

## Roberta DiMezza

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**From:** Brian Capuano <brian@dynotechtuning.com>  
**Sent:** Thursday, March 5, 2026 10:46 AM  
**To:** House Judiciary Committee  
**Subject:** The proposed H-8073

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Dear Representative/Senator,

As a law-abiding gun owner in Rhode Island, I urge you to oppose House Bill H-8073. This bill amends R.I.G.L. § 11-47.2-2 by adding "possess" to the list of prohibited actions for "prohibited firearms"

This retroactively criminalizes thousands of responsible Rhode Islanders for owning property they legally acquired, without addressing real crime sources. Rhode Island's gun laws are already among the strictest nationwide; this escalates to de facto confiscation via forced disposal.

I support protecting our communities and reducing violence, safer neighborhoods benefit everyone. However, the amended H-8073 now bans possession of certain firearms, going far beyond sales regulation to punish law-abiding citizens who have followed every rule.

Criminals ignore gun laws and can easily obtain firearms in nearby states like New Hampshire, Maine, or Vermont with fewer restrictions.

**Remember the recent Brown University shooter** drove in from Boston, Massachusetts, killed two students and wounded nine other students. Then drove out of Rhode Island.

What will this law do for that scenario? or your **H5436 Ban? Zero.**

This change mainly burdens responsible Rhode Islanders, not criminals. It also raises serious Second Amendment concerns, risking expensive legal challenges and taxpayer costs. True violence reduction requires addressing root causes: mental health support, substance abuse treatment, stronger enforcement of existing laws, and community prevention, not penalizing compliant gun owners.

I respectfully urge you to oppose the amended H-8073 and focus on balanced solutions that protect both public safety and constitutional rights.

H-8073 also violates core constitutional protections:

A. Dormant Commerce Clause — It compels interstate commerce by mandating export of firearms, bans in-state transfers, regulates out-of-state markets, and forces a mandatory interstate market—precisely what states cannot do under Supreme Court precedent.

B. Fifth Amendment Takings Clause — It destroys all economically viable use of lawfully owned property in Rhode Island without compensation, forcing sales or destruction under felony threat—a per se taking.

C. Second Amendment (Bruen) — The government must show a historical tradition of analogous regulations. None exists for banning common semi-automatic firearms in widespread lawful use, forcing export, or criminalizing possession of arms in "common use" nationwide. The bill fails Bruen's text-and-history test.

D. 14th Amendment Due Process — Criminalizing possession offers no realistic in-state compliance option, imposing arbitrary, severe penalties without alternatives or rational basis—lacking narrow tailoring.

E. Equal Protection — It unjustifiably allows indefinite possession by law enforcement and licensed dealers while denying it to ordinary citizens.

I respectfully demand you **VOTE NO** on H-8073 and any similar measures to safeguard our constitutional rights. Please reply with your position and planned actions.

Thank you for your service and for representing me.  
Sincerely,

Brian Capuano  
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