



New Hampshire Firearms Coalition

NH's Only No-Compromise Gun Rights Organization

February 19, 2019

Dear Representative:

I am writing to you in opposition to HB 696 on behalf of our members who are firearms owners, dealers and manufacturers. We have a well established criminal justice system that carries the presumption of innocence until proven guilty. This bill would turn that system on its head and allow an ex-parte, telephonic hearings that would strip citizens of their natural and constitution rights without due process.

On February 27 or 28th you will be asked to vote on HB 696 which is a cleverly disguised bill to allow gun confiscation under the premise of protecting elderly adults. The truth is that HB 696 is more about the confiscation of firearms (mentions the word 21 times in the committee amendment) than it is about protecting adults. RSA 161-F already addresses the issues that HB 696 claims to address; such as fiscal abuse and exploitation. The one exception is that current statutes do not allow the plaintiff to have firearm(s) confiscated and that is what HB 696 would add to New Hampshire's statutes.

In fact, RSA 161-F:42 says: "161-F:42 Purpose. – The purpose of this subdivision is to provide protection for vulnerable adults who are abused, neglected, or exploited..." The statute also mandates reporting and the Attorney General's office has a dedicated webpage for such reports.

Criminal threatening is also addressed in current law, (RSA 631:4) and upon conviction there is a process for removal of a firearm; a procedure that does not violate due process or forgo the presumption of innocence that our criminal justice system is based upon.

HB 696 is about allowing ANY person to claim that an adult was being abused and to strip the citizen of their constitutionally protected rights. Would we do this for voting? Would we do this before someone can pray or publish a letter to the editor? We along with our members ask that you find this bill Inexpedient to legislate and vote down the committee recommendation of ought to pass.

I am enclosing a detailed letter from former State Representative Dan Itse which explains the clear Constitutional violations in H B696. I have also enclosed a letter from our national partners at Gun Owners of America opposing HB 696. Please vote NO on an "ought to pass" motion on HB 696 and YES on an "inexpedient to legislate" motion. Thanks for your consideration.

NHFC LEADERSHIP TEAM

Alan M. Rice	President
Paul Marquis	First Vice President
Kirk Beswick	Second Vice President
Hon. J.R. Hoell	Corporate Secretary
Michael E. Hammond, Esq.	Legislative Advisor
Timothy J. Goulden, Esq.	Legal Advisor
Tony Hook	Advisor
Jim McLoud	Advisor
Thomas J. Goulden, II	Advisor
Hon. Dan Itse	Advisor

Very truly yours,

Alan M. Rice
President - NHFC, Inc.



GUN OWNERS OF AMERICA

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February 19, 2019

Memorandum

From: Michael Hammond, Legislative Counsel

To: All New Hampshire State Representatives

The current majority now in control of the New Hampshire General Court is not wasting any time pushing legislation to confiscate guns from Granite Staters **WITH NO DUE PROCESS WHATSOEVER.**

The bills are House Bill 696 (the Gun Confiscation of Caregivers Act) and HB 687 (the Comprehensive Gun Confiscation Act).

Both bills have this in common: A state official makes a phone call to a judge, who, under the circumstances, would “sign a ham sandwich”. Based on the telephone call, the police arrive at the gun owner's door in the middle of the night -- prepared to ransack his home and, if he resists, to arrest or kill him.

The first anti-gun bill, House Bill 696, was unanimously reported out of the House Health Human Services and Elderly Affairs Committee on February 13th. HB 696 allows a state-appointed “guardian” of a senior citizen to make the telephone call which strips the gun owner of his Second, Fourth, Fifth, and Fourteenth Amendment rights.

So, the first question: How is a guardian appointed? Well, it turns out that there is a standard procedure -- which is widely regarded as a “joke” in the New Hampshire legal community -- whereby a phone call to a probate judge, made from the basement of Concord Hospital, can strip the senior of all of his or her constitutional rights and can strip the senior of control over all of his or her property. As with most “telephone courts,” our experience with these matters is that the judge would “sign a ham sandwich” if it were placed before him.

STEP TWO: After the guardian is appointed, House Bill 696 authorizes the newly appointed guardian to make a second phone call to strip the senior's family of their constitutional rights -- again, without notifying the family and, again, by a judge who would “sign a ham sandwich.” Previous versions of the bill specified that the family could be stripped of their Second Amendment rights. The new bill, which is “open-ended” about what rights can be taken away, would almost surely result in gun confiscation -- but is too dishonest to admit it in advance.

Well, what about the requirement that the family be “charged” with “abuse”? It turns out that, once the state of New Hampshire provides “services” to a senior's family, the Department of Health and Human Services begins to micromanage the family. Failing to “follow orders” in any respect is viewed as “abuse.” My own personal experience, in particular, is that the failure to force my mother to take Zolof against her will was found to be “abuse.” It turns out that Zolof was an appetite suppressant and that the states “orders” were, in actuality, killing her.

Please see reverse...

So, the bottom line: Under the provisions of House Bill 696, two telephone calls would strip the senior and the senior's family of their Second Amendment rights.

