

Bill as
Introduced

HB 109-FN - AS INTRODUCED

2019 SESSION

19-0019
04/08

HOUSE BILL **109-FN**

AN ACT requiring background checks for commercial firearms sales.

SPONSORS: Rep. Rogers, Merr. 28; Rep. Huot, Belk. 3; Rep. Butler, Carr. 7; Rep. Berch, Ches. 1; Rep. Mulligan, Graf. 12; Rep. Heath, Hills. 14; Rep. Wallner, Merr. 10; Rep. Berrien, Rock. 18; Rep. M. Smith, Straf. 6; Rep. Oxenham, Sull. 1; Sen. Hennessey, Dist 5

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides a criminal penalty for a violation. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Nineteen

AN ACT requiring background checks for commercial firearms sales.

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

1 1 Purpose. It is the purpose and intent of the general court in enacting RSA 159-E to require
2 commercial firearm sales and transfers in New Hampshire to be processed through a licensed
3 firearms dealer, who will conduct a background check and create a record of each sale. The general
4 court believes this law will protect public safety by helping to keep firearms out of the hands of
5 felons, domestic abusers, and the dangerously mentally ill.

6 2 New Chapter; Background Checks for Commercial Firearms Sales. Amend RSA by inserting
7 after chapter 159-D the following new chapter:

8 CHAPTER 159-E

9 BACKGROUND CHECKS FOR COMMERCIAL FIREARMS SALES

10 159-E:1 Definitions. As used in this chapter:

11 I. "Commercial sale" means a sale, transfer, or exchange of a firearm that takes place at, or
12 on the curtilage of, a firearm or "gun" show or pursuant to an offer to sell, buy, transfer, or
13 exchange a firearm that took place at a gun show, or pursuant to an advertisement, posting, listing,
14 or display.

15 II. "Firearm" means any weapon or device designed to be used as a weapon, which will, is
16 designed to, or may be readily converted to, expel a projectile by the action of an explosive,
17 explosion, or other means of combustion, or the frame or receiver of such a device, provided the
18 term "firearm" shall not include the term "antique firearm" as defined in 18 U.S.C. section
19 921(a)(16), or a weapon that has been rendered permanently inoperable and is incapable of being
20 readily restored to a firing condition.

21 III. "Individual" means a natural person.

22 IV. "Law enforcement" means any person employed by the United States, or a state, county,
23 city, or town, or other political subdivision as a police officer, peace officer, or another position
24 involving the enforcement of the law and protection of the public interest.

25 V. "Licensed firearms dealer," "licensed dealer," or "dealer" means a person who has a valid
26 federal firearms dealer license under 18 U.S.C. section 923(a), and all additional licenses required
27 by state or local law to engage in the business of selling or transferring firearms.

28 VI. "Person" means any corporation, company, association, firm, partnership, club,
29 organization, society, joint stock company or other entity, and shall include any entity that engages
30 in business in this state, in whole or part, through Internet or mail order sales.

31 VII. "Prohibited person" means any individual or person who is prohibited from owning or

1 possessing a firearm pursuant to 18 U.S.C. section 922(d) or pursuant to state law.

2 159-E:2 Firearms Sales to be Conducted Through a Licensed Dealer.

3 I. No individual or person shall engage in the commercial sale of a firearm unless:

4 (a) The individual or person is a licensed firearms dealer;

5 (b) The purchaser is a licensed firearms dealer; or

6 (c) The requirements of paragraph II are met.

7 II. If neither party to a prospective firearms transaction is a licensed firearms dealer, the
8 parties to the transaction shall complete the commercial sale through a licensed firearms dealer as
9 follows:

10 (a) The seller shall deliver the firearm to the dealer, who shall process the sale as if he
11 or she were the seller, except that the seller may remove the firearm from the business premises of
12 the licensed dealer while the background check is being conducted. If the seller removes the
13 firearm from the business premises of the licensed dealer while the background check is being
14 conducted, the purchaser and the seller shall return to the business premises of the licensed dealer,
15 and the seller shall again deliver the firearm to the licensed dealer prior to completing the sale.

