well, such as cases involving unattended young children inside a home, illustrate the kinds of warrantless entries that are perfectly constitutional under the exigent circumstances doctrine, in my view.

With those observations, I join the Court's opinion in full.

Notes

1 In 2019 in the United States, 47,511 people committed suicide. That number is more than double the number of annual homicides. See Dept. of Health and Human Servs., Centers for Disease Control and Prevention, D. Stone, C. Jones, & K. Mack, Changes in Suicide Rates--United States, 2018-2019, 70 Morbidity and Mortality Weekly Rep. 261, 263 (2021) (MMWR); Dept. of Justice, Federal Bureau of Investigation, Uniform Crime Report, Crime in the United States, 2019, p. 2 (2020).

2 In 2018 in the United States, approximately 32,000 older adults died from falls. Falls are also the leading cause of injury for older adults. B. Moreland, R. Kakara, & A. Henry, Trends in Nonfatal Falls and Fall-Related Injuries Among Adults Aged ≥ 65 Years--United States, 2012-2018, 69 MMWR 875 (2020).

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The Honorable Terry Roy
Criminal Justice and Public Safety Committee

HB106

Wednesday, February 8, 2023

1:00 pm SH Reps Hall

IN SUPPORT

My name is Marie Cassady and I live in Peterborough, NH. I am here as a member of Moms Demand Action for Gun Sense in America. I am testifying in favor of HB106.

The importance of this public safety issue is personal to me. I have lost two family members to gun suicide. Both young men, Edward Rogers and Fred Shields, were veterans dealing with PTSD. If a bill such as this one, that would allow family members to request the removal of firearms had been in place, my family might still be whole.

- Gun suicide death rates in NH are more than 25% higher than the national rate.
- The Granite State ranks 26th in the country for gun suicide deaths.
- Suicide is the second leading cause of death for ages 10-44 in New Hampshire.
- On average, one person died by suicide every 68 hours in our state.
- 9 out of 10 firearm suicide attempts end in death.
- Suicides account for the majority of gun deaths in our state. 89% suicide, 10% homicide.
- In Connecticut and Indiana, nearly one-third of respondents received critical mental health and substance abuse treatment in the year after gun seizure due to extreme risk law intervention.
- Data from states that have enacted ERPO laws suggest one life is saved for every 10 to 11 gun removals carried out under the law.

Suicide is an impulsive act. Guns are a fast, deadly way to act on those impulses. People considering suicide often give some sign of their intentions. Passage of HB106 would allow the family members and loved ones who see these intentions, to act. To have weapons removed and help to insure that those they love, and those around them are kept safe and whole.

Respectfully submitted,
Marie Cassady
Peterborough, NH
603.801.8245
marie.cassady@gmail.com
Moms Demand Action for Gun Sense in America

The Johns Hopkins Center for Gun Violence Prevention and Policy is now the Johns Hopkins Center for Gun Violence Solutions.

For the latest news and research, check out publichealth.jhu.edu/gun-violence-solutions.

This website will not continue to be updated.

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Extreme Risk Protection Orders

Many people who pose a high risk of harming themselves or someone else with a firearm can legally possess guns and would pass a background check required to purchase a new gun. State laws often do not provide a clear legal mechanism to restrict access to guns before a tragedy occurs, even when it is clear that an individual is at risk of causing harm to self or others.

An Extreme Risk Protection Order (ERPO) is a civil order with due process protections issued by a court when someone is at risk of violence to self or others. Depending on the state's ERPO law, family members, dating partners, household members, law enforcement, health professionals, co-workers, and school administrators may petition the court to temporarily restrict a person's access to firearms when he or she is behaving dangerously and at the risk of committing violence.

ERPOs grant law enforcement clear authority to temporarily remove firearms from ERPO respondents and prevent them from purchasing new guns for the duration of the order.

When deciding whether to issue an ERPO, courts consider dangerous behaviors (e.g., threats of violence, acts of violence) and whether the risk of violence is imminent. ERPOs are temporary (length of time varies among the states, but for no more than 5 years), do not result in a criminal record for the respondent, and usually include a two-stage process with the first stage allowing for short-term removal through an ex parte hearing in which the respondent is not present, followed by a court hearing with both the respondent and the petitioner during which the court decides whether to extend the ERPO issued as part of the first stage.

When an ERPO is terminated or expires, the respondent can request the return of their guns. Law enforcement will run a background check to make sure that the respondent is not prohibited from possessing firearms for any other reason and then return the firearms.

