Bill as Introduced

HB 1318 - AS INTRODUCED

2012 SESSION

12-2693 04/10

HOUSE BILL

1318

AN ACT

relative to carrying firearms.

SPONSORS:

Rep. DeLemus, Straf 1

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

This bill:

I. Permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded, on or about his or her person or upon or in a vehicle.

II. Removes, under certain circumstances, the requirement that nonresidents obtain a license to possess a firearm while in New Hampshire.

Explanation:

Matter added to current law appears in bold italics.

Matter removed from current law appears [in-brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT

relative to carrying firearms.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1	1 Statement of Intent.
2	I. The general court finds that on June 21, 1788, in convention, the people of the state of
3	New Hampshire did impartially discuss and fully considered the Constitution for the United States
4	of America.
5	II. The general court acknowledges the specific conditional terms of ratification in article
6	first wherein it "explicitly declares that all powers not expressly and particularly delegated by the
7	aforesaid constitution are reserved to the several states to be, by them exercised."
8	III. Article twelfth clearly states, "Congress shall never disarm any citizen unless such as
9	are or have been in actual rebellion."
10	IV. Art. 2-a. of the New Hampshire State Constitution clearly states, "All persons have the
11	right to keep and bear arms in defense of themselves, their families, their property and the state."
12	V. The Second Amendment of the United States Constitution clearly enumerates "the right
13	of the people to keep and bear arms shall not be infringed;" and
14	VI. The United States Supreme Court has recently upheld the Second Amendment of the
15	United States as an individual right premised upon self defense and hunting and made such rights
16	enforceable to the States through the Fourteenth Amendment.
17	2 Pistols and Revolvers; Carrying Without License. RSA 159:4 is repealed and reenacted to read
18	as follows:
19	159:4 Carrying Without License.
20	I. Notwithstanding any provision of law to the contrary, no person who is 18 years of age or
21	older shall be guilty of an offense for carrying a firearm, openly or concealed, loaded or unloaded,
22	upon or about his or her person, or upon or in a vehicle, whether or not such person possesses a
2 3	license, permit, or other authorization to carry a firearm.
24	II. The provisions of paragraph I shall not constitute a bar to prosecution for any of the
25	following offenses:
26	(a) RSA 159:3, relative to convicted felons.
27	(b) RSA 159:3-a, relative to armed career criminals.
28	(c) RSA 159:19, relative to courthouse security.
29	(d) RSA 207:7, relative to hunting from a motor vehicle, OHRV, snowmobile, boat, or
30	aircraft.
31	(e) RSA 215-A:20, relative to loaded firearms on an OHRV.

HB 1318 - AS INTRODUCED - Page 2 -

- (f) RSA 215-C:35, relative to loaded firearms on a snowmobile.
- (g) RSA 637:7, relative to receiving stolen property.

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- (h) RSA 637:7-a, relative to possession of property without a serial number.
- (i) RSA 597:7-a, relative to default or breach of conditions of release.
- 3 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

159:5 Exceptions. [The previsions of] RSA 159:3 [and 4] shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

- 4 Pistols and Revolvers; Optional License to Carry. Amend RSA 159:6, I to read as follows:
- I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than [4] 5 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [4] 5 years. When required, license renewal shall take place within the month of the [fourth] fifth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be [\$100] \$50, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. The form shall require no more information than was required on the state of New

