

Anabella Mayorga

From: J DiCarlo <jasondicarlo@yahoo.com>
Sent: Monday, March 24, 2025 10:48 AM
To: House Judiciary Committee
Subject: testimony AGAINST AWB HB-5436

Follow Up Flag: Follow up
Flag Status: Completed

Hello Chairman Craven, and House Judiciary Committee Members,

I would encourage all member to take the time to educate themselves by watching this video from Judge Vandyke.

My name is Jason DiCarlo, a resident of Foster, RI and I am writing this testimony in opposition of HB 5436, HB 5443, HB 5130, and HB 5069.

As a lifelong RI resident, taxpayer, first responder, and former business owner, I urge you to uphold your oath to support the Constitution of the State of Rhode Island and the United States of America by voting NO on this bill!

This bill will not address the issues that it attempts to fix.

We do not have a firearms problem in the state or the country for that matter.

The problem that we do have is a mental health problem that needs to be addressed!

If you support the bill, you are actually causing more harm than good by taking away the rights and abilities of law abiding citizens and even politicians that own firearms to be able to defend themselves and their families.

When criminals or people with mental health issues decide to cause harm to others, We The People need to be able to protect ourselves since the police cannot be everywhere at anytime when they are needed.

When seconds count to save lives, YOUR ACTIONS in supporting this bill will cause more injuries and deaths to innocent people because this bill strips away our ability to own and carry almost all common currently manufactured firearms and their standard capacity magazines that they are designed for.

We the People are the ones that lawfully obtain all of the required background checks and jump through all the hoops required to obtain a concealed carry permit. We follow the laws to obtain and carry our firearms.

Criminals do not follow the laws and they will not be surrendering their illegal or stolen guns!

Please do not support criminals by passing this terrible bill and others that take away the rights of us lawful gun owners and restricting our safety to protect ourselves.

I will not be voting for anyone that supports this bill or other bills that takes away our rights and violates the Constitution.

Vote NO!

Respectfully,

Jason DiCarlo

Please Oppose:

HB 5069 - Limits acceptable reasons for a person to request/apply for a concealed carry license.

This would be illegal : R.I.G.L. § 11-47-11 allows Rhode Islanders to apply for a concealed carry permit from local licensing authorities (frequently these are your local police departments) and provides that these municipal licensing authorities “shall issue” a permit to qualified, suitable applicants who are at least 21 years old and either reside or have their place of business in the city or town, or reside within the United States and have a license or permit issued by any other state or subdivision within the United States. Under this statute, and case law interpreting it, local law enforcement cannot require a showing of need as part of the application to obtain a permit. See *Gadomski v. Tavares*, 113 A.3d 387, 392 (R.I. 2015).

HB 5130, and its companion bill, SB 59 - Would require all "crime guns" to be submitted to the ATF for testing and tracing. This law on its face is way too vague , as it the verbiage “identified by law enforcement as suspected of having been used in a criminal offense.” implies the lack of due process.

HB 5443 - Allows individuals to voluntarily add themselves to a watchlist that would restrict their right to purchase or possess a firearm.

This law is unnecessary because individuals who recognize themselves as a threat or believe they are mentally unfit to own a firearm already have the option to seek psychiatric evaluation. If they are deemed unfit, they can be committed to an institution and are already prohibited from purchasing firearms. Additionally, these individuals are supposed to be reported to the National Instant Criminal Background Check System (NICS). The real focus should be on ensuring states comply with the reporting of these individuals to NICS, rather than creating new, redundant laws.

HB 5436 - An "assault weapons" ban to prohibit the future possession, purchase, sale, control, and manufacture of commonly owned firearms.

This bill is egregious and overreaching in many respects:

Illegal Firearm Registry

H5436 (page 6, lines 28-34) mandates a gun owner registry, which is explicitly prohibited under Rhode Island law (Title 11, Chapter 11-47, Section 11-47-41). This statute forbids any government agency from maintaining a list of privately owned firearms or their owners, except in cases involving violent crimes or convicted individuals. Forcing law-abiding citizens to register their firearms—or face felony charges after 90 days—is a clear violation of state law and an arbitrary abuse of power.