KEY STATISTIC

As of July 1, 2020 19 states and the District of Columbia have enacted Extreme Risk Protection Order laws to allow petitioners to ask the court to temporarily prevent a person who is at risk of violence (including suicide

risk) from purchasing or possessing firearms.

“When I look at the landscape of gun violence prevention policy in this country and the possibilities for progress, I’m very hopeful[...] By bringing science to policy, we’re getting good laws that are making a difference in our communities every day and ERPO is a prime example of that.”

– Shannon Frattaroli, associate professor at Johns Hopkins Bloomberg School of Public Health

SELECT JOURNAL ARTICLES

Extreme risk protection orders in King County, Washington: The epidemiology of dangerous behaviors and an intervention response. Frattaroli S, Omaki EC, Moloczniak A, Allchin A, Hopkins R, Shanahan S, Levinson A. *Injury Epidemiology*, 2020 July 22.

Assessment of Extreme Risk Protection Order Use in California From 2016 to 2019. Pallin R, Schleimer JP, Pear VA, Wintemute GJ. *JAMA Netw Open*. 2020;3(6):e207735.

Extreme risk protection orders intended to prevent mass shootings: A case series. Wintemute, G. J., Pear, V. A., Schleimer, J. P., Pallin, R., Sohl, S., Kravitz-Wirtz, N., & Tomsich, E. A. *Annals of Internal Medicine*. 2019.

Assessment of Physician Self-reported Knowledge and Use of Maryland's Extreme Risk Protection Order Law. Frattaroli S, Hoops K, Irvin NA, McCourt A, Nestadt PS, Omaki E, Shields WC, Wilcox HC. *JAMA Netw Open*. 2019;2(12):e1918037.

Maryland's extreme risk protective order law: A survey of physician knowledge, use, and needs. Frattaroli S, Hoops K, Irvin NA, McCourt AD, Nestadt PS, Omaki EP, Shields WC, Wilcox HC. *JAMA Network Open*, 2019;2(12). E1918037.

Guns, public health, and mental illness: an evidence-based approach for state policy. Consortium for Risk-Based Firearms Policy. 2013; 7–8. 22.

Using research evidence to reframe the policy debate around mental illness and guns: process and recommendations. McGinty EE, Frattaroli S, Appelbaum PS, Bonnie RJ, Grilley A, Horwitz J, Swanson JW, Webster DW. *American Journal of Public Health*. 2014.

Gun violence restraining orders: alternative or adjunct to mental health-based restrictions on firearms? Frattaroli S, McGinty EE, Barnhorst A, Greenberg S. *Behavioral Sciences and the Law*. 2015; 33: 290-307.

Beyond the academic journal: unfreezing misconceptions about mental illness and gun violence through knowledge translation to decision makers. Horwitz J, Grilley A, Kennedy O. *Behavioral Sciences and the Law*. 2015; 33: 356-365.

Circumstances and outcomes of a firearm seizure law: Marion County, Indiana, 2006–2013. Parker GF. *Behavioral Sciences and the Law*. 2015; 33: 308-322.

The gun violence restraining order: an opportunity for common ground in the gun violence debate. Roskam K, Chaplin V. *Developments in Mental Health Law*. 2017; 36: 1.

Implementation and effectiveness of Connecticut's risk-based gun removal law: does it prevent suicides? *Law and Contemporary Pro*. Swanson JW, Norko MA, Lin HJ, Alanis-Hirsch K, Frisman LK, Baranoski MV, Easter MM, Robertson AG, Swartz MS, Bonnie RJ (2017).

Background checks for all gun buyers and gun violence restraining orders: state efforts to keep guns from high-risk persons. Vernick JS, Alcorn T, Horwitz J (2017). *The Journal of Law, Medicine & Ethics*. 2017; 45: 98-102.

Extreme risk protection orders - effective tools for keeping guns out of dangerous hands. Bonnie RJ, Swanson JW. *Developments in Mental Health Law*. 2018; 37: 2-6.

Effects of risk-based firearm seizure laws in Connecticut and Indiana on suicide rates, 1981–2015. Kivisto AJ, Phalen PL. *Psychiatric Services*. 69: 855-862.

Extreme risk protection orders to reduce firearm violence. Frizzell W, Chien J. *Psychiatric Services*. 2019; 70: 75-77.

Elderly gun ownership and the wave of state red flag laws: an unintended consequence that could help many. Sklar T. *The Elder Law Journal*. 2019; 27: 100-115.

