

Ariana Costa

From: Mark Spear <proltd@gmail.com>
Sent: Wednesday, March 26, 2025 12:49 PM
To: House Judiciary Committee
Subject: Opposition of HB 5436, HB 5443, HB 5130, and HB 5069.

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Chairman Craven, and House Judiciary Committee Members,
My name is Mark Spear, I am writing this testimony in opposition of HB 5436, HB 5443, HB 5130, and HB 5069.
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).

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 way too vague , as it 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:

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.

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. Consider the following:

- **Weight Restrictions (>50 oz):** This 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. Nearly all semi-automatic rifles and shotguns (via choke tubes) feature threaded barrels, making this a de facto ban on most firearms.
- **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 "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.

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.

Practical and Constitutional Concerns

Beyond its illegality under state law, this bill infringes on constitutional rights and disproportionately harms law-abiding citizens. Feature bans like flash hiders (which mitigate, not eliminate, muzzle flash—) or choke tubes (standard on shotguns) serve practical purposes, not criminal ones.

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.