House Bill 696 is similar to HB 687, which would allow a single phone call to strip a gun owner of his Second Amendment rights -- and, again, would lead to a "knock on the door in the middle of the night" by police prepared to ransack the home and, if he resisted, to arrest or kill the gun owner.

If anyone doubts that this would happen, consider 60-year-old Gary Willis of Ferndale, Maryland, who was shot to death by police serving a "red flag" order at 5:17 a.m. It turns out that the "red flag" order was requested by an angry relative who objected to Willis' political views.

Both House Bill 696 and HB 687 would be viewed as victories by the Bloomberg and Giffords' gun control organizations -- and are opposed by every legitimate pro-gun group in the state, including Gun Owners of America, the National Rifle Association, Gun Owners of New Hampshire, and the New Hampshire Firearms Coalition.

Please, when HB 696 comes before you on February 27, vote NO on an "ought to pass" motion and YES on an "inexpedient to legislate" motion. When HB 687 comes before you at a later date, we would ask you to oppose that as well.

Thanks for your consideration.

Hon. Daniel Itse
P.O. Box 70
Freemont, NH 03044
itsenh@comcast.net

February 17, 2019

Dear Member of the House of Representatives;

I am writing to you in opposition to House Bill 696, Establishing a Protective Order for Vulnerable Adults. By way of background, I am the former Chairman of the Committee on Constitutional Review and Statutory Recodification, and former Vice Chairman of the Committee on Children and Family Law.

HB696 is an affront to the American legal system and the United States and New Hampshire Constitutions. It presumes the defendant is guilty until proven innocent, and provides for a mechanism by which to prevent the opportunity to prove innocence. This will make caring for a sick or disabled family member a legal risk. I think of the years I cared for my son Jarrod. Under this law, a clever lawyer could have made a claim on his behalf, and kicked us out of our home, making it impossible for us to care for him. Consider caring for an elderly parent suffering from early dementia. They could honestly believe that you are hostile to them, and deprive you of your home and property. HB 696 will ultimately make caring for sick family members a risk, and force them into State care.

First, and foremost I have constitutional concerns regarding this Bill. The Constitution of the State of New Hampshire, Part the First, Article 15, states; "No subject shall be held to answer for any crime, or offense, until the same is fully and plainly, substantially and formally, described to him;" HB696, Amendment 2019-039 (Page 2, Line 22) allows the temporary orders to be issued ex parte. The Hearing, if there is one, is held without the defendant. However, it only allows the defendant to have a hearing if the temporary order is issued in writing. If the temporary is issued by telephone, property can be confiscated with no written record. The basic form of this law is guilty until proven innocent, and if the temporary relief is by telephone, you can't request a hearing. You can't demand the opportunity to prove your innocence. The Bill uses the terms "plaintiff" and "defendant" which are criminal terms, and then sends the controversy to the Family Court. In Family Court the usual terms for the two parties are "petitioner" and "respondent" as is usual in civil cases. The Family Court is a court of equity, not a criminal court and many of the jurists are not equipped to deal with criminal cases. The laws regarding the Family Court allow Referees and Masters (not Judges) to be assigned to any case (RSA 490-F:15). In every other court, Referees are required to be retired Judges, Masters in the Family are required to be attorney's with training in family matters, but Referees in Family Court are have no requirements, and several are listed as former employees of the Court. The statutory jurisdiction of the Family Court (RSA490-D:2) specifically states that there are no rules of evidence in the Family Court. HB696 (173-D:4 V) specifically throws out the technical rules of evidence allowing hearsay. There are Referees in the Family Court who are known to receive sealed envelopes as evidence that are never opened and the respondent (defendant) never sees, and the Referee doesn't read (Case Number 622-2006-DM-0520, January 3rd, 2018). Because

of the criminal aspects of the law it would be better addressed in District Court where domestic violence is addressed.

The Bill allows the jurist to issue a search warrant to seize any firearms or ammunition. While on the face this seems constitutional in accordance with Part 1, Article 19, Article 19 was written in regard to gathering evidence to support the investigation of a crime. The action contemplated in HB696 is dispositive, pursuant to either a Temporary or Final Court Order, equivalent to a conviction. The Bill is a conflation of investigation, conviction, criminal law and civil law.

Finally, in regard to recodification, there are already Statutes regarding elderly abuse and neglect (RSA 161-F:41 to 161-F:53). HB696 which creates a new chapter of law is in some respects redundant to the existing Statutes, and in other respects in conflict with the existing Statutes. The existing Statutes designate the Department of Children Youth and Families as the investigating agency, while HB696 authorizes independent third party action. The existence of two independent Chapters of law which overlap is confusing, and will create wildly varying outcomes. It would be better if all abuse of vulnerable adults were addressed in one chapter of law and tasked to an investigating agency.

Please vote NO on an “ought to pass” motion on HB 696 and YES on an “inexpedient to legislate” motion.

Thanks very much for your kind consideration.

Sincerely,

Hon. Daniel C. Itse P.E.

P.S. There is no difference between tyranny at the point of a gun or a knife and tyranny at the point of a pen; especially when that pen is backed by the power of the sword.