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To: House Judiciary Committee
Subject: OPPOSE H5436A

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Dear Members of the House Judiciary Committee,

I am writing once again to express my **strong opposition** to the proposed Rhode Island Assault Weapons Ban, now in its revised form as **H5436A (Substitute A)**. While I recognize that the revision is intended to be more narrowly tailored, it remains a deeply flawed piece of legislation that will not achieve its intended goal of improving public safety—and comes at significant constitutional, financial, and social cost.

H5436A Is a Cosmetic Revision of a Fundamentally Flawed Bill

While I can appreciate that the legislature introduced refinements in H5436A —such as eliminating the mandatory registration scheme in favor of a voluntary certificate of possession—it still criminalizes the ownership of the most commonly owned constitutionally protected firearms and accessories based solely on cosmetic features. It preserves the same misguided framework as the original H5436, banning semi-automatic rifles, pistols, and shotguns based on detachable magazines and arbitrary design elements like barrel shrouds or pistol grips. These characteristics have no correlation to increased lethality or misuse.

As someone with a Master’s Degree in Mechanical Engineering and over two decades of experience handling firearms—including teaching in this field—I feel compelled to point out that many of the features banned under **H5436A** are not “military” features that enhance lethality, but rather **ergonomic or safety components** that promote responsible and SAFE firearm use.

Let’s look at several examples:

- **Telescoping Stock:**
This allows the stock of a rifle to be adjusted by 2–3 inches to accommodate users of different sizes—such as a smaller-statured person, youth shooter, or someone with limited shoulder mobility. Far from making a weapon more dangerous or concealable, it allows a shooter to shoulder the firearm correctly, improving **control and accuracy**. Federal standards, including those from the **ATF**, state that a firearm with an overall length greater than **26 inches** is not considered readily concealable. In fact, many rifles with telescoping stocks exceed that by a wide margin. Ironically, removing this adjustability can make handling more difficult—particularly for women or smaller-framed individuals—thus making the firearm **less safe** to operate.
- **Thumbhole or Pistol Grip:**
These grips are designed for **comfort and control**, particularly for those with wrist or hand issues like carpal tunnel (such as myself). They have **no effect** on how the firearm operates. On most modern sporting rifles (including the AR15), this is simply a removable plastic grip attached with a single screw—it does not interact with the action, firing mechanism, or magazine. It’s there for comfort and controllability, not combat, and it helps ensure the user maintains safe control of the weapon.
- **Threaded Barrel:**
A threaded barrel is often used to attach muzzle devices such as compensators, muzzle brakes, or suppressors. While **suppressors remain illegal in Rhode Island**, neighboring states like Connecticut regulate and allow them,

and internationally—such as in much of Europe—they are unregulated and even encouraged as a **courtesy device** to reduce hearing damage. Suppressors do not make a firearm silent, contrary to Hollywood portrayals; they reduce the sound to a safer level, and hearing protection is still strongly recommended. Threaded barrels are also used for devices that **redirect gas away from the shooter and others nearby**, making shooting safer and less problematic to those around you.

- **Barrel Shroud:**

This is a protective covering around the barrel, intended to prevent accidental burns from touching a hot metal surface. This is a **basic safety feature**. Banning it not only misunderstands its purpose, it **increases the likelihood of injury**. Most states with similar laws—past and present—do not include barrel shrouds in their definitions of restricted features, and for good reason: they are a **safety mechanism**, not a threat.

These features are being banned not because they make firearms more deadly, but because they **look like** something found on a military rifle. That is **not a rational basis** for criminalizing otherwise safe and responsible configurations of commonly owned firearms.

There is **no statistical evidence** that banning these features has any impact on reducing gun violence. Meanwhile, their removal actively undermines **safe handling practices**—particularly for new or smaller-framed users—and creates legal penalties for features that are **neutral or even beneficial to public safety**.

If safety is truly the priority, then any legislation should *encourage*—not prohibit—features that improve control, comfort, and injury prevention.

There is No Evidence that an Assault Weapons Ban Improves Public Safety

The Department of Justice's own review of the 1994–2004 federal assault weapons ban concluded that it had no measurable effect on gun crime or gun deaths:

"Should it be renewed, the ban's effects on gun violence are likely to be small at best and perhaps too small for reliable measurement."

— Roth & Koper, DOJ National Institute of Justice, 2004

[NIJ Report Link](#)

Rhode Island already enjoys one of the **lowest firearm-related death rates** in the country—**3.1 per 100,000 residents**, according to the CDC (including suicides). Banning rifles rarely used in crime will not “move the needle” on this already strong performance. In 2019, the FBI recorded **just 25 total homicides** in Rhode Island, only 10 involving firearms—and **none involving rifles**, let alone so-called “assault weapons.” ([FBI Crime Data 2019](#))

Legal Precedent Stands Strongly Against This Ban

The U.S. Supreme Court has been consistent and unequivocal:

- **District of Columbia v. Heller (2008):** “Arms ‘in common use’ are protected.”
- **McDonald v. Chicago (2010):** Incorporated the 2nd Amendment against the states.
- **Caetano v. Massachusetts (2016):** Protected modern weapons not in existence at the Founding, and furthered the definition of “in common use” (to only a few thousand tasers)
- **NYSRPA v. Bruen (2022):** Established a text-and-history standard that invalidates laws lacking a historical analogue.

The AR-15 platform, which H5436A targets by proxy, is owned by **more than 20 million Americans**—a clear sign of “common use.” ([NSSF Production Data](#)) - which will be protected by the above cases and more.