HB 1318 - AS INTRODUCED - Page 3 -

	·
1	Hampshire application for pistol/revolver license, form DSSP 85, as revised in
2	December 2009. No other forms shall be used by officials of cities and towns. The cost of the
3	forms shall be paid out of the fees received from nonresident licenses.
4	5 Pistols and Revolvers; Reciprocity. Amend RSA 159:6-d to read as follows:
5	159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity. [Notwithstanding
6	the provisions of RSA 159:6,] No nonresident [holding a current and valid license to carry a loaded
7	pistol or revolver in the state in which he resides] or [who is a] peace officer [in the state in which he
8	resides, shall be required to obtain a license to carry a loaded pistol or revolver within this state if:
9	I. Such nonresident carries upon his person the license held from the state in which he
10	resides; [and] or
11	II. Such nonresident is in compliance with RSA 159:4; or
12	[H.] III. The state in which such person is a resident provides a reciprocal privilege for
13	residents of this state.
14	6 Pistols and Revolvers; Exemption. Amend RSA 159:14 to read as follows:
15	159:14 Exemption. None of the provisions of this chapter shall prohibit an individual no
16	licensed under the provisions thereof who is not engaged in the business of selling pistols or
17	revolvers from selling a pistol or revolver to a person qualified pursuant to RSA 159:4, or who is
18	licensed under this chapter, or to a person personally known to him or her.
19	7 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:
20	V. The licensee shall not be entitled to carry any firearms while hunting under the
21	provisions of this section, unless such licensee also possesses a valid firearms hunting license [er-
22	valid license to carry firearms issued pursuant to RSA 159] or is otherwise qualified pursuant to
23	RSA 159:4.
9.4	8 Report RSA 21-P-14 U(f) relative to the authority of the commissioner of the department of

safety to adopt rules relative to the issuance of nonresident pistol permits, is repealed.

9 Effective Date. This act shall take effect upon its passage.

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Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1318	Date	Jan	mary 24,20°	12_
Committee Criminal	Justice and	Public	Safety	
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** Please Print All Information **

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Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1318

BILL TITLE:

relative to carrying firearms.

DATE:

January 24, 2012

LOB ROOM:

204

Time Public Hearing Called to Order:

12:40 p.m.

Time Adjourned:

1:10 p.m.

(please circle if present)

Committee Members: Repa Swinford, Gagne Welch, Fields Fesh, Charron, Villeneuve, Antosz, Greazzo Kreis, Parsons Tasker Warden, Pantelakos, Berube Shurtleff, and Ginsburg.

Bill Sponsors:

Rep. DeLemus, Straf 1

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Chris Leone - Opposes. States that this bill is redundant because there is a similar bill brought forward from last year (identical to HB 330).

James Wheeler - N. H. Firearms Coalition - Opposes - Bill is redundant because of a similar bill. ITL the bill.

Ernest F. Loomis, Major Retired N. H. S. P. - Opposes. Please ITL the bill.

Chief Richard Crate - Enfield Police - Also Chiefs of Police Association. Opposes. Please ITL this bill.

*Major Russ Conte - Opposes - (Written Testimony) Not a pro gun bill. Feels that current law is adequate.

Penny Dean - Opposes the bill. Provided examples. Bad bill should be ITL'd. Should revert to HB 536.

Leo Pepino - Supports bill. No testimony.

Respectfully Submitted:

ep. Gene Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1318

BILL TITLE:

relative to carrying firearms.

DATE:

LOB ROOM:

204

Time Public Hearing Called to Order: 1240

Time Adjourned:

(please circle if present)

Committee Members: Reps. Swinford, Gagne, Welch Fields, Kesh Charron, Villeneuva Antosz, Greazzo, Kreis, Parsons, Tasker Warden, Pantelakos, Berube, Shurtleff and Cinsburg

Bill Sponsors: Rep. DeLemus, Straf 1

TESTIMONY

Use asterisk if written testimony and/or amendments are submitted.

HB-1318

@ 1240 CHRIS LEONE, STATES That this a similar bill hought forward from last year. (identical to 11 8 330

12:43 James Wheeles At Firearms coalition opposes Bill is redendant because y a Similar bill. 176 The Bill.

Exnest F. Leomis Major Return UHSP. Please ITE The Bill.

1250 Chief Richard Croate Enfield Police apposes also Chiefs of Police. assn please 172 this toll bill.

12:52 Major Duss Conti (WRITTEN VESTIMONY)
opposes vota progun bill. Leels that
Current law is adequate.

