



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
mayor@cityofportsmouth.com
(603) 610-7200

Deaglan McEachern
Mayor

May 17, 2022

Members of the Committee of Conference for HB 307
107 North Maine Street
Concord, NH 03301

Re: The City of Portsmouth's statement in opposition to HB 307

Members of the Committee of Conference for HB 307:

The City of Portsmouth opposes HB 307 because it would put our most vulnerable at risk by permitting guns and knives in schools endangering New Hampshire's children. If HB 307 passes, our children will be in danger and government officials elected to do their job to protect them may be fined and removed from office by the Governor. HB 307 demonstrates a disregard for the safety of children in our schools and demonstrates a level of hostility toward local government and school district officials that is unprecedented.

We must balance the rights of gun owners against the right of a municipality to enact ordinances that protect the public. HB 307 is a bill that endangers public safety, particularly in our schools. How would a teacher know, upon seeing a person with a gun in school, whether to initiate safety protocols? Would that teacher's confusion cause delay and lives to be lost? How could schools prohibit the possession of knives on school property? How quickly could federal officials arrive to enforce federal laws that offer our children some protection?

The fines and remedies for violations of HB 307 are hostile to all municipalities and volunteer government officials. When a municipal ordinance is challenged as unconstitutional, court will typically find the ordinance unenforceable without assessing substantial fines and penalties. This is not the case in HB 307. The bill subjects public officials who unknowingly, or upon the advice of counsel, enact an ordinance, regulation or rule in violation of HB 307 to fines. The bill also broadly expands who has standing to bring an action by permitting not only citizens in the county, city or town where the alleged violation occurred, but also public or private organizations, as well as "any organization whose membership is aggrieved" to bring an action. A citizen or organization's membership that successfully brings an action against a municipality shall be awarded liquidated damages in the amount of \$10,000 and attorney's fees and costs, including a "contingency fee multiplier" if the attorney's fee was based on a contingency.

Even more concerning is the provision of the bill that would subject an official who “knowingly” enacted or enforced an ordinance, regulation or rule in violation of HB 307 to a **“termination of employment or contract or removal from office by the governor.”** Empowering the Governor to remove an elected official from office or to terminate a contract of an employee without judicial process is not only shocking, but unprecedented and unconstitutional.

Although the Senate’s amendment to HB 307 reduces some public safety concerns by prohibiting the use/discharge of firearms on municipal property, the bill goes way beyond the state’s preemption of the regulation of firearms and calls into question all cities and towns ability to regulate their property, including but not limited to: manage and regulation town property (RSA 41:11-a) and city property (RSA 47:5 and RSA 47:17); town forests (RSA 31:112); public recreational areas and parks (RSA 35:B); conservation land (RSA 36-A:4); and library property (RSA 202-A:6).

For the reasons mentioned above, I urge this Committee of Conference to not concur and kill HB 307. If the bill passes, I urge Governor Sununu to veto it. The safety of New Hampshire’s children depend on it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Deaglan McEachern', written over a horizontal line.

Deaglan McEachern, Mayor of Portsmouth

cc:

Members of Committee of Conference for HB 307: Senator Sharon Carson, Senator Harold French, Senator Rebecca Whitley, Representative Daryl Abbas, Representative John Burt, Representative Terry Roy, Representative Scott Wallace
Portsmouth City Council
Portsmouth Legislative Delegates
Karen Conard, City Manager