

March 24, 2025

Testimony in Opposition to HB 5436, HB 5443, HB 5130, and HB 5069

Dear Chairman Craven and House Judiciary Committee Members,

My name is John Gallucci. I am a resident of Scituate, Rhode Island, and I am writing this testimony to voice my strongest possible opposition to HB 5436, HB 5443, HB 5130, and HB 5069. I am a graduate of the U.S. Naval Academy and a Disabled former Naval Intelligence Officer. I hold graduate degrees in both National Security and Strategic Studies and Mathematical Sciences. I write this as a third generation veteran. My grandfather fought valiantly at Normandy on D-Day in World War II to ensure his progeny would remain free. My father and brother both served honorably in the Army. I was an active-duty Naval Officer on 9/11; both my brother and I made wartime deployments to support Operation Iraqi Freedom, and I went on to work at NORAD and U.S. Northern Command to support the protection of our Homeland and the Global War on Terror.

I spent the first ten years of my adult life serving the Navy and my country on active duty, nearly half that time supporting the Global War on Terror, and I spent four additional years as a civil servant in the Intelligence and Security fields. We learned many important things from that tragic attack on the World Trade Center and from the 20 years of war that followed; in particular, we saw that our vast oceans no longer shield us from the dangers of a violent and unpredictable world, we learned that those intent on mass murder and violence will make a weapon out of anything they can get their hands on, as we had to redefine our idea of what constituted potential weapons of mass effect; perhaps most importantly, we learned that mass murderers and terrorists are already in our midst, that they have a universal preference for soft, vulnerable targets, and that the only way to protect ourselves and our most vulnerable assets (like our neighbors and children) is with vigilance, strength, and by turning permissive environments into secure ones. The right of the people to keep and bear arms has stood since our nation's inception as a vital strategic deterrent to potential enemies ranging from adversary nations to ideological extremists and petty criminals. We can make all the laws and post all the signs we want, but we have seen that murderers, violent criminals, and terrorists are notoriously undeterred by anything short of armed defense, layered security measures, and both visible and concealed responders.

Moreover, credible sources have shown consistently that Rhode Islanders take firearm safety extremely seriously and that our existing laws are more than adequate to punish and deter violent offenders, as Rhode Islanders have shown themselves worthy of exercising their inalienable, Constitutionally-protected right to bear arms, as year after year Rhode Island has been rated among the safest states in the nation when it comes to firearms and violent crime, with current ratings from such diverse media outlets as U.S. News and World Report and anti-gun publication everystat.org, both of whom rated Rhode Island the fourth safest state in the Union when it comes to firearms and violent crime (based on data current as of 2024). Not only are further restrictions on this right clearly unneeded, but both your oath and mine prohibit them strictly, even by legislation or any form of government action short of Constitutional Amendment. I therefore implore you to honor your oath of office, resist the allure of scoring a divisive victory in partisan politics, and do the right thing.

The evidence is clear that the law-abiding firearm owners of Rhode Island exercise their second amendment rights responsibly; there is thus nothing to be gained and so very much to be lost by betraying the most sacred trust of your constituents in the manners proposed below. I urge you most sincerely to oppose turning our law-abiding firearm owners and enthusiasts into de-facto criminals.

Please Oppose:

HB 5069 - Limits acceptable reasons for a person to request/apply for a concealed carry license.

- This would be illegal: R.I.G.L. § 11-47-11 allows Rhode Islanders to apply for a concealed carry permit from local licensing authorities (frequently these are your local police departments) and provides that these municipal licensing authorities “shall issue” a permit to qualified, suitable applicants who are at least 21 years old and either reside or have their place of business in the city or town, or reside within the United States and have a license or permit issued by any other state or subdivision within the United States. Under this statute, and case law interpreting it, local law enforcement cannot require a showing of need as part of the application to obtain a permit. See *Gadomski v. Tavares*, 113 A.3d 387, 392 (R.I. 2015).
- In addition, I would ask you to consider an analogous case of requiring a demonstration of need for citizens to exercise the Constitutionally-protected right to free and open speech. Both the first and second amendments enumerate God-given, inalienable rights and guarantee them to the People. Should it not seem equally unthinkable to require a demonstration of need to be allowed to exercise either inalienable right?

HB 5130, and its companion bill, SB 59 - Would require all "crime guns" to be submitted to the ATF for testing and tracing.

- This law on its face is far too vague, as is the verbiage “identified by law enforcement as suspected of having been used in a criminal offense” implies the lack of due process.

HB 5443 - Allows individuals to voluntarily add themselves to a watchlist that would restrict their right to purchase or possess a firearm.

