

Senate Judiciary Committee

Jennifer Horgan 271-2609

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

Hearing Date: June 24, 2020

Time Opened: 10:08 a.m.

Time Closed: 12:39 p.m.

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

Members of the Committee Absent : None

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

Sponsors:

Rep. Altschiller

Rep. Fenton

Rep. Knirk

Rep. Backus

Rep. Espitia

Rep. Mulligan

Sen. Watters

Sen. Sherman

Sen. Hennessey

Sen. Dietsch

Sen. Kahn

Who supports the bill: Please See Sign-In Sheets

Who opposes the bill: Please See Sign-In Sheets

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

Summary of testimony presented in support:

Representative Altschiller (submitted written testimony)

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

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

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

Ken Norton (NAMI) (submitted written testimony)

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

Representative Knirk

- This bill is a public health approach for dealing with gun violence.
- The majority of firearm deaths are due to suicide.
- Access to a firearm increases the risk of suicide by three times.
- If a gun is not easily accessible, the attempt is less likely to result in death; allowing that person to obtain help.
- Although first responders do everything they can, most individuals that attempt suicide by gun die before reaching the hospital.
- After mass shootings, gun rights groups frequently call for addressing mental health problems and this bill provides a tool to do that.
- This does not seek to restrict access to firearms simply because someone has sought mental health help or is living with a mental health diagnosis.
- Restricting access with an ERPO requires a finding that a person poses a serious risk to themselves or others based on a pattern of dangerous behavior.

- After mass shootings or suicides, we often hear that there were warning signs.
- An ERPO allows a family to call for help before the person is hurt.
- CT ERPO law was associated with a 14% reduction in the state's firearm suicide rate.
- This bill is a commonsense public health approach to the problem of gun violence.

Representative Horrigan (submitted written testimony)

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

Representative Mulligan (submitted written testimony)

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

Representative Stevens (submitted written testimony)

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

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

Representative Coursin

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

Clyde Bacon

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

Robin Skudlarek (submitted written testimony)

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

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

David Breault

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

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

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

Sonia Prince

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

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

Rob Leatherbee

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

Margaret Tilton (submitted written testimony)

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

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

Heidi Hanson

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

Andrew Caldwell

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

Cindy White (submitted written testimony)

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

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

Pamela Hanson

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

Barbara Prien (submitted written testimony)

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

Representative Chase

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

Summary of testimony presented in opposition:

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

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

Laura Hopkinson

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

Joseph Cameron

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

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

Honorable Bob Clegg (Pro Gun NH)

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

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

Kimberly Morin (Women's Defense League)

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

Thom Bloomquist

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

Curtis Wright

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

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

Paul Maravelias

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

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

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

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

Evan Coar

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

Shirley Dawson

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

Brad Rohdenburg

- Retired marine and federal law enforcement officer.

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

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

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

Thomas Dawson

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

Ethan Jennings

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

Erica Layon

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

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

Michael Layon

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

James Gaffney

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

Rita Mattson

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

Penny Dean

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

Michael Debitetto

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

jch

Date Hearing Report completed: June 26, 2020