



The Honorable Chris T. Sununu
Office of the Governor
State House
107 North Main Street
Concord, NH 03301

August 5, 2021

On behalf of the New Hampshire Coalition Against Domestic and Sexual Violence and our 12 member programs, we are writing with the urgent request that you **veto** SB141 and HB334, which would eliminate our state's Gunline and place victims of domestic violence and stalking at a heightened risk of lethal assault in our state.

New Hampshire's Gunline serves as a back-up registry allowing law enforcement to conduct criminal background checks when individuals attempt to purchase firearms, or petition to return their firearms, after they have been legally prohibited from owning firearms due to domestic violence or stalking. This system for handguns has been in place for over 20 years, and SB141 and HB334 do not adequately address several New Hampshire-specific public safety concerns. The Coalition and our programs that serve victims of domestic violence and stalking are concerned that the passage of these bills will result in the inadvertent sale of firearms to those who are legally prohibited from purchasing weapons due to their extreme risk of harming their partners and children.

Firearms are the leading cause of death in domestic violence cases in New Hampshire. Reviewing data from 2018-2019 illustrates that handguns were the cause of homicide over long guns 9 out of 10 times, and in general, firearms were the cause of death for domestic violence homicides nearly 50% of the time. According to the 2018-2019 Domestic Violence Fatality Review Committee Biennial Report, 21 people lost their lives to domestic violence homicide in the Granite State. This is a dramatic increase from the prior reporting period. On average, domestic violence is a factor in 77% of the state's murder/suicides and 51% of domestic violence homicides. Domestic violence remains one of the most prevalent legal and social problems in our state, and it is essential that all legal safeguards remain in place to prevent and deter escalating violence.

To highlight this further, thousands of individuals sought protection from domestic violence and stalking in the same two-year period. Nearly 8,000 victims filed domestic violence protective order petitions; over 4,000 victims filed civil stalking protective order petitions; and more than 7,500 Criminal Bail Protective Orders were issued across the state after an arrest. We know that the most dangerous time for a victim is when they are trying to leave an abusive relationship, and it's critical

that our background system is accurate and properly flags those who are legally prohibited from purchasing a firearm due to domestic violence or stalking. The passage of SB141 and HB334 would substantially weaken our background check system and could result additional domestic violence homicides against victims and their children.

The NH Gunline uses a process that is comprehensive and fully addresses the complexity of domestic violence and stalking cases. Both SB141 and HB334 omit critical provisions for victims that exist under current law. Specifically, there are three areas in each bill that would weaken our current laws that protect victims of violence and their children.

- 1) Public testimony from the New Hampshire Judicial Branch and Department of Safety stated that “Because there are errors or incomplete records in the NICS system, the searches conducted by the Gunline are more complete,” and “Because [the DOS case database] pre-dates the Brady Act, there may be matters in the DOS database that would not appear in a NICS only search. A hit on the New Hampshire database may require further investigation to determine the disposition from the court or to obtain other information to determine if it results in a disqualification.” This indicates that New Hampshire is not in any way prepared for an administrative transfer of our background check system to the federal government. Abandoning the Gunline at this time will leave the state with an incomplete and inconsistent database.
- 2) In addition, approximately 6% of cases where protective orders are issued the court do not include a date of birth for the defendant. If the Date of Birth (DOB) of an offender is unknown, the national registry cannot accept the protective order, therefore it cannot be instantly entered into the federal system. This is problematic because most victims of stranger stalkers do not know the DOB of the offender and their information would not show up on a “check” for certain firearms. The current Gunline has an alternate process to check these cases without DOBs, while SB141 and HB334 do not and would allow these particular domestic violence and stalking offenders to fall through the cracks and potentially purchase a firearm that could be used against their victims.
- 3) Unlike the current Gunline system, the new system created by SB141 and HB334 does not cover all types of protective orders offered to victims in New Hampshire. This leaves significant gaps in upholding protections for domestic violence and stalking victims in the Granite State. These bills would not allow for searching of the internal database at the Department of Safety which has cases that result in disqualifying events that are not captured in a search by the FBI only. For example, protective orders in custody and criminal bail cases would not be encompassed in the FBI system. These bills would also not allow the FBI to immediately search emergency domestic violence and stalking orders and criminal bail protective orders issued after hours, further limiting the state’s ability to adequately respond and ensure that violent offenders are not able to access deadly weapons which could be used to kill their victims.

In addition to the provisions omitted in SB141 and HB334, recent coverage of the Federal Bureau of Investigation’s background check system has revealed barriers in ensuring that all required checks are adequately completed. According to FiveThirtyEight, the FBI never finished over 300,000 background checks in the first nine months of 2020, the largest number of uncompleted checks to

date. In fact, the same article noted that “The share of background checks the FBI never completes has ticked up slowly since 2014, the first year on record, when it processed 8,256,688 checks and didn’t complete 172,879, or just under 2.1 percent. By 2019, the bureau was failing to complete about 2.5 percent of the background checks it processed, and it didn’t finish almost 3.4 percent in the first nine months of 2020.”

Knowing that there are a significant number of background checks not being completed at the federal level is extremely concerning, especially when considering the impact that this could have on the safety of domestic violence and stalking victims. We cannot be replacing the Gunline with a system that will fail to meet the standards necessary to prevent violence in our communities and protect victims and their children from lethal abuse.

It is imperative that the state’s background check system remain comprehensive, responsive, and flexible to account for the serious nature of the crimes of domestic violence and stalking. The outright elimination of the Gunline through SB141 and HB334 would weaken current protections for victims of domestic violence and stalking and will trivialize the very real danger that they face every day. We are truly grateful for your dedication to protecting victims of crime in the Granite State and ask that you consider their safety as paramount when evaluating SB141 and HB334.

Sincerely,

Lyn M. Schollett
Executive Director
New Hampshire Coalition Against Domestic and Sexual Violence