

2019 HOUSE POLITICAL SUBDIVISIONS COMMITTEE

HB 1381

2019 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee

Prairie Room, State Capitol

HB 1381
2/7/2019
Job # 32409

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature	Carmen Hickle
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Explanation or reason for introduction of bill/resolution:

Relating to a restriction on firearm buyback programs; and to provide a penalty

Minutes:

1, 2, 3

Chairman J. Dockter: Opens the hearing on HB 1381.

Rep. Simons: (Handout #1,2) Introduces the bill. He feels we should not be using law enforcement to buy back guns. He testified, what are we showing our children when law abiding citizens are turning in firearms to the police station? It's saying something.

Rep. Adams: How is law enforcement hurt anybody if there are guns not being used being bought and destroyed so they are no longer out? How does that hinder anyone on their Second Amendment rights to willing turn in a gun?

Rep. Simons: What is the proper role of government? If a private business comes to government are they supposed to just do anything a private person wants them to do? It comes down to role of government and I don't see where the role of government says we are going to participate in buying back anything. There are private businesses that people can sell their guns to. We don't need government to do that.

Rep. Johnson: I don't understand the point about what our children are going to take from this transaction? If a parent doesn't want their child to see this transaction that parent has a right to keep that child at home.

Rep. Simons: Children are very smart, if you have a cell phone you have access to all the news and see all kinds of things. If an anti-gun group wanted to have a buyback program, they can do that. What we are saying is the government should have nothing to do with that.

Rep K. Koppelman: The bill deals strictly with the buyback piece, we had legislation in the past that forbade the destruction of guns acquired through this program. Are you aware of that? If buy backs are allowed, I think they need to be sold at auction.

Rep. Simons: I am not.

Rep. Fegley: Are there any going on in North Dakota right now?

Rep. Simons: Not to my understanding? But it will be a short time before this does happen.

Rep. Guggisberg: I understand the government not getting in the market, but what about the local control?

Rep. Simons: Even local government needs to stay in the realms of the government. So when you are having a police force do this, it's very important they hold the same standards. Most all police officers are pro Second Amendment rights. The problem is what message does that send to the people that turn in their guns to the police? They swore an oath, saying that why would they be taking guns from people? That's for private business.

Rep. Adams: How is my giving my gun to police or a private because I no longer have a need for it, why is that an evil thing? If I'm giving it away freely is it stopping my Second Amendment Rights?

Rep. Simons: When you see what happened in other countries and the gun buyback programs, we do not want to go there. For every one person there are 5-9 guns in our country, when we give the concept that the government is buying evil guns it is a bad concept. The government should have no role and should be upholding Second Amendment Rights.

Rep K. Koppelman: In your research how long has this buyback programs been going?

Rep. Simons: It recently has come to my attention. I do not know how long it has been going on.

Rep. Johnson: I don't see guns as evil. You are trying to force your perception on ours and that buyback programs show that guns are evil. I don't think forced perception should be legislative, you are saying government shouldn't get tax payer dollars to buyback guns because it shows they are evil. Aren't there any secondary benefits to gun buyback programs?

Rep. Simons: There are perceptions, they don't look like the bad person, they have the state making them look like they are doing that. The NRA and National Rifleman's Association they are opposed to this. This is a real issue because the perception goes back to the state.

Rep. Johnson: But if you are forcing a perception on someone who doesn't have that perception aren't you violating their freedom of speech?

Rep. Simons: It is true perception across the country. The whole idea behind starting these programs are giving the perception that the government is taking your guns away.

Rep. Johnson: One of the strongest organizations in the country is NRA. It's hard to believe with their membership that that perception is the case. The anti-gun group is weak and this kind of legislation seeks to tamp down that group.

Rep. Simons: I disagree. People that support NRA and Rifleman's Association see it this way.

Rep. Strinden: Can you help me understand private business buying back guns?

Rep. Simons: Selling a gun is simple. Any gun shop or pawn shop will buy them, you can sell them online, and gun shop will buy them or you can trade them in.

Rep. Hatlestad: As I go back the buyback program was a safety issue. In the big city where crime was an issue here was an opportunity for a person with limited financial resources to sell a gun. Which in turn takes that gun off the street, which allegedly gives us a safer environment. My perception of a firearm buyback program you are doing it voluntary, I don't know where the state is creating a bad situation.