PRESS RELEASES

Talking points - HB 106, relative to extreme risk protection orders.

February 8, 2023

Good afternoon, Chairman Roy and members of the House Criminal Justice and Public Safety Committee. My name is Vic Topo and I am here representing the NH Community Behavioral Health Association and the state's ten community mental health centers, to express our strong support for HB 106.

I am also here as a member of the New Hampshire Suicide Prevention Council. Part of the Council's charge, per RSA 126-R, is to oversee the implementation of the New Hampshire suicide prevention plan and to serve as a proponent for suicide prevention in New Hampshire.

According to the NH Child Fatality Review report issued last week, suicide was the cause of death for over 23% of our residents, age 1 to 21, between 2017 and 2021; and 38% of those suicides were gun deaths. Finding reasonable and practical ways to help prevent those deaths is part of my mission, personally, professionally, and as a member of the Suicide Prevention Council. HB 106 is one such solution.

We all know that mental health issues, especially among children and teens, spiked in the past three years, following the shutdowns and isolation of the COVID-19 pandemic. We also know that the state has a severe workforce shortage in the health care arena, and that extends to the community mental health system. We are struggling to ensure that everyone in all our communities gets the care they need, when they need it.

As you have already heard from others, 19 states and the District of Columbia now have so-called "red flag laws," and in New England, all our neighboring states except for Maine have enacted these laws. Maine passed a "yellow flag" law in 2019, which was a compromise with sportsmen's groups, and which is still being evaluated for its effectiveness.

In 2019, the National Council for Mental Wellbeing issued a valuable report - "Mass Violence in America" - following a 2-day convening of experts, including clinicians who treat individuals with mental illnesses and substance use disorders, administrators, policymakers, educators, advocates, law enforcement, judges, parents and payers. I won't read to you from that 96-page report - I will submit a

copy to your clerk for the file - but I will just highlight this recommendation: ***Enact state red flag or extreme-risk protection orders that allow the temporary removal of guns from individuals who are known to pose a high risk of harming others or themselves in the near future.***

Gun safety translates into public safety for all the parties involved:

- the at-risk individual who owns firearm
- family members
- and the community at large.

With ERPO, there are no losers but only winners who can **temporarily** remove a weapon and prevent a tragic incident.

By passing HB 106, it's no longer just the professional community that is working on suicide prevention - as the phrase goes, "it takes a village" - to reduce the likelihood of a tragic incident involving use of firearms. It's all of us understanding the risks and presenting the case in a court of law. Having an ERPO provides an opportunity for intervening with someone who may be at their worst breaking point in their lives and who have easy access to firearm to use on themselves or even others.

With the current implementation of the Rapid Response program across the state, the community mental health centers already work closely with law enforcement, and that collaboration will be greatly strengthened with a legal procedure such as extreme risk protection orders.

The community mental health centers are ready and willing to work with all our partners to ensure that this law, once enacted, is effective and helps saves lives. Please vote Ought to Pass on HB 106. Thank you for the opportunity to speak.

Testimony Regarding Gun Violence Prevention

Prepared by John Bunker, MHS, ScD

Mister Chairman and Committee Members, I am John Bunker. I reside in Stratham NH and am here today to support House Bill 78, 32, and 106. I have submitted written testimony and am here today to provide background regarding why as a parent, grandparent, gun owner, and public health professional I support these Legislative Bills.

On April 26th 2022 while driving on the Maine Turnpike returning from a remote fishing trip with no cell or Wifi service I heard about the Uvalde Texas school shooting on the radio. The news report left me angry, scared, and motivated. **Angry** that we as a nation have failed to successfully address the public health epidemic of gun violence. **Scared** that my three-year-old granddaughter will be in a grammar school classroom very soon. And **motivated** to become engaged in gun violence prevention in my community and home State. This is why I am here today.

I come to the gun violence issue with respect for the vast majority of gun owners in this country who are responsible, safe, and law-abiding members of their respective communities. I grew up in Concord hunting and fishing with my father and grandfather, and I taught riflery and safe gun practices at summer camp.

I have enjoyed a thirty plus year career in public health and health care. I hold master's and doctoral degrees from The Johns Hopkins University School of Public Health. I have spent several years providing national and international health care consulting to private, public, and nonprofit sector clients. I served for over a decade as the founding President of New Futures, a nonprofit advocacy organization established by the NH Charitable Foundation to reduce the impact of substance use disorders in NH. After New Futures I served as an Associate Dean and Director of External Relations at the University of New Hampshire College of Health and Human Services, retiring in 2018. I have served on several nonprofit Board of Directors, including Good Will of Northern New England, NAMI (National Alliance on Mental Illness) NH, and the NH Center for Nonprofits.