Penny Dean opposes the hill provide examples - Bad hill schould be ITL'O Should revert TO HB536

treo pepinis supports - Bill - notestimon 1:10 Closed.

Q 12:47 apposes

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1:05 spesses

1:12 support

Testimony

LEGISLATIVE POSITION NH DEPARTMENT OF SAFETY

LSR 2693 Relative to Carrying Firearms HB 1318

POSITION: Opposed

This bill would allow virtually anyone 18 years or older to carry a firearm, loaded or unloaded, openly or concealed, on or about his/her person or in a vehicle, without any form of licensing or permitting required by the State of New Hampshire.

It is safe to say that this bill sends a cold shiver up the spine of New Hampshire Law Enforcement and undoubtedly many of the residents would be as concerned as well if they were aware of the potential dangers hiding in the bill.

Strict and prudent gun control in New Hampshire has been viewed as police "harassment" by many; however it has also allowed us to live in one of, if not the safest, state in the nation. Unfortunately, the climate which we all live in today has become more violent than when we were growing up and with the economy and unemployment being what it is, we are hearing daily of armed robberies which are being committed at banks and convenience stores. Even hotels are not immune to these types of crimes.

The danger already exists by the perpetrators of these crimes and the concern rises when the thought of a "good citizen", who thinks that he or she is doing a good deed, draws a large caliber, high capacity magazine, semi-automatic pistol from his or her waistband and engages the criminal in a shoot-out, resulting in the death or injury of innocent bystanders, themselves or perhaps the criminal who was completely unarmed, except for a loaded finger in his pocket.

The residents and visitors of New Hampshire have not been deprived of their right to bear arms,

whether it be for personal protection or for the enjoyment of hunting our bountiful lands. They have been able to do so because of having proper legislation in place to protect them.

Removing the necessity for the acquisition of a concealed weapons permit will no doubt lead to many more "inappropriate" individuals carrying firearms, thus increasing the potential for many more unnecessary responses by the already stretched-thin law enforcement community throughout New Hampshire.

Additionally, there would be the potential loss of several hundred thousand dollars from the General Fund, monies which are brought in through Non-resident pistol permits.

As has been voiced many times since these many bills pertaining to firearms were conceived, this is truly not a "pro-gun bill" at all and because of the potential dangers this bill could create in our State, the NH Department of Safety strongly opposes this bill.

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1318

BILL TITLE:

relative to carrying firearms.

DATE:

February 21, 2012

LOB ROOM:

204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions:

TP, TP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Kyle Tasker

Seconded by Rep. Kenneth Kreis

Vote: 8-10 (Please attach record of roll call vote.)

Motions:

ITL, Interim Study (Please circle one.)

Moved by Rep. Dennis H. Fields

Seconded by Rep. Laura C. Pantelakos

Vote: 10-6 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: REGULAR

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

Respectfully submitted,
Rep. Gene Charron, Clerk

Rep. Gene Charro

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1318

BILL TITLE:

relative to carrying firearms.

DATE: 2-21-2012

LOB ROOM:

204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions:

OTP OTP/A, ITL, Interim Study (Please circle one.)

6-10

Moved by Rep. TASILER

Seconded by Rep. ITREIS

Vote:

(Please attach record of roll call vote.)

Motions:

OTP, OTP/A, ITL, Interim Study (Please circle one.)

10-6.