Rep. Simons: It is perspective and the state should not be in the business of buying guns. Guns with the serial numbers filed off is a federal offense, you can't sell it. That is what private sector is for, the government should not be participating.

Rep. Adams: Is this bill because if there is a buyback program the guns will be destroyed? You say you can sell a gun right away you can also buy a gun right away. If they say we don't want to hurt your Second Amendment Rights by doing a background check on you. It is the perception the gun is going to be destroyed?

Rep. Simons: No not really, it's the perception that the government is doing things they are not supposed to be doing, participating in buying back guns they have no business doing that.

Rep K. Koppelman: You talked about some groups funding these operations, is that typically how that happens? Or do some use public funds to purchase guns?

Rep. Simons: There has been cases where cities and states have done that, and I am opposed to that. There should be a public awareness and there should be a public outcry if they believe that and the funds should be raised.

Justin LaBar: (Handout #3) Read his testimony.

Rep. Johnson: You say you are a firm believer in property rights that is how the police are funded through property tax. If I want to use my property tax dollars to support a gun buyback program, I should be able to. What is good for one city might not be good for some other city in North Dakota. You are suggesting that this should be statewide, but I should be able to use my money my tax dollars and vote for those people who I want to combat gun violence.

Mr.LaBar: I'm a huge believer in local control but when we are talking about organizations especially local law enforcement agencies and state law enforcement agencies, they receive state and local tax payer dollars, and those tax payer dollars include people who may not be in favor of that. We have government competing with businesses that sell firearms that is not appropriate. We have an obligation to protect the tax payers and to protect those people in

local government who have businesses that can buy back the firearms if people choose to get rid of them.

Rep. Adams: If the buybacks do no good and we don't have any in North Dakota and we are not using any police money and a private person is paying for the guns, why do we need the bill? Isn't this about my free choice? I would rather give my gun to a law enforcement officer than to throw it into the landfill. If we aren't using any tax payer money, why are you writing the bill what is your actual reasoning is?

Mr. LaBar: The reason is for that is the private organizations or private businesses will put up the money so that program can be funded. But when you utilize the law enforcement agency to carry out that program you are by using that time and that law enforcement you are expending tax payer dollars to do it.

Rep K. Koppelman: In North Dakota we haven't had these programs and we haven't had the proliferation of street crime that big cities do, I think more of handguns in this case. But when I look at these pictures I see more long guns. How would these programs accomplish their stated objective if most of what they are collecting are shotguns?

Mr. LaBar: Some have found these to be ineffective because they do not do the targeted objective. So you are not removing the guns from the street that they believe will be participating in various crimes. People can make a gun and take it in and make money on it. Other circumstances people make take someone else's gun and resell it. There is a no question ask in buyback programs.

Rep. Ertelt: Do you see firearm buyback program as an affront on the Second Amendment?

Mr. LaBar: Yes, I do.

Rep. Johnson: The gun buyback by law enforcement isn't by private group, so this seeks to eliminate the firearm buyback program by public entities. But you just said it was an effort by private organizations to defeat the strong gun lobby that exists? There is a disconnect there.

Mr. LaBar: These programs are often done in accordance with law enforcement and private organizations so they work together. This bill specifically prohibits law enforcement from participating in any firearm buyback program or expending tax payer dollars directly.

Rep. Johnson: Only public entities participate in the firearm buyback, but you want to allow the private organizations to continue their efforts to diminish the strong gun lobby?

Mr. LaBar: Only the private organizations and private individuals to be permitted to continue to do what they do because that is an issue of private property.

Rep. Adams: So then you don't want the government in any part of this, what about when they take back drugs and checking my car seat they are interfering with my private property then. What is the difference between those and my gun? We don't want the government to do anything that would help us as citizens?

Mr. LaBar: The difference in those situations, I personally disagree with those programs where we do take drugs back from the public, in one situation you are potentially expending tax payer dollars to purchase the firearms. I hope the government is not buying drugs from people.

Chairman J. Dockter: Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee

Prairie Room, State Capitol

HB 1381
2/14/2019
32817

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature	Carmen Hickle
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Explanation or reason for introduction of bill/resolution:

Relating to a restriction on firearm buyback programs; and to provide a penalty

Minutes:

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Chairman J. Dockter: Opens for committee work.

Rep. Johnson: Made a do pass motion.

Rep. Toman: Second the motion.

Vote yes 9, no 4, absent 1.

Rep. Magrum: Will be the carrier.

