

Recent bills in NH legislature related to firearms and new NHMS firearm safety policies

By Dr. Leonard Korn

In addition to the more recent mass killings in Atlanta and Boulder, 11 mass murders have occurred this year (defined as four or more deaths not including the perpetrator) and 158 mass shootings (four or more deaths or injuries). The data for 2021 lists 5,796 murders or unintentional gun deaths and 7,458 suicides by firearms. The epidemic of gun violence in our country is both alarming but also increasing year by year. The data is so substantial, and yet it also tends to be numbing as long as the trauma and loss is distant, and doesn't touch your family or community. Suffice it to say, the pressure to do something significant to reduce gun violence in our country remains as necessary as ever, even though the voices in our state legislature in New Hampshire and around the country in many states are going in the opposite direction.

The goal of the NHMS Subcommittee on Violence as a Public Health Issue has always been to make NHMS a leading advocate for gun violence prevention in New Hampshire and to bring those concerns to the New England delegation of the AMA and then to our national organization, the AMA.

Sometimes the issue of gun violence seems to be far from the relative safety we are blessed with in New Hampshire. And yet, we already have increasing rates of firearm suicide in the Granite State, even though our firearm murder rates are fortunately among the lowest in the country. But it is also true that at any moment we here in New Hampshire can wake up to a mass shooting in our state. Gun violence is still a public health issue even if it is not currently an epidemic here in NH. Our goal is to be proactive and to advocate for policies that make our state and country safer from firearms. We know that firearm murders, suicides and unintentional deaths and injuries can never be eliminated. But we also know that efforts to curtail gun violence can be successful in reducing the incredible price that we in this country have endured and suffered for far too long.

Earlier this year, I outlined the [history of gun violence prevention efforts of the NHMS and AMA](#) from 2013 through 2018. As a result of those efforts NHMS already has a very comprehensive list of policies in the sphere of gun violence prevention as a public health issue. In this article, I will discuss several bills in the NH legislature this year relating to firearm ownership and use. These bills will unfortunately be harmful rather than helpful in reducing gun violence and likely make our safe state not as safe as it has been. I will follow with three additional firearm safety policy positions that were recently adopted by the NHMS Council on "stand your ground" orders, "ghost guns" and "gun free school zones."

Stand your ground laws

Several bills were introduced in the NH legislature this year to *expand* "stand your ground" (SYG) laws in New Hampshire. SYG laws have actually only very recently been introduced in the US. First approved in Florida in 2005, 36 states now have similar laws – including NH. SYG laws upend centuries of legal tradition, removing the duty to retreat from uncertain, threatening or potentially violent situations. SYG laws thereby can embolden individuals to use deadly force in public, even when safe retreat from the situation or non-lethal force would suffice. As such, these laws allow individuals to use lethal force as a first step, rather than as a last resort. Because of this, these laws are often referred to as "shoot first" laws. The case of Trayvon Martin's death in Florida is a striking example of the potential tragedy of these laws.

Many studies show that stand your ground laws are associated with significant increases in homicide and injury rates. (32% increase in firearm homicide rates in one Florida study: [Humphreys, Gasparrini and Weibe, JAMA Internal Med 177, no.1, 2017:44-50](#); other references available on request). Instead of eliminating SYG laws, the NH legislature in 2020-2021 has introduced several bills to expand SYG in NH. In particular, HB 197 has already passed the House on pretty much partisan votes and will now go to the Senate for deliberation. This bill allows for the use of deadly force against another person where such person "is likely to use any unlawful force in the commission of a felony against a person *in a vehicle*." If passed by the Senate and the Governor, "road rage" can now have the sanction of the use of guns, a

deadly possibility in NH for sure, especially in a state like ours where anyone can carry a weapon in their car or on their person.

Gun-free school zones

Schools should be a safe haven from firearm violence. We are all too aware of the many mass shootings in schools, such as Sandy Hook, Marjory Stoneman Douglas, Columbine. In 1994, the passing of the federal [Gun-Free Schools Act](#) prohibited pupils from bringing or possessing guns in school zones. But currently there are no limitations in New Hampshire for other individuals bringing or possessing guns in school zones. Federal and state laws ensuring that schools are gun-free zones has helped make K-12 schools even safer, significantly reducing gun violence in these places (*Giffords Law Center*). In 2018, the AMA adopted a policy advocating that schools remain gun-free zones, with the exception of school sanctioned activities and professional law enforcement officials. The AMA policy also opposes requirements or incentives for teachers to carry weapons in schools.

HB 307 is a bill to expand New Hampshire's already expansive firearm preemption law to prevent any regulation of firearms and knives in municipal, school district and public college and university buildings and property. HB 307 has passed the House and is currently being deliberated in the Senate. This disastrous bill would not only disallow any municipality, school district or public college from deciding to have any restrictions on firearms or knives, but establishes penalties to punish any entities (school districts, municipalities, colleges) who impose any such restrictions.

Ghost guns

Ghost guns are homemade firearms without serial numbers made from kits (pre-manufactured parts) or 3-D printers, so that sales, ownership and use of such firearms cannot be traced through the National Instant Criminal Background System (NICS). NICS exists so that prohibited persons (criminals, domestic abusers and other prohibited persons) cannot legally buy or possess firearms, so ghost guns evade this "check system" and often end up in the hands of criminals and other prohibited persons. Although there are currently no bills related to ghost guns in our state legislature, ghost guns are becoming the preferred way for criminals to avoid the background check system. They need to be regulated to keep our communities safe.

Two final bills being considered this year are relevant to the issue of gun violence prevention as a public health issue. One is constitutional amendment CACR 8, an amendment that would prohibit the legislature from enacting any law restricting the right to own, carry, or use firearms or firearm accessories. This amendment is currently in committee (House Criminal Justice and Public Safety). This constitutional amendment would be inimical to any attempts to promote gun violence prevention as a public health issue. It is doubtful that this amendment will have the necessary votes to pass, but it is an issue to keep our eyes on. The other bill is SB 154, an act "prohibiting the state from enforcing a Presidential Executive Order that restricts or regulates the right of people to keep or bear arms." This bill has passed the Senate and is being deliberated in the House. Interestingly, President Biden has proposed an Executive Order requiring ghost guns to be registered and subject to NICS. SB 154 is in direct opposition to President Biden's action against ghost guns.

Three additional NHMS policies on firearm safety

The Medical Society's Council discussed and adopted the three policies to oppose all stand your ground laws, advocate for gun-free school zones, and oppose ghost guns. These three new policies will add to the robust positions that NHMS has already adopted in support of gun violence prevention, with the intent to bring them to the AMA New England Delegation for consideration.

My hope is that these articles will better inform Granite State physicians about the issue of gun violence prevention that the Medical Society has been addressing over the last several years.