

## Roberta DiMezza

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**From:** Chris Welch <chriswelch122@gmail.com>  
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**To:** House Judiciary Committee  
**Subject:** Testimony H5436

**Follow Up Flag:** Follow up  
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I am writing to you to express my OPPOSITION to H 5436 and I request you oppose the legislation.

Rhode Island's recent push to ban so-called "assault weapons," as announced by Governor Dan McKee and state legislators on February 11, 2025, represents a misguided effort that is both unconstitutional and unnecessary. This proposal not only infringes upon the Second Amendment rights of law-abiding citizens but also fails to address the empirical realities of crime and public safety. Furthermore, it undermines the foundational principles of individual liberty and protection against factions articulated in the Federalist Papers, which remain as relevant today as they were in 1788. Drawing on decades of research, statistical evidence, and legal analysis, this ban is a flawed policy that prioritizes political rhetoric over reason and evidence.

In *District of Columbia v. Heller* (2008), the Court ruled that the Second Amendment protects the right to possess firearms "in common use" for lawful purposes, such as self-defense. In *New York State Rifle & Pistol Association, Inc. v. Bruen* (2022), the Court further clarified that restrictions on this right must be consistent with the nation's "historical tradition of firearm regulation." Rhode Island's proposed ban on "assault weapons"—a term that lacks precise legal meaning and encompasses many semi-automatic firearms in common use—fails this test.

Rhode Island's own constitution reinforces this protection. Article I, Section 22 of the Rhode Island Constitution declares: "The right of the people to keep and bear arms shall not be infringed." The state's attempt to ban an entire category of firearms, including semi-automatic rifles like the AR-15, contradicts both federal and state constitutional guarantees. These firearms are not exotic or unusually dangerous weapons of war; they are owned by millions of Americans for hunting, sport shooting, and self-defense. According to the National Shooting Sports Foundation, an estimated 24.4 million AR-15-style rifles were in civilian hands by 2023—hardly a fringe category of weaponry.

The Bruen decision also invalidated arbitrary permitting schemes, affirming that law-abiding citizens have a right to bear arms without undue government interference. Rhode Island Attorney General Peter Neronha has acknowledged that the state's concealed carry licensing complies with Bruen's "shall-issue" standard, yet the proposed assault weapons ban would strip citizens of the very tools they are constitutionally entitled to possess. This contradiction exposes the ban as an unconstitutional overreach.

Beyond its legal infirmities, the proposed ban is unnecessary because it will not reduce crime or enhance public safety. Research spanning over three decades demonstrates that gun control measures like assault weapons bans have no discernible impact on violent crime rates. Bans target a symptom, not the cause, of violence.

During the federal Assault Weapons Ban (AWB) from 1994 to 2004, the percentage of firearm murders committed with rifles—including those mislabeled as "assault weapons"—remained virtually unchanged. FBI Uniform Crime Reports show that rifles accounted for 4.8% of firearm murders before the ban (1990-1993), 4.9% during the ban (1995-2004), and even less—around 3%—in recent years (e.g., 2.9% in 2023). When the federal ban expired in 2004, dire predictions of surging gun violence failed to materialize. In fact, the FBI reported a 3.6% drop in murders nationwide in 2005, the first decline since 1999. This trend continued, with murder rates falling from 5.6 per 100,000 in 2004 to 4.9 per 100,000 by 2014.

In Rhode Island, the situation is even less compelling for a ban. According to the Rhode Island State Police, rifles of any kind were used in just 2 of the 41 homicides in 2023—less than 5% of the total. Nationally, mass shootings, while tragic, account for a tiny fraction of gun deaths (less than 1% annually), and "assault weapons" are not uniquely prevalent in these incidents. Handguns, not rifles, remain the overwhelming choice of criminals, comprising over 60% of firearm homicides in 2023 per FBI data.

Rhode Island's assault weapons ban exemplifies the kind of factional overreach Madison and our founders feared. Gun control advocates, driven by emotional appeals rather than evidence, seek to disarm law-abiding citizens while ignoring the inefficacy of their policies. This leaves individuals vulnerable to criminals—who, by definition, do not obey gun laws—and potentially to government overreach. As argued in *More Guns, Less Crime* (1998), armed citizens deter crime: counties adopting concealed carry laws saw an 8% drop in murders, a 5% reduction in rapes, and a 7% decrease in aggravated assaults. In Rhode Island, where concealed carry permits are issued to over 4% of adults (per Crime Prevention Research Center estimates), this deterrent effect is already at work.

Criminals, meanwhile, will not comply with the ban. The result? Law-abiding Rhode Islanders lose their rights, while criminals remain armed.

Rhode Island's proposed assault weapons ban is unconstitutional under both the Second Amendment and the state constitution, as affirmed by *Heller* and *Bruen*. It is unnecessary, as statistics show rifles play a minimal role in crime, and prior bans have failed to reduce violence. Rather than stripping rights from the law-abiding, Rhode Island should focus on enforcing existing laws against criminals.

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