Date: 2-14-19
Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1381**

House Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Johnson Seconded By Rep. Toman

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:	/				
Vice Chairman Pyle:		/			
Rep. Ertelt:	/				
Rep. Fegley:	/				
Rep. Hatlestad:		/			
Rep. Johnson	/				
Rep K. Koppelman:	/				
Rep. Longmuir	/				
Rep. Magrum:	/				
Rep. Simons:	/				
Rep. Toman:	/				
Rep. Strinden:	/				
Rep. Adams:		/			
Rep. Guggisberg		/			

Total (Yes) 9 No 4

Absent 1

Floor Assignment Rep. magrum

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1381: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1381 was placed on the Eleventh order on the calendar.

2019 SENATE ENERGY AND NATURAL RESOURCES

HB 1381

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1381
3/14/2019
Job Number 33708

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to a restriction on firearm buyback programs; and to provide a penalty.

Minutes:

2 Attachments

Vice-Chair Kreun: Opened the hearing.

Representative Luke Simons, District 36 (0:20-2:05) Introduced the bill, please see attachment #1. HB 1381 will ban gun buyback programs in North Dakota that involve cities, counties, law enforcement and the state from having any part in this activity. It would not stop or ban individuals or private organizations from this practice. This is something that has been going around the country, gun buyback programs have no evidence that they work. We have evidence that they don't work. That is the reason this is before you today.

Senator Piepkorn: What does 'don't work' mean to you?

Representative Simons: There is evidence that these gun buyback programs happening all over the county do not reduce crime. This has been proven in every area that has had any kind of buyback program. It's not just the NRA, which has those resources, it's all over the place, not just by pro-gun advocates. It's cities, counties, states that have done those numbers.

Justin LaBar, North Dakota resident (4:30-14:15) Testified in favor, please see attachment #2. Defined buyback program, how they are funded, and some history.

No opposition testimony.

No neutral testimony.

Vice-Chair Kreun: Closed the hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1381
3/28/2019
Job Number 34320

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to a restriction on firearm buyback programs; and to provide a penalty.

Minutes:

No attachments

Chair Unruh: This bill prohibits a firearm buyback program by a state agency, political subdivision, or a law enforcement agency. Those entities couldn't expend taxpayer dollars to administer or implement a firearm buyback program.

Senator Piepkorn: I would defeat the bill, leave it up to law enforcement, whether they want to conduct a program like this or not.

Vice-Chair Kreun: The buyback programs have not proven to be successful in any area that I've heard about. Basically what happens is they bring the gun in and they buy a new one. It doesn't accomplish anything. We spend a lot of money and resources to accomplish absolutely nothing. It doesn't prohibit private organizations from putting this program up, if they think it's applicable program. But as taxpayers, I don't think everybody is in accordance with wasting that kind of money and not having any results. There isn't a whole lot of controversy. This keeps us from having another program that's not successful.

Vice-Chair Kreun: Moved a Do Pass.

Senator Cook: Seconded.

A roll call vote was taken.
Motion passes 4-2-0.

Vice-Chair Kreun will carry.

Chair Unruh: Closed the meeting.

Date: 3/28
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1381

Senate Energy and Natural Resources Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. Kreun Seconded By Sen. Cook

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh	<u>X</u>		Senator Merrill Piepkorn		<u>X</u>
Senator Curt Kreun	<u>X</u>				
Senator Donald Schaible	<u>X</u>				
Senator Dwight Cook	<u>X</u>				
Senator Jim Roers		<u>X</u>			

Total (Yes) 4 No 2

Absent 0

Floor Assignment Sen. Kreun

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1381: Energy and Natural Resources Committee (Sen. Unruh, Chairman)
recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
HB 1381 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1381

HB 1381

#1

2-7-2019



North Dakota House of Representatives

State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0360

Representative
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Committees:
Judiciary
Political Subdivisions

HP 1381 Gun buyback

Good morning chairman Doctor and members of the political subs committee.
For the record I am representative Luke Simons of district 36.
I bring for your consideration house bill 1381, which is a second amendment pro-gun bill.

Across our country hundreds and even thousands of anti-gun activist groups are using programs like these to arm from America.
Often times these groups will raise funds and ask the government to buy guns to take them off the streets. The state of North Dakota should have nothing to do with a program like this. If people want to individually/ activist groups do this that is their constitutional right to do so. But the state government should not be involved in such programs.