- This law is unnecessary because individuals who recognize themselves as a threat or believe they are mentally unfit to own a firearm already have the option to seek psychiatric evaluation. If they are deemed unfit, they can be committed to an institution and are already prohibited from purchasing firearms. Additionally, these individuals are supposed to be reported to the National Instant Criminal Background Check System (NICS). The real focus should be on ensuring states comply with the reporting of these individuals to NICS, rather than creating new, redundant laws.

HB 5436 - An "assault weapons" ban to prohibit the future possession, purchase, sale, control, and manufacture of commonly owned firearms.

- This bill is egregious and overreaching in many respects:
 1. Illegal Firearm Registry
H5436 (page 6, lines 28-34) mandates a gun owner registry, which is explicitly prohibited under Rhode Island law (Title 11, Chapter 11-47, Section 11-47-41). This statute forbids any government agency from maintaining a list of privately owned firearms or their owners, except in cases involving violent crimes or convicted

individuals. Forcing law-abiding citizens to register their firearms—or face felony charges after 90 days—is a clear violation of state law and an arbitrary abuse of power.

2. Ineffective and Overbroad Feature Bans

The bill's feature-based restrictions lack any basis in reducing firearm lethality and instead rely on fear-driven misconceptions that serve only to hinder the ability of disabled firearms owners to operate their own firearms without exacerbating existing injuries or disabilities. Consider the following:

- **Weight Restrictions (>50 oz):** This ostensibly targets pistol variants of rifles (e.g., AR-15, AK-47) but also bans many common revolvers and semi-automatic handguns (e.g., .44 Magnum, .50 cal) designed to mitigate recoil. This contradicts claims that only specific firearms are affected.
- **Threaded Barrels:** These are being targeted for their association with suppressors (already unreasonably illegal in RI) but are also used for compensators, which reduce recoil for new or recoil-sensitive shooters (such as aforementioned disabled firearm owners). Nearly all semi-automatic rifles and shotguns (via choke tubes) feature threaded barrels, making this a de facto ban on most firearms for no justifiable reason.
- **Shrouds:** Defined (page 2, lines 22-24) as anything encircling the barrel to protect the non-trigger hand, this vague language bans virtually every semi-automatic rifle—since a handguard is essential for safe operation. These features are also on every bolt action rifle and even black powder rifles, which typically use far more powerful cartridges than found in handguns and so-called "assault weapons".
- **Magazine Placement & Buffer Tubes:** Most semi-automatic and many bolt-action rifles accept magazines outside the pistol grip. Buffer tubes, critical to AR-15 function, are also targeted, alongside stocks or braces on countless other firearms.

These restrictions do not enhance safety; they criminalize standard, widely owned firearms based on arbitrary traits.

*There are no publicly available firearms out there that could possibly be used by any military force in existence as actual "assault rifles", which require not only high power, but also rapid, full-automatic rates of fire capable of suppressing fortified enemy positions. Nevertheless, the term "assault rifle" has somehow become a commonplace misnomer that is, in all practicality, little more than a telltale scapegoat for uninformed anti-firearm zealots to refer to a scary-looking rifle or even pistol. Please join me in taking a principled stand against such ignorance, and help empower those who share the passion Rhode Island firearm owners universally embrace for safety by providing those who blindly oppose what they clearly don't understand with knowledge of basic firearm terms, types, and functions, and ideally endowing them with enough basic information to allow Rhode Islanders from across party lines and all levels of firearms familiarity to engage in productive dialog and collaboration that might help replace fear and hatred with understanding, as a vital first step that might eventually bring together best practices and knowledge-based, practicable solutions to enhance the safety and security of all of us when it comes to firearms, just as we would in virtually any other arena of public safety or welfare.

3. Criminalizing Possession of Parts

Page 2, lines 33-34, make it illegal to possess parts that could assemble an “assault weapon,” even if unmounted. This vague provision turns ordinary Rhode Islanders into felons for owning common components, with no public safety benefit.

*Please see the above discussion of “assault weapon” and basic firearm knowledge.

4. Practical and Constitutional Concerns

Beyond its illegality under state law, this bill infringes deeply on constitutional rights (at both the State and Federal levels) and disproportionately harms law-abiding citizens who are already some of the safest, most responsible firearm owners in the country. Feature bans like flash hiders (which mitigate, not eliminate, muzzle flash) or choke tubes (standard on shotguns) serve practical purposes, often enhancing safety or simply ergonomics, and do nothing to affect lethality or serve any conceivable criminal purpose.

I urge you to oppose these unconstitutional bills. Partisan politics aside, Rhode Islanders deserve representation that respects their rights and the law.

Thank you for your time and consideration.

Respectfully,

John Gallucci