Supreme Court Justice Brett Kavanaugh wrote just this week in a statement regarding the denial of review of a recent 2A case, noting that since “*millions of Americans own AR-15s, and a significant majority of states allow possession of those rifles,*” the challengers “*have a strong argument that AR-15s are in ‘common use’ by law-abiding citizens and therefore protected by the Second Amendment.*” He went on to say that the Fourth Circuit’s decision is questionable, and cautioned that the Court’s refusal to hear the case now should not be interpreted as an endorsement of that ruling, stating “*although the Court today denies certiorari, a denial of certiorari does not mean that the Court agrees with a lower-court decision*” .

Justice Thomas goes further, writing how we will “*not wait to decide whether the government can ban the most popular rifle in America. That question is of critical importance to tens of millions of law-abiding AR-15 owners throughout the country. We have avoided deciding it for a full decade. And, further percolation is of little value when lower courts in the jurisdictions that ban AR-15s appear bent on distorting this Court’s Second Amendment precedents. I doubt we would sit idly by if lower courts were to so subvert our precedents involving any other constitutional right.*”

Kavanaugh believes the Court will likely take up the AR-15 issue within the next term or two, once other appellate courts have weighed in, and Thomas and Gorsuch have been voting to take up the issue every time it is presented. Can Rhode Island afford to defend this unconstitutional law and be on the wrong side of the courts? This legislation is not only bad policy—it is **unconstitutional**.

H5436A Will Harm the Economy and Waste Taxpayer Money

The firearms industry supports over **2,600 Rhode Island jobs**, with an average wage of **\$79,000**, contributing over **\$34 million in tax revenue annually**. ([NSSF Economic Impact Report](#))

H5436A risks suppressing this sector and invites expensive litigation.

Enforcement Failures Undermine the Case for New Laws

Before adding new restrictions, we must ask: **Why are existing laws not being enforced?**

According to sentencing data analyzed by Parabellum Provisions ([Analysis of AG’s Gun Crime Report](#))

- In 2022, **84%** of drug charge cases had some firearm charges dismissed, and **74% of them had ALL firearm charges dismissed**.
- In 2023, **65% of drug crime cases with firearm charges had ALL firearm charges dismissed**.
- In 2022, **72%** of domestic violence cases had some firearm charges dismissed, and **63% had ALL firearm charges dismissed**.
- In 2023, **71%** of domestic violence cases had some firearm charges dismissed, and **23% of them had ALL firearm charges dismissed**.

This raises a crucial question: **If we’re not prosecuting the gun crimes we already have laws for, what makes anyone think new bans will be meaningfully enforced or effective?**

Who Will Be Disarmed by This Legislation?

The fastest-growing demographics of new gun owners in the U.S. are **Black women** and the **LGBTQ+ community**, particularly trans individuals. These are precisely the people H5436A would disarm by banning commonly owned firearms used for lawful defense:

- [Essence: Rise of Black Women Gun Owners](#)
- [The Cut: Black Female Gun Ownership](#)
- [Washington Post: Armed LGBTQ+ Communities](#)

After the recent disgusting terror attack in Colorado, and many others like it over the years, are we really suggesting that we limit or hinder vulnerable populations' ability to defend themselves? Are these really the communities you wish to criminalize for possessing the most effective tools available for self-defense in this day and age?

It's important to acknowledge that gun control in America has historically been used not to improve public safety, but to **disarm marginalized and vulnerable populations**. From the post-Civil War Black Codes to 20th-century urban laws designed to limit firearm access in low-income communities, gun control has too often been wielded as a tool of discrimination. In fact, some of the earliest forms of firearm regulation in the United States were explicitly intended to prevent formerly enslaved Black Americans from exercising their Second Amendment rights. A clear example of this legacy is New York's **Sullivan Act** of 1911—one of the first laws in the country to require a permit to possess a handgun. It was championed by then-State Senator Timothy Sullivan, a Tammany Hall political boss, and was widely understood to be a means of disarming **immigrants, especially Italian and Irish Americans, as well as freed slaves**, all of whom the political establishment viewed as threats. The law was selectively enforced, allowing the politically connected to remain armed while disarming working-class communities under the guise of public safety. It laid the groundwork for modern licensing regimes that still **disproportionately affect the poor and disenfranchised**.

This legacy continues today in more subtle but no less harmful ways. Laws like H5436A disproportionately impact those **without the financial resources to comply**—working-class families, minorities, and other underrepresented groups. A voluntary registration system with fingerprinting, fees, and paperwork may seem benign, but in practice it creates **barriers to lawful ownership** paramount to a poll tax for people without the time, money, or legal assistance to navigate the bureaucracy. The right to self-defense should not depend on income level or zip code. Not everyone has an extra \$50 to spend registering, nor the several 100s of dollars it would take to make an already expensive firearm compliant with the new laws, not the funds to just purchase a new compliant firearm. When **many Rhode Islanders are struggling with rent, mortgages, utility bills, and grocery bills - are we really suggesting another financial burden** be placed on them?

Rather than advancing ineffective and divisive legislation like H5436A, I urge the committee to consider:

- Enforcing existing firearm laws
- Addressing root causes like mental illness and recidivism / repeat offenders.
- Investing in community-led violence intervention programs
- Protecting the rights of ALL citizens—especially vulnerable populations. The 2A does not just protect white men, it protects us all. The single mother in Providence, the hard working immigrant father, the elderly grandmother, and everyone else who has the honor of calling themselves a citizen of Rhode Island.

H5436A may be revised, but it remains deeply flawed. It addresses a statistically insignificant problem with sweeping restrictions on constitutional rights, ignores the failure to enforce current laws, harms the state's economy, and puts Rhode Island on the wrong side of federal law and precedent.

For all these reasons, I respectfully ask you to **oppose H5436A** and any similar attempt to restrict the rights of law-abiding Rhode Islanders.

Respectfully,

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