This is a slippery slope, when groups like this have people in government taking guns from law-abiding citizens, what is the message this sends to people, specially children? If anything government should stand and protect our Constitution and our God-given /Unalienable rights.

Thank you for your time Mr. chairman and members of the committee.

I will stand for any questions.

Representative Luke Simons

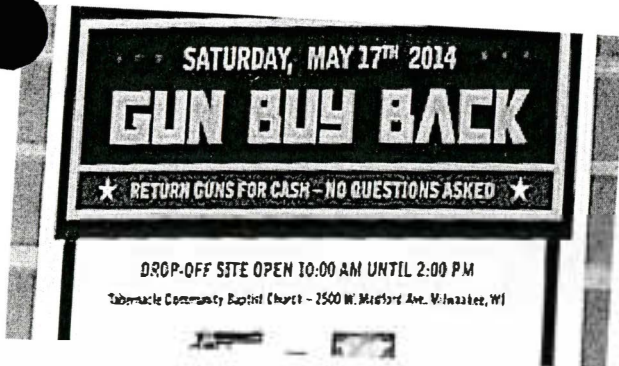
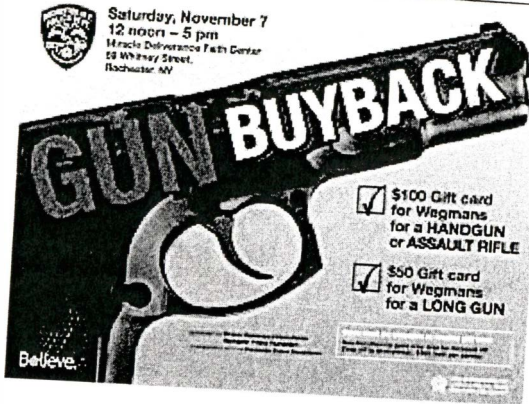
A handwritten signature in blue ink that reads "Luke Simons".

District 36

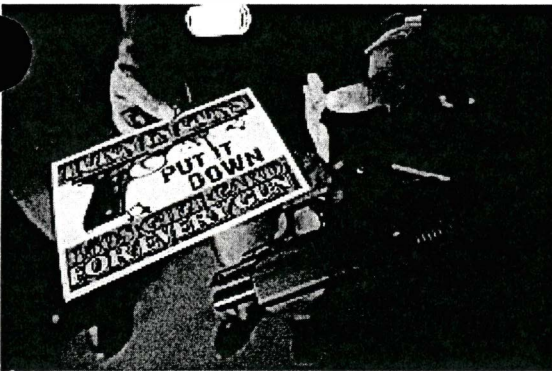
#2

1+B 1381

2-7-19



#2
HB1381
2-7-19



2-7-19

#2
HB1381



HB 1381
2-7-19 #2



3
2-7-19

**Testimony in Support of
House Bill 1381
By: Justin R. LaBar**



Mr. Chairman & Members of the Committee,

My name is Justin LaBar. I currently live in District 2. My wife and I reside with seven of our nine children in White Earth. Number ten is on the way and we look forward to welcoming her into our family this coming June.

I stand before you today to urge a Do Pass recommendation on House Bill 1381.

What this legislation seeks to accomplish is the following:

1. Establish a definition of “firearm buyback program” that is broad enough to include not only firearms, but their parts and ammunition as well.
 2. Prohibit taxpayer dollars from being used for firearm buyback programs.
 3. Prohibit the state, any of its political subdivisions, and law enforcement from participating in *any* firearm buyback programs.
 4. And include a penalty clause for violations of the statute.
- 1

#3
HB 1381
2-7-19

What is a firearm buyback program? It is a program to purchase privately owned firearms from private individuals or organizations for the purpose of providing cash, gifts, or vouchers; or reducing the number of firearms owned by civilians; or permitting a civilian to sell a firearm to the government without fear of prosecution.

You'll notice that in the definition of HB 1381 that "firearm parts" and "ammunition" are also included in the definition of a firearm buyback program.

These programs are typically carried out by law enforcement agencies and the cash, gifts, or vouchers used to purchase the firearms has been known to come from both taxpayers and the private sector.

It is believed that the first firearm buyback took place with the Baltimore Police Department in 1974 at a cost to the city of \$660,000. A number of firearm buybacks have taken place across the country over the years in places like Washington, New Jersey, Michigan, Massachusetts, Maryland, California, and Arizona.