Moved by Rep. FIELDS

Seconded by Rep. PANTALAILOS

Vote:

(Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Refer to Committee Report

Respectfully submitted

Statement of Intent:

Rep. Gene Charron, Clerk

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: <u>HB 1318</u> Title: <u>Relative</u> PH Date: Jan / 84 /2012	- to carrying fir	2 (1) (1)
PH Date: Navi / QQ / QCO / QCO	Exec Session D	ate: 2 /21 /2012
Motion: OTP	Amendment #:_	4
MEMBER	YEAS	NAYS
Swinford, Elaine B, Chairman		-
Gagne, Larry G, V Chairman		V
Welch, David A		1
Fields, Dennis H		1
Fesh, Robert M		1
Charron, Gene P, Clerk		7
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Antosz, Jason P	2	
Greazzo, Phil J	~	
Kreis, Kenneth	2	
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Tasker, Kyle J	<i>\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\</i>	
Warden, Mark		
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Ginsburg, Philip E		
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TOTAL VOTE: Printed: 12/21/2011		

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 1318 Title: Welstive	to carrying fi	earms.
PH Date: Jan /24 /2012	Exec Session	Date: 2/21/2012
Motion: 172	Amendment#	, ,
MEMBER	YEAS	NAYS
Swinford, Elaine B, Chairman	4	
Gagne, Larry G, V Chairman	~	
Welch, David A	V	
Fields, Dennis H		
Fesh, Robert M	V	
Charron, Gene P, Clerk	V	
Villeneuve, Moe	4	<i></i>
Antosz, Jason P	•	n.m
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Berube, Roger R	V	
Shurtleff, Stephen J	4	
Ginsburg, Philip E	~	
	10	6
TOTAL VOTE: Printed: 12/21/2011		

Committee Report

REGULAR CALENDAR

March 7, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on <u>CRIMINAL JUSTICE AND PUBLIC</u>
SAFETY to which was referred HB1318,

AN ACT relative to carrying firearms. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Dennis H Fields

FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

CRIMINAL JUSTICE AND PUBLIC SAFETY
HB1318
relative to carrying firearms.
February 22, 2012
NO
INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded. The committee felt this would create more problems than intended. This would create more problems of drugs, addictions, greed, gang violence, domestic violence, along with road rage. This would as the bill is written allow anyone 18 years or older to carry a firearm, loaded or unloaded, openly or concealed on or about his/her person or in a vehicle without any form of licensing or permitting required by the state of New Hampshire.

Vote 10-6.

Rep. Dennis H Fields FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB1318, relative to carrying firearms. INEXPEDIENT TO LEGISLATE.

Rep. Dennis H Fields for CRIMINAL JUSTICE AND PUBLIC SAFETY. This bill permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded. The committee felt this would create more problems than intended. This would create more problems of drugs, addictions, greed, gang violence, domestic violence, along with road rage. This would as the bill is written allow anyone 18 years or older to carry a firearm, loaded or unloaded, openly or concealed on or about his/her person or in a vehicle without any form of licensing or permitting required by the state of New Hampshire. Vote 10-6.

Original: House Clerk

Cc: Committee Bill File

HB 1318

D. Fields

ITL

10-6

RC

relative to carrying firearms.

This bill permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded. The committee felt this would create more problems than intended. This would create more problems of drugs, addictions, greed, gang violence, domestic violence, along with road rage. This would as the bill is written allow anyone 18 years or older to carry a firearm, loaded or unloaded, openly or concealed on or about his/her person or in a vehicle without any form of licensing or permitting required by the state of New Hampshire.

Rep. Elaine Swenjo. 1

	COMMITTEE REPORT
COMMITTEE:	Criminal Justice a Public Dobety
BILL NUMBER:	HB 1318
TITLE:	Relative to carrying firearms.
********	0 0
DATE:	2/2/2012 CONSENT CALENDAR: YES NO
	OUGHT TO PASS
	OUGHT TO PASS W/ AMENDMENT Amendment No.
. 🔀	INEXPEDIENT TO LEGISLATE
	INTERIM STUDY (Available only 2nd year of biennium)
STATEMENT OF	INTENT:
THIS BILL	PURMITS Ray BER SOM WHO MOSTS THE REQUIREMENTS
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	RESPECTFULLY SUBMITTED,
Copy to Committee Use Another Report	

For the Committee

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