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From: Independent Journalist <PressPass1@pm.me>
Sent: Saturday, March 22, 2025 7:42 PM
To: House Judiciary Committee
Subject: Written Testimony for H 5436 – Rhode Island Assault Weapons Ban Act of 2025.

March 22, 2025

To the Honorable Members of the House Judiciary Committee
State of Rhode Island General Assembly
82 Smith Street
Providence, Rhode Island 02903

Re: Opposition to H 5436 - Rhode Island Assault Weapons Ban Act of 2025

Dear Members of the House Judiciary Committee,

I write to you today as a concerned U.S. Citizen, Rhode Island resident, voter, and independent free press with a deep commitment to the preservation of our constitutional rights, particularly the Second Amendment to the United States Constitution. I urge you to reject H 5436, the "Rhode Island Assault Weapons Ban Act of 2025," which represents an unconstitutional overreach and a direct infringement on the fundamental rights of law-abiding Rhode Islanders. This proposed legislation not only mischaracterizes commonly owned firearms but also fails to address the root causes of violence while imposing undue burdens on citizens exercising their inherent rights. Below, I outline my opposition based on indisputable legal, historical, and factual grounds.

1. The Second Amendment Protects the Right to Bear Arms in Common Use

The U.S. Supreme Court has consistently affirmed that the Second Amendment guarantees an individual right to keep and bear arms for self-defense. In *District of Columbia v. Heller* (2008), the Court held that this right extends to firearms "in common use" for lawful purposes, such as self-defense. The firearms targeted by H 5436—semi-automatic rifles, shotguns, and pistols with certain features—are precisely those in widespread, lawful use across the United States. According to estimates from the National Shooting Sports Foundation, there are over 24 million AR-15-style rifles alone in circulation as of recent years, making them among the most popular firearms for hunting, sport shooting, and home defense.

H 5436's definition of "assault weapon" is a misnomer, encompassing firearms based on cosmetic features like pistol grips, folding stocks, or threaded barrels—none of which alter the functionality of a semi-automatic firearm. These features do not make a firearm more lethal; they enhance ergonomics and utility for lawful users. By banning such firearms, this bill violates the *Heller* standard, as it prohibits an entire class of arms that are neither "dangerous" nor "unusual" but rather commonplace and constitutionally protected.

2. Historical Context Rejects Arbitrary Bans

The Second Amendment's roots lie in the Founding Fathers' recognition of the need for an armed citizenry to secure a free state and protect individual liberty. In *New York State Rifle & Pistol Association v. Bruen* (2022), the Supreme Court further clarified that restrictions on Second Amendment rights must be consistent with the "historical tradition of firearm regulation" in the United States. No

such tradition exists for banning semi-automatic firearms with the features outlined in H 5436. At the time of the Founding, citizens owned a variety of firearms, including those capable of rapid fire for the era, without restriction based on arbitrary characteristics.

The bill's proponents may point to modern concerns, but history demonstrates that broad bans on entire categories of firearms—especially those in common use—lack precedent. Rhode Island's own history, as a state founded on principles of individual liberty, should compel this committee to reject a measure that departs so starkly from our constitutional heritage.

3. Empirical Evidence Undermines the Bill's Rationale

Proponents of H 5436 may argue that it enhances public safety, but the data does not support this claim. The FBI's Uniform Crime Reports consistently show that rifles of all types—including those mislabeled as "assault weapons"—account for a small fraction of homicides. In 2022, for example, rifles were used in fewer than 4% of firearm homicides, while handguns dominated at over 60%. If the goal is to reduce violence, targeting semi-automatic rifles with specific features is a solution in search of a problem.

Moreover, mass shootings, though tragic, are statistically rare and often involve firearms that would not be classified as "assault weapons" under this bill. Studies, including those from the Rand Corporation, have found no conclusive evidence that assault weapons bans significantly reduce gun violence. Criminals, by definition, do not comply with laws, and this bill would disproportionately burden law-abiding citizens while leaving the root causes of crime—poverty, mental health, and enforcement failures—unaddressed.

4. The Bill's Registration and Confiscation Scheme Is a Slippery Slope

H 5436 imposes a one-year registration window for owners of so-called "assault weapons" lawfully possessed before January 1, 2026, with severe penalties for noncompliance, including up to ten years imprisonment and forfeiture. This retroactive burden transforms a constitutional right into a privilege contingent on government approval. The registration requirement, coupled with the bill's vague language (e.g., firearms "readily modified" to accept detachable magazines), invites abuse and could lead to future confiscation.

The Supreme Court has warned against laws that impose "prohibitive" burdens on constitutional rights (Heller, 2008). Requiring fingerprinting, fees, and bureaucratic hurdles for exercising a pre-existing right is precisely the kind of infringement the Second Amendment guards against. Once a registry exists, history—from Australia to New York—shows it often precedes confiscation efforts, undermining trust in government and chilling the exercise of constitutional freedoms.

5. Practical Consequences for Law-Abiding Citizens

This bill would turn thousands of Rhode Islanders—hunters, sport shooters, and those who rely on these firearms for self-defense—into felons overnight unless they navigate a complex compliance process. The "grandfathering" provision is illusory: owners must either register, render their firearms inoperable, surrender them, or transfer them out of state, all under threat of draconian penalties. This is not a compromise; it is coercion.

For rural residents, where law enforcement response times can be delayed, semi-automatic rifles are a practical tool for self-defense against human or animal threats. For competitive shooters, these firearms are standard equipment. H 5436 dismisses these legitimate uses, treating law-abiding citizens as presumptive criminals rather than rights-bearing individuals.

Conclusion

H 5436 is an unconstitutional assault on the Second Amendment, unsupported by historical tradition or empirical evidence. It targets firearms in common use, imposes punitive restrictions on law-abiding citizens, and fails to address the true drivers of violence. I implore this committee to uphold the Constitution and the rights of Rhode Islanders by rejecting this bill outright. The General Assembly should focus instead on proven measures—enforcing existing laws, addressing mental health, and supporting community safety—rather than symbolic gestures that erode our freedoms.

Thank you for your time and consideration. I look forward to each of our elected officials honoring your oath in this matter, and fully supporting the United States Constitution and Rhode Island Constitution and opposing this bill and any other standing to oppress our constitutional rights.

Respectfully submitted,

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