16 (b) Except as provided in subparagraph (a), the dealer shall comply with all
17 requirements of federal, state, and local law that would apply if the licensed dealer were selling the
18 firearm from his or her inventory to the purchaser, including but not limited to, conducting a
19 background check on the prospective purchaser, which shall include a check of the National Instant
20 Criminal Background Check System (NICS), and compliance with all federal, state, and local
21 recordkeeping requirements.

22 (c) If the transaction is not prohibited, the dealer shall deliver the firearm to the buyer
23 after all legal requirements are met.

24 (d) If the dealer cannot legally deliver the firearm to the buyer, the dealer shall return
25 the firearm to the seller without requiring a background check and the transfer to the buyer shall
26 not take place.

27 (e) The dealer may impose on the purchaser a reasonable fee to cover administrative
28 costs incurred by the dealer for facilitating the transfer of the firearm, plus any applicable fees
29 permitted under state or federal law.

30 159-E:3 Exception. This chapter shall not apply to a noncommercial, private sale, transfer, or
31 exchange of a firearm between individuals, provided neither party to the transaction is a prohibited
32 person. If the status of either party's eligibility to own or possess a firearm cannot be ascertained,
33 the transaction shall be completed through a licensed firearm dealer pursuant to RSA 159-E:2, II.

34 159-E:4 Penalties.

35 I. Any individual or person who violates any provision of this chapter shall be guilty of a
36 class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent
37 offense.

38 II. The local law enforcement agency shall report all violations of this chapter by a licensed

HB 109-FN - AS INTRODUCED

- Page 3 -

1 firearms dealer to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

2 159-E:5 Other Laws.

3 I. Nothing in this chapter shall be construed to modify or change the duties of the
4 department of safety pursuant to RSA 159-D.

5 II. Nothing in this chapter shall be construed to require or authorize any state, county, or
6 local law enforcement agency to establish or maintain a registry of firearms sold or transferred in
7 accordance with this chapter.

8 3 Applicability. The provisions of section 2 of this act shall apply to the sale of a firearm on or
9 after the effective date of this act and shall not apply to sales completed prior to the effective date of
10 this act.

11 4 Effective Date. This act shall take effect January 1, 2020.

**HB 109-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring background checks for commercial firearms sales.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires background checks for commercial firearm sales. The bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Class B Misdemeanor	\$53	\$54
Class A Misdemeanor	\$76	\$77
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

The Judicial Council assumes this bill is unlikely to affect expenditures for defense of the

indigent accused. The indigent defense system is not usually called upon to provide representation to someone who violates laws governing business and industry. If a licensed firearm dealer were to be charged with violating this legislation, the violation would take place in the context of his or her occupation and it would be unlikely that they would meet the eligibility standards for appointment of counsel.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

The Department of Safety indicates the bill would increase general fund expenditures for staff and related costs as the number of background checks will increase. Each calendar year the State Police Permits and Licensing Unit, Gun Line handles about 60,000 calls from Federal Firearm Licensed dealers (FFL) for background checks on the sale of handguns to New Hampshire Residents. The Department states the number of currently "private sales" that would be subject to transfer through a FFL as commercial sales cannot be determined so the increase in expenditures cannot be determined. The Permits and Licensing Unit, Gun Line does not charge a fee for this background check service so there is no revenue impact.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments of Justice and Safety

HB 109-FN - AS AMENDED BY THE SENATE

05/23/2019 2244s

2019 SESSION

19-0019

04/08

HOUSE BILL

109-FN

AN ACT

requiring background checks for commercial firearms sales.

SPONSORS:

Rep. Rogers, Merr. 28; Rep. Huot, Belk. 3; Rep. Butler, Carr. 7; Rep. Berch, Ches. 1; Rep. Mulligan, Graf. 12; Rep. Heath, Hills. 14; Rep. Wallner, Merr. 10; Rep. Berrien, Rock. 18; Rep. M. Smith, Straf. 6; Rep. Oxenham, Sull. 1; Sen. Hennessey, Dist 5

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

This bill requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides a criminal penalty for a violation. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.

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 Nineteen

AN ACT requiring background checks for commercial firearms sales.

