

House Judiciary Committee Hearing 3.26.25

To: Chair Craven and members of the House Judiciary Committee

Submitted by David H. Leach, Providence, RI

I support the following bills on the agenda for 3.26.25.

H5436 RHODE ISLAND ASSAULT WEAPONS BAN ACT OF 2025

H5443 SUICIDE PREVENTION

H5651 JUVINILE RECORDS

H5652 MISDEMEANER with HATE CRIME

H5654 NO CONCEALED CARRY TO OUT OF STATE RESIDENTS with permit from other states.

H5891 DISQUALIFIES PERSON WITH PRIOR FELONY CONVICTION from purchasing or possessing firearm.

I oppose the following bills on the agenda for 3.26.25

H5935 RECIPROCITY Recognize out of state permits, authority to carry during an emergency evacuation and appeal process for permit denial.

TESTIMONY

Yes, there are plenty of good men and women who own firearms in Rhode Island who have no intention of shooting up a school or workplace with an assault type weapon or semi auto pistol with a large capacity magazine. Unfortunately, the risk these weapons present far outweigh their usefulness to those good gun owners. To paraphrase the former head of the NRA who said, it takes a good guy with a gun to stop a bad guy with a gun. I add a good guy with a gun is one trigger pull away from being a bad guy with a gun. In a civilized society it is the job of law enforcement to protect us from the bad guy with a gun. The weapons included in this legislation H5436 are weapons of choice used by those who not only kill but injure large numbers of people. The effects on those physically injured and psychologically injured from these shooting last a lifetime.

“A God Given Right” – No! If it were a God given right, then we could all carry a concealed rock in our pockets.

A **“Constitutional Right”** – Well, yes, but the “right to bear arms” is not in the constitution but in the Bill of Rights, the first ten amendments of the constitution and it isn’t a constitutional right until the Supreme Court says it is in whatever circumstance before it.

“What part of ‘the right of the people to keep and bear arms, shall not be infringed’ don’t you understand”. – No part of the constitution or the amendments thereto have gone without being challenged and or interpreted by the courts, state and federal with the US Supreme Court as the final arbiter of what is the law. Bans on assault type weapons have been passed in other states and Washington, DC. They have been challenged and will be continued to be challenged but the challenge alone does not make the bans unconstitutional.

Think about how many cases have been decided on the issues of search and seizure. Is it a house, a car, a closed suitcase, a drone over someone’s backyard, peaking in a window on someone’s private property. What about the right to not to self-incriminate oneself. We are all familiar with the so-called Miranda warnings. What came before. How did the right develop over a couple of hundred years. So, it is wrong to blithely declare something is unconstitutional until the courts decide.

They are not assault weapons! – Yes, we know. They are assault “type” weapons. True assault weapons are designed to fire on full auto or with a selector switch in bursts or single shots. The weapons in question are designed to look and act like their military counterparts with large capacity magazines in every respect except you need to pull the trigger as fast as you can or add a bump stock or other device. These same weapons can be converted to be fully auto by a competent gunsmith with parts often bought online. They are a great danger to law enforcement who must meet fire with fire. Where years ago a sergeant on patrol might have a shotgun in the trunk they now have to have an automatic weapon and a bullet proof vest in the car.

They are not for hunting since most hunting laws restrict how many bullets or shot shells can be loaded to give the animals a sporting chance. They aren’t for trap shooting, either.

You may wonder why they are so popular. Think of toxic masculinity and heavy money spent on advertising and promotion by the manufacturers. Stop at most Walmarts and look for the magazine rack. There will be at least a half dozen magazines devoted to all aspects of assault type weapons. There will be cool ads showing men in fatigues armed to the teeth with cool sights and lights added on. It is true that there are women owners, but their numbers are far outweighed by men owners.

Self Defense (PARANOIA) Many will tell you they have them for self-defense. In truth many who say that are thinking about defense against the government, the Deep State, who they believe

are a threat. Or they want to be prepared for some form of civil unrest or the apocalypse. In fact, they are a danger to law enforcement officers in the lawful exercise of their duties.

This will outlaw all handguns! Nope. The law has no effect on revolvers. The only handguns to be affected would be those sometimes referred to as “machine pistols”, short barreled, easily concealed weapons with a magazine often using the same ammunition used in regular handguns which is forward of the pistol grip and can be used to steady and aim the weapon.

What about the AR15 “type” weapon I have now. The state will take it from me. NO. You will have one year to register it, and you can keep it. If you don’t want it, you can sell it to a federally licensed gun dealer. In fact, you can keep it at home, your business or take it to a range for practice and competitions or take it to a gun dealer for repair or servicing.

But I will have to pay a fee for my guns to register them. Yes, but the fee of \$25 is one time for one or more weapons not for each weapon. One registration form for each weapon but only one fee for all.

Everyone will know I have a weapon. All filings will be confidential unless subject to a lawful court order. Filings may be disclosed to state and federal law enforcement. That should not be a problem unless you are paranoid that the government will be coming to your house to take away your assault type weapons. It can protect law enforcement in case they have to stop by, and you are inclined to barricade yourself in the house and fire from a second-floor window.

Final Thoughts These weapons aren’t good for self-defense in the home. An AR15 fired in an apartment will pass through the wall and could kill someone next door. Firing in a home might cause the bullet to end up next door. You might be better with a tactical shotgun at close range.

As criminals have increased their firepower law enforcement has had to increase theirs. The days of detectives carrying snub nose 38 cal. revolvers are long gone. People complain about the militarization of the police. Less lethal weaponry in the hands of civilians would make us all safer.