Ineffective and Overbroad Feature Bans

The bill’s feature-based restrictions lack any basis in reducing firearm lethality and instead rely on fear-driven misconceptions. Consider the following:

- **Weight Restrictions (>50 oz):** This targets pistol variants of rifles (e.g., AR-15, AK-47) but also bans many common revolvers and semi-automatic handguns (e.g., .44 Magnum, .50 cal) designed to be heavier to mitigate recoil. This contradicts claims that only specific firearms are affected.
- **Threaded Barrels:** These are being targeted for their association with suppressors (already unreasonably illegal in RI) but are also used for compensators, which reduce recoil for new or recoil-sensitive shooters. Nearly all semi-automatic rifles and shotguns (via choke tubes) feature threaded barrels, making this a de facto ban on most firearms, including semi-auto shotguns nearly every hunter/sportsman uses.
- **Shrouds:** Defined (page 2, lines 22-24) as anything encircling the barrel to protect the non-trigger hand, this vague language bans virtually every semi-automatic rifle—since a handguard is essential for safe operation. These features are also on every bolt action rifle and even black powder rifles, which typically use far more powerful cartridges than found in handguns and "assault weapons"

- Magazine Placement & Buffer Tubes: Most semi-automatic and many bolt-action rifles accept magazines outside the pistol grip. Buffer tubes, critical to AR-15 function, are also targeted, alongside stocks or braces on countless other firearms.

These restrictions do not enhance safety; they criminalize standard, widely owned firearms based on arbitrary traits.

Criminalizing Possession of Parts

Page 2, lines 33-34, make it illegal to possess parts that could assemble an “assault weapon,” even if unmounted. This vague provision turns ordinary Rhode Islanders into felons for owning common components, with no public safety benefit.

Practical and Constitutional Concerns

Beyond its illegality under state law, this bill infringes on constitutional rights and disproportionately harms law-abiding citizens. Feature bans like flash hiders (which mitigate, not eliminate, muzzle flash—) or choke tubes (standard on shotguns) serve practical purposes, not criminal ones.

H-5436 Assault Weapons Ban in Rhode Island: More reasons Why It's a Problem

The proposed H-5436 bill sounds like a safety win, but dig deeper—it's got serious flaws and nothing to do with safety.

1. 5th Amendment Trouble: It bans transferring firearms in estates, slashing their value without compensation. The Constitution says that's a “taking”—and heirs could sue.
2. Probate Nightmares: The bill's wording could mean pricey legal battles to transfer firearms after someone passes, often costing more than the gun's worth.
3. Way Beyond “Assault Rifles”: This isn't just about military-style guns—it will ban ~74% of all firearms with detachable magazines, and any revolver or handgun weighing over 50oz. empty, which many have legally owned for over a century.
4. Clashes with RI Law: Since 1959, Rhode Island has banned gun registration (R.I.G.L. 11-47-41). This bill breaks that rule.
5. Self-Defense at Risk: The Supreme Court (Castle Rock v. Gonzales, 2005) says police don't have to protect you. This bill could leave law-abiding Rhode Islanders defenseless against armed criminals.
6. Misleading Spin: Polls push the idea this only targets “military weapons,” but it hits most firearms. True military guns are already banned!

The Bottom Line: H-5436 won't save lives—it'll disarm responsible Rhode Islanders who've passed strict training and background checks. Is this really about safety, or control? Tell the committee to ditch this bill! #RIpolitics #2ndAmendment

I urge you to oppose these unconstitutional bills. Partisan politics aside, Rhode Islanders deserve representation that respects their rights and the law.

Thank you for your time and consideration.

[Yahoo Mail: Search, Organize, Conquer](#)