Interestingly enough, at the end of December, Baltimore was once again thrust into the spotlight with their announcement that they were once again implementing a buyback program. This resulted in the Editorial Board for the Baltimore Sun writing this:

"Gun buyback programs are a strategy that Baltimore and cities across the country have tried many times before (here, most recently in 2012), despite consistent research that has shown these programs are not that effective. In fact, researchers stopped studying the issue years ago because evidence of the futility of the programs was so overwhelming."

The John Hopkins Center for Gun Policy and Research has found that buybacks do little to reduce rates of street crime. In fact, their co-director, Jon Vernick, told NPR News in 2013 that:

"What we've learned is that high risk people don't tend to participate. The folks who are at highest risk for being either a victim or a perpetrator of gun violence are young males. But disproportionately, the people who participate in these buybacks tend to be older; they tend to be female."

#3
HB 1381

2-7-19

I want to be very clear that in spite of the significant disagreements that I have with those who propose firearm buybacks, I am not interested in legislation that prohibits voluntary buybacks between private organizations and/or willing individuals. This legislation does not do that.

Has a similar prohibition upon a state been done before? Upon my research, I discovered that the answer is in the affirmative. For example, in 2014 the Indiana General Assembly passed SB 229 which included a provision that prohibits taxpayer funded buybacks. Interestingly enough, the governor who signed that bill into law is our current Vice President, Mike Pence. Kansas also passed similar legislation in 2014 with HB 2578.

Now, inevitably, someone is going to point out that we are not Maryland, New York, or even Arizona. So, why the need to prohibit firearm buyback programs in North Dakota? Isn't this a "solution in search of a problem"?

While it is true that I am not aware of any buybacks being conducted in our state, are we to wait for them to happen before addressing the issue? I fully admit that I never thought of such things even being considered in our state. But just last June, some youth associated with the movement now known as "March for Our Lives" came right here to Bismarck and Standing Rock to advocate for their cause.

In case you are not familiar with them, March for Our Lives came as a result of the tragic shooting at Stoneman Douglas High School in Parkland, Florida last February. While their stated mission is to end gun violence, the means of achieving that is very much a gun control agenda.

On March for Our Lives' website, they list 10 items on their Policy Agenda. If you go to #5 on that agenda, "Limit firing power on the streets", you will see buyback programs included. In addition to this, their parent organization known as 4FNOW sponsors buyback programs. And their website states their hope that they will "serve as a model organization for other communities across the US to adopt."

We can show leadership by acting now to prevent such wasteful programs from coming to North Dakota. We can protect taxpayer dollars and clearly show where we stand on this issue by giving this a Do Pass recommendation. Thank you.

#3
HB 1381
2-7-19

USA Today reported a similar finding in that same year when they referred to firearm buybacks as being “among the least effective ways to reduce gun violence” and its impact on crime as “not statistically significant”.

This issue hit the national stage last year when California Congressman Eric Swalwell suggested that an assault weapons ban be passed, buybacks implemented, and prosecution for all those who failed to comply. The mere suggestion of a mandatory firearm buyback program represents a significant shift from something that has historically been voluntary.

Another example of why firearm buyback programs are less effective is the fact that some people use them as a means to upgrade. For example, in the previously mentioned program carried out in Baltimore, one woman admitted she was turning in her 9mm so that she could use the money to buy a bigger firearm.

The possibilities for abusing such a program are many. Since firearm buyback programs must be done with a “no questions asked” mentality, we quickly begin to see other problems. For example, an individual might take a gun that is not theirs and turn it in for cash, gift, or voucher. Yes, firearm buyback programs actually provide an incentive to steal guns and make some quick cash. So, in actuality criminals are protected in the name of getting guns off the street.

In addition to all of these things, there is the fact that firearm buyback programs are carried out using taxpayer dollars. Whether those dollars go to the direct purchase of the firearms or simply to pay the law enforcement personnel used to carry out the program, it is the taxpayer’s money. I find this just as inappropriate as it would be to dole out tax dollars as a means of buying the citizenry firearms.

You’ll notice that while this legislation prohibits state agencies, political subdivisions, or any law enforcement agencies from participating in firearm buyback programs, it does not prohibit voluntary buybacks between private organizations and/or willing individuals. I am a firm believer of private property rights. And guns are property.