After extensive study and research on the epidemic of gun violence in our country today, I have strong support for House Bills 78, 32, and 106 because they are rationale, reasonable, and research-based public health policy proposals.

HB 78

Multiple States across the country are encountering similar legislation that nullify federal gun laws, putting local communities at risk. HB 78 would ensure that New Hampshire receives hundreds of thousands of dollars in federal grants and aid by complying with federal gun violence prevention efforts. It would also enable New Hampshire to collaborate with the Department of Justice, Federal Bureau of Investigation, and Bureau of Alcohol, Tabaco, and Firearms to reduce gun violence in New Hampshire. We need to close background check loopholes, stop the proliferation of ghost guns and assault style weapons on our streets, and develop a real plan to address the public health epidemic that is gun violence. This bill would promote communication and collaboration between local, state, and national agencies. Under current laws, state and local police can only assist if a separate violation of New Hampshire law has been or is about to be committed.

House Bill 32

This bill clarifies that possession or discharge of a firearm in a safe school zone is illegal and adds criminal penalties if this law is violated. State firearm laws are at odds with federal firearms laws. Since state firearm laws are so expansive, school districts are placed in a precarious position as they are legally required to respect gun laws, which prioritize firearm protections over safety for students, educators, and staff. HB 32 will allow school administrators to better enforce gun free school zones.

House Bill 106

This bill establishes a procedure for issuing a protection order to prevent someone who poses an immediate risk of harm to themselves or others from possessing a firearm. In New Hampshire, suicide 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. Almost half (49%) of suicide deaths in NH involve firearms. Unlike most other means of suicide, use of a firearm in a suicide attempt is almost always lethal and leaves little opportunity for intervention. While people may contemplate suicide for a long period of time, when they make the decision to end their life, there is often very little time elapsed between that point and them making an attempt. HB106 would allow law enforcement officers, family or household members, and intimate partners to petition the court for temporary removal of firearms from a person who poses an immediate risk of harm to themselves or others.

Finally, I want to share a quote from a recent editorial that resonated with me:

The latest shootings were tragically, infuriatingly predictable. So let's ask politicians not just for lowered flags and moving speeches but also for a better way to honor the dead: an evidence-based slog that saves lives.

Thank you, Mister Chairman and Committee members, to present my testimony today and for the sake of time I will not take any questions to provide other speakers an opportunity to provide their testimony today.

I have provided you with three resources that you may find of interest. The Rand Report on the Science of Gun Policy (436 pages) is a comprehensive report on the latest research on gun violence that is an outstanding reference on these issues.

Testimony Resources

1. The Rand Corporation, The Science of Gun Policy, Third Edition

https://www.rand.org/pubs/research_reports/RRA243-4.html

2. Johns Hopkins Center for Gun Violence Prevention and Policy

<https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-violence-prevention-and-policy/>

3. Journal of the American Medical Association September 22, 2022

Firearms and Violence: Volume 328 Number 28 pages 1153-1266

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 106-FN

BILL TITLE: relative to extreme risk protection orders.

DATE: February 16, 2023

LOB ROOM: 202-204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Roy

Seconded by Rep. Rhodes

Vote: 11-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Alissandra Murray, Clerk



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Report

2023 SESSION

Criminal Justice and Public Safety

Bill #: HS 106 Motion: ITL AM #: _____ Exec Session Date: 2.16.2023

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Roy, Terry Chairman	✓		
Rhodes, Jennifer M. Vice Chairman	✓		
Pratt, Kevin M.	✓		
Sytek, John Hill	✓		
Proulx, Mark L.	✓		
Janvrin, Jason A.	✓		
Mannion, Dennis	✓		
Reid, Karen A	✓		
Stone, Jonathan F.	✓		
Tenczar, Jeffrey	✓		
Harriott-Gathright, Linda C.		✓	
Meuse, David		✓	
Bouldin, Amanda C.		✓	
Bradley, Amy Clerk Sue Newma.		✓	
Murphy, Nancy A.		✓	
Newman, Ray E.		✓	
Murray, Alissandra Rep Vate		✓	
Newell, Jodi K		✓	
Selig, Loren		✓	
Wheeler, Jonah O	✓		
TOTAL VOTE:			

11 9
pass