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Letters to the Editor
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VIA FACSIMILE 224-8120

Dear Editor

RE: THE SKY IS FALLING, THE SKY IS FALLING- HB 330 and HB 536 did your reporter even READ the bills before writing such distortions of them?? Worse yet did the elected members of the New Hampshire General Court (some of them are even lawyers) actually read these bills, let alone understand them?

HB 330 IS BAD for gun owners. The structural, substantive and technical problems with HB 330 are enormous, and should be clear to anyone who actually READS the bill. Representative Hoell's HB 536 is a good attempt to strike a balance between firearm owner's choices and rights, although it may require some amendment.

I have read wild, ignorant and inflammatory assertions about HB 536. Clearly, most of those claims were written by those who did not read the bill, let alone have the capacity to understand it. Hand grenades? Show me where says people can carry hand grenades in HB 536. Oh, it does not say that anywhere! Not only does HB 536 not say that people can carry hand grenades (even if it did, which it does not READ the bill) this particular state law cannot trump the federal law in place with our current case law. Hand grenades are not defensive weapons under the common meaning of that term and would not be protected under HB 536.

A hand or "rifle" grenade is a destructive or explosive device regulated by the National Firearms Act 26 U.S.C. [United States Code, federal law] § 5845 (f) and more commonly known as a destructive or explosive device requiring federal registration, payment of a \$200 tax, and approval from the BATFE [Bureau of Alcohol Tobacco Firearms and Explosives] prior to taking possession of such an item-assuming one can lawfully do so. The Arms Export Control Act, 18 U.S.C. § 925 (a)(1) [and similar import laws] contains certain exceptions for the United States, any department thereof, or any State or any department, agency or political subdivision thereof, 18 U.S.C. § 921 (a)(4) further regulation of "hand grenades" pertaining to individuals can be found at 27 C.F.R. [Code of Federal Regulations] 478.27, 27 C.F.R 447.11, 27 C.F.R. 447.21 Category IV (a) and on and on. How many Federal Laws must be cited to show the hand grenade argument by those who oppose HB 536 just don't know what they are talking about? I could list more laws than the size of this newspaper would allow!

HB 536, [among other provisions]

- I. Provides that any person present in this state, and not incarcerated in a prison, jail, or other secure facility, or who is not otherwise prohibited from possessing a firearm under RSA 159:3, shall have the natural right to possess or carry, whether openly or concealed, or use, acquire, purchase, inherit, sell, give, dispose of, or receive any firearm without a license, permit, or restriction of any kind from or by any government agency. ...
- II. Establishes a criminal penalty for interference with the right to carry.
- III. Provides that obtaining a license to carry a pistol or revolver shall be voluntary, shall be granted to any suitable person, and shall only be denied, suspended, or revoked upon proof of just cause beyond a reasonable doubt.....
- IV. Requires the director of the division of state police to negotiate and enter into agreements with other jurisdictions to recognize in those jurisdictions the validity of the license to carry issued in this state”

THE SKY IS FALLING< THE SKY IS FALLING! There are claims that HB 536 allows persons who can NOT lawfully possess a firearm to carry one. If only eliminating the effect of some of the bad federal laws were that easy, the NH General Court could pass LOTS of bills eliminating the effect of much federal legislation. It is not quite that simple. HB 536 clearly states that those who are prohibited from possessing a firearm under RSA 159:3 cannot carry firearms. 159:3 prohibits Convicted Felons from possessing arms. How hard is this to understand? Yes, HB 536 does make changes to current law (isn't that the point of a bill, to add or amend current law?).

Yes, HB 536 allows those accused but NOT the convicted to possess firearms. This is basic American jurisprudence, innocent until PROVEN guilty. I have represented many individuals charged with “gun crimes” whose bail conditions prohibit their use/possession/control of firearms, and whose firearms are seized pursuant to bail conditions simply by virtue of their being CHARGED with a crime. The “gun crime” my clients are typically charged were from actions of SELF DEFENSE. This could happen to you. You defend your life, or the life of your loved ones with a firearm (even simply displaying and not even discharging the firearm-and don't you believe for a minute the "brandishing" bill that was recently passed will save you) you are charged with the “crime” of brandishing, criminal threatening, you name it ...and I will almost guarantee you that in New Hampshire your bail conditions will require you turn over ALL of your lawfully owned firearms to the police as a condition of being released on bail until trial. You have now defended your life against someone who you believe to be less than a pillar of society, that person knows where you live, and knows you no longer have firearms to defend your and your family's life with. Boy, how comfortable would you feel until trial (1-2 years) without a firearm to defend yourself? HB 536 would put the axiom of “innocent until proven guilty” into practice.

I read some newspaper's version of many cases I am intimately familiar with in most cases with disgust. The newspapers' job appears to be to garner your interest and sell newspapers, NOT to tell the truth, the WHOLE truth and just the truth.

If there are parts of the bill (such as courtroom carry, which I personally think have merit, off duty cops get to carry firearms in court, the judge can carry, yet defense lawyers cannot defend themselves????) that are disagreeable to some, then like any other bill those portions of the bill can be removed via an amendment after a hearing.

There are claims that HB 536 allows the mentally ill to bear arms. No, those mentally ill would be prohibited from bearing of arms as would be those subject to court ordered confinement to a mental institution. A court order, in theory – protects the due process rights of the accused but prevents psychologists and psychiatrists from disarming people simply because a family member “thinks it best” or other reasons having little to do with a “suspicion” that they are dangerous or “might be gonna do something bad”.

One of the apparent goals of HB 536 is to make a License to Carry a firearm optional. Vermont, Alaska (and now Arizona) do not require a license to carry a firearm (with certain parameters) and I have not heard news reports of blood running in the streets.

Rights without legal protection of those rights is no rights at all. There are a myriad of federal laws that have been enacted to protect employees, union organizers, women, individual’s sexual preferences, religious preferences, and the right to keep and bear arms is a constitutional right under both the New Hampshire and United States constitution, yet, we have virtually NO statutory protection in New Hampshire against federal, state and local law enforcement abrogation of that right! We should have protection, and this bill is a good start at doing just that.

Those who are spouting this balderdash about HB 536 are simply demonstrating their woeful ignorance of the basic laws pertaining to firearms and their use in New Hampshire. AFTER a discussion on the merits of the entire bill (and no bill should be pulled at the demand of one person, elected or otherwise) as well as seeing the flaws of HB 330 revealed, then and only then should our elected representatives cast a vote on these bills. Regardless of how you feel about firearms and these bills, do you really want a Representative that does not even read a bill, but rather relies on some journalist or commentator that either does not read, or does not understand the bill? I wouldn’t.

Very truly yours,

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