3

HB 1381

2-7-18

Sources:

1. <https://www.nbcnews.com/politics/congress/dem-congressman-force-gun-owners-sell-assault-weapons-n871066>
2. <https://news.google.com/newspapers?nid=1350&dat=19741208&id=INFOAAAIAIAJ&sjid=KgIEAAAIAIAJ&pg=6867.3250859>
3. https://en.wikipedia.org/wiki/Gun_buyback_program
4. <https://www.npr.org/2013/01/12/169209919/gun-buyback-programs-tend-to-attract-low-risk-groups>
5. <https://www.usatoday.com/story/news/nation/2013/01/12/gun-buybacks-popular-but-ineffective/1829165/>
6. <https://www.nssf.org/gun-buybacks-ineffective-wastes-of-tax-dollars/>
7. <https://www.nraila.org/articles/20140327/indiana-governor-signs-pro-gun-legislation-into-law>
8. <http://iga.in.gov/static-documents/f/0/9/e/f09e2272/SB0229.01.INTR.pdf>
9. <https://www.gunxgun.org/>
10. <https://www.atf.gov/file/117221/download>
11. http://kslegislature.org/li_2014/b2013_14/measures/documents/hb2578_enrolled.pdf
12. <https://www.baltimoresun.com/news/opinion/editorial/bs-ed-0220-gun-buy-back-20181218-story.html>

Tabernacle Community Baptist Church - 2500 W. Hartford Ave. Milwaukee, WI

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Luke R Simons ND

~ Simons and Son Roofing and Gutters LLC ~

We can sleep on a stormy night.

Remember smile & be kind and happy trails

A few quotes by the Founding Fathers on the threat of tyranny

HB 1381
3.14.19
#2
Pg. 1

Testimony in Support of

House Bill 1381

By: Justin R. LaBar



Madam

Mr. Chairman & Members of the Committee,

My name is Justin LaBar. I currently live in District 2. I'm a 4th grade school teacher. My wife and I reside with seven of our nine children in White Earth. Number ten is on the way and we look forward to welcoming her into our family this coming June.

I stand before you today to urge a Do Pass recommendation on House Bill 1381. You might wonder what would cause a 4th grade teacher to travel 360 miles roundtrip, at his own expense, to testify in behalf of this bill. I hope that my testimony today will answer that question.

What this legislation seeks to accomplish is the following:

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2. Prohibit taxpayer dollars from being used for firearm buyback programs.
3. Prohibit the state, any of its political subdivisions, and law enforcement from participating in *any* firearm buyback programs.
4. And include a penalty clause for violations of the statute.

What is a firearm buyback program? It is a program to purchase privately owned firearms from private individuals or organizations for the purpose of providing cash, gifts, or vouchers; or reducing the number of firearms owned by civilians; or permitting a civilian to sell a firearm to the government without fear of prosecution.

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These programs are typically carried out by law enforcement agencies and the cash, gifts, or vouchers used to purchase the firearms has been known to come from both taxpayers and the private sector.

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Interestingly enough, at the end of December, Baltimore was once again thrust into the spotlight with their announcement that they were once again implementing a buyback program. This resulted in the Editorial Board for the Baltimore Sun writing this:

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The John Hopkins Center for Gun Policy and Research has found that buybacks do little to reduce rates of street crime. In fact, their co-director, Jon Vernick, told NPR News in 2013 that:

"What we've learned is that high risk people don't tend to participate. The folks who are at highest risk for being either a victim or a perpetrator of gun violence are young males. But disproportionately, the people who participate in these buybacks tend to be older; they tend to be female."

USA Today reported a similar finding in that same year when they referred to firearm buybacks as being "among the least effective ways to reduce gun violence" and its impact on crime as "not statistically significant".

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Another example of why firearm buyback programs are less effective is the fact that some people use them as a means to upgrade. For example, in the previously mentioned program carried out in Baltimore, one woman admitted she was turning in her 9mm so that she could use the money to buy a bigger firearm.

The possibilities for abusing such a program are many. Since firearm buyback programs must be done with a "no questions asked" mentality, we quickly begin to see other problems. For example, an individual might take a gun that is not theirs and turn it in for cash, gift, or voucher. Yes, firearm buyback programs actually provide an incentive to steal guns and make some quick cash. So, in actuality criminals are protected in the name of getting guns off the street.

In addition to all of these things, there is the fact that firearm buyback programs are carried out using taxpayer dollars. Whether those dollars go to the direct purchase of the firearms or simply to pay the law enforcement personnel used to carry out the program, it is the taxpayer's money. I find this just as inappropriate as it would be to dole out tax dollars as a means of buying the citizenry firearms.

