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Sent: Monday, March 24, 2025 5:52 PM
To: House Judiciary Committee
Subject: H-5436 Assault Weapons Ban

Follow Up Flag: Follow up
Flag Status: Completed

March 22, 2025

Rhode Island House Judiciary

Chairman Representative Robert E. Craven,

Unattended Consequences of legislation / Against Passage

Dear Chairman Craven & fellow Committee members:

(1) Violation of the Takings Clause:

This Bill will prohibit the transfer or sale of firearms within an indivial estate upon death to family members. Upon passage of this bill there is a high probability that firearms dealers will no longer exist and if a few locations were to survive if this bill were to pass, they will only be able to offer a fraction of the firearms value, thus constituting a taking of value from one's estate.

· The Fifth Amendment to the U.S. Constitution states that private property shall not be taken for public use without just compensation. When a property owner dies, their property rights, including the right to compensation for a taking, are typically passed down to their heirs or beneficiaries through their estate. ***If a government regulation drastically reduces the value of property owned by someone who later dies, their heirs can still sue for compensation. ***

(2) Probate legal Matters:

The nature of the bill language will further exasperate and create expensive legal challenges to overcome in managing the sale and/or transfer of any weapon, thus potentially exceeding the end value of the firearm, and furthering the financial taking of an estate, while exasperating and furthering the undue financial burden of extended attorney's fees in probate court.

(3) This is an Assault Weapons Ban and not Assault Rifle Ban:

This distinction will prohibit the sale and transfer of virtually all firearms made.

Approximately, 74%, of all firearms made are designed to use detachable magazines, with 717.9 million magazines in circulation. With this understanding, this bill will outlaw firearms that have been legally available to the public for over one hundred years.

(4) R.I.G.L.11-47-41. Government firearm registration prohibited:

Since 1959, gun registration has been illegal in the State of Rhode Island, this bill conflicts with this long legal precedent.

(5) Supreme Court Ruling; Castle Rock v. Gonzales (2005): Police Departments are not legally obligated to protect individuals.

This bill will SEVERELY limit the general public's ability to obtain suitable legal protections, and most certainly R.I. residents will be outmatched by any criminal intruder.

(6) False Premise Polling:

General public is lead to believe this is an Assault Weapons Ban on Military style weapons. Where, in fact, it will ban 74% of all weapons made and have been available to the public for over 100 years. Military weapons are already banned.

Conclusion:

H-5436 gives a false impression to the public that this bill will even save one life; while failing to express that it will most certainly disarm Rhode Islanders from suitable and reasonable protections from harm, resulting in more unmatched criminal activity. Further, the authors of this bill fail to articulate the education, training, and extensive background checks that are legally mandated prior to such ownership of any firearm in Rhode Island. It's insulting to imply otherwise that Rhode Islanders are prohibited from being adults while their government determines their level of security! Therefore, with sound reason, I humbly ask the committee to reject Bill 5436 as ill-conceived.

Norman R. Neveux