You'll notice that while this legislation prohibits state agencies, political subdivisions, or any law enforcement agencies from participating in firearm buyback programs, it **does not** prohibit voluntary buybacks between private organizations and/or willing individuals. I am a firm believer of private property rights. And guns are property.

I want to be very clear that in spite of the significant disagreements that I have with those who propose firearm buybacks, I am not interested in legislation that prohibits voluntary buybacks between private organizations and/or willing individuals. This legislation does not do that.

Has a similar prohibition upon a state been done before? Upon my research, I discovered that the answer is in the affirmative. For example, in 2014 the Indiana General Assembly passed SB 229 which included a provision that prohibits taxpayer funded buybacks. Interestingly enough, the governor who signed that bill into law is our current Vice President, Mike Pence. Kansas also passed similar legislation in 2014 with HB 2578.

Now, inevitably, someone is going to point out that we are not Maryland, New York, or even Arizona. So, why the need to prohibit firearm buyback programs in North Dakota? Isn't this a "solution in search of a problem"?

While it is true that I am not aware of any buybacks being conducted in our state, are we to wait for them to happen before addressing the issue? I fully admit that I never thought of such things even being considered in our state. But just last June, some youth associated with the movement now known as "March for Our Lives" came right here to Bismarck and Standing Rock to advocate for their cause.

In case you are not familiar with them, March for Our Lives came as a result of the tragic shooting at Stoneman Douglas High School in Parkland, Florida last February. While their stated mission is to end gun violence, the means of achieving that is very much a gun control agenda.

On March for Our Lives' website, they list 10 items on their Policy Agenda. If you go to #5 on that agenda, "Limit firing power on the streets", you will see buyback programs included. In addition to this, their parent organization known as 4FNOW sponsors buyback programs. And their website states their hope that they will "serve as a model organization for other communities across the US to adopt."

I find it interesting that since passage of HB 1381 in the House that national gun control advocates have criticized the legislation. The Forum ran an article on February 25th called, "N.D. Gun Buyback Bill Criticized by Gun-control Advocates as 'Dumbest Piece of Legislation'". In it they cite two "national gun-control advocates" who oppose the bill.

What does it tell us when out-of-state gun control advocates are paying attention to North Dakota's gun laws? I think it speaks volumes.

By the way, one of those gentlemen cited in the Forum article is Mike Weisser. If you go to a website known as "Gun by Gun" and look at their donations page, you'll see Mr. Weisser's name at the bottom as a donor.

Who is Gun by Gun? They're an nonprofit organization that "partnered with groups across the U.S. to collaborate on the first nationwide gun buyback." How do they plan on accomplishing this? State by state.

We can show leadership by acting now to prevent such wasteful programs from coming to North Dakota. We can protect taxpayer dollars and clearly show where we stand on this issue by giving this a Do Pass recommendation. Thank you.

Sources:

1. <https://www.nbcnews.com/politics/congress/dem-congressman-force-gun-owners-sell-assault-weapons-n871066>
2. <https://news.google.com/newspapers?nid=1350&dat=19741208&id=INFOAAAIBAJ&sjid=KgIEAAAIBAJ&pg=6867.3250859>
3. https://en.wikipedia.org/wiki/Gun_buyback_program
4. <https://www.npr.org/2013/01/12/169209919/gun-buyback-programs-tend-to-attract-low-risk-groups>
5. <https://www.usatoday.com/story/news/nation/2013/01/12/gun-buybacks-popular-but-ineffective/1829165/>
6. <https://www.nssf.org/gun-buybacks-ineffective-wastes-of-tax-dollars/>
7. <https://www.nraila.org/articles/20140327/indiana-governor-signs-pro-gun-legislation-into-law>
8. <http://iga.in.gov/static-documents/f/0/9/e/f09e2272/SB0229.01.INTR.pdf>
9. <https://www.gunxgun.org/>

10. <https://www.atf.gov/file/117221/download>
11. http://kslegislature.org/li_2014/b2013_14/measures/documents/hb2578_enrolled.pdf
12. <https://www.baltimoresun.com/news/opinion/editorial/bs-ed-0220-gun-buy-back-20181218-story.html>
13. <https://www.inforum.com/news/977133-N.D.-gun-buyback-bill-criticized-by-gun-control-advocates-as-dumbest-piece-of-legislation>