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

1 1 Purpose. It is the purpose and intent of the general court in enacting RSA 159-E to require
2 commercial firearm sales in New Hampshire to be processed through a licensed firearms dealer, who
3 will conduct a background check and create a record of each sale. The general court believes this law
4 will protect public safety by helping to keep firearms out of the hands of felons, domestic abusers,
5 and those adjudicated to be mentally ill.

6 2 New Chapter; Background Checks for Commercial Firearms Sales. Amend RSA by inserting
7 after chapter 159-D the following new chapter:

8 CHAPTER 159-E

9 BACKGROUND CHECKS FOR COMMERCIAL FIREARMS SALES

10 159-E:1 Definitions. In this chapter:

11 I. "Commercial sale" means a transfer of ownership of a firearm, including but not limited
12 to, a sale, exchange, or gift.

13 II. "Firearm" means any weapon or device designed to be used as a weapon, which will, is
14 designed to, or may be readily converted to, expel a projectile by the action of an explosive, explosion,
15 or other means of combustion, or the frame or receiver of such a device, provided the term "firearm"
16 shall not include the term "antique firearm" as defined in 18 U.S.C. section 921(a)(16), or a weapon
17 that has been rendered permanently inoperable and is incapable of being readily restored to a firing
18 condition.

19 III. "Immediate family member" means a spouse, parent, stepparent, child, stepchild,
20 sibling, stepsibling, grandparent, step-grandparent, grandchild, step-grandchild, great-grandparent,
21 step-great-grandparent, great-grandchild, and step-great-grandchild.

22 IV. "Individual" means a natural person.

23 V. "Law enforcement" means any person employed by the United States, or a state, county,
24 city, or town, or other political subdivision as a police officer, peace officer, or another position
25 involving the enforcement of the law and protection of the public interest.

26 VI. "Licensed firearms dealer," "licensed dealer," or "dealer" means a person who has a valid
27 federal firearms dealer license under 18 U.S.C. section 923(a), and all additional licenses required by
28 state or local law to engage in the business of selling or transferring firearms.

29 VII. "Person" means any corporation, company, association, firm, partnership, club,
30 organization, society, joint stock company or other entity, and shall include any entity that engages
31 in business in this state, in whole or part, through Internet or mail order sales.

1 VII. "Prohibited person" means any individual or person who is prohibited from owning or
2 possessing a firearm pursuant to 18 U.S.C. section 922(d) or pursuant to state law.

3 159-E:2 Firearms Sales to be Conducted Through a Licensed Dealer.

4 I. No individual or person shall engage in the commercial sale of a firearm unless:

5 (a) The individual or person is a licensed firearms dealer;

6 (b) The purchaser is a licensed firearms dealer; or

7 (c) The requirements of paragraph II are met.

8 II. If neither party to a prospective firearms transaction is a licensed firearms dealer, the
9 parties to the transaction shall complete the commercial sale through a licensed firearms dealer as
10 follows:

11 (a) The seller shall deliver the firearm to the dealer, who shall process the sale as if he
12 or she were the seller, except that the seller may remove the firearm from the business premises of
13 the licensed dealer while the background check is being conducted. If the seller removes the firearm
14 from the business premises of the licensed dealer while the background check is being conducted, the
15 purchaser and the seller shall return to the business premises of the licensed dealer, and the seller
16 shall again deliver the firearm to the licensed dealer prior to completing the sale.

17 (b) Except as provided in subparagraph (a), the dealer shall comply with all
18 requirements of federal, state, and local law that would apply if the licensed dealer were selling the
19 firearm from his or her inventory to the purchaser, including but not limited to, conducting a
20 background check on the prospective purchaser, which shall include a check of the National Instant
21 Criminal Background Check System (NICS), and compliance with all federal, state, and local
22 recordkeeping requirements.

23 (c) If the transaction is not prohibited, the dealer shall deliver the firearm to the buyer
24 after all legal requirements are met.

25 (d) If the dealer cannot legally deliver the firearm to the buyer, the dealer shall return
26 the firearm to the seller without requiring a background check and the transfer to the buyer shall
27 not take place.

28 (e) The dealer may impose on the purchaser a reasonable fee to cover administrative
29 costs incurred by the dealer for facilitating the transfer of the firearm, plus any applicable fees
30 permitted under state or federal law.

31 159-E:3 Successful Completion of Background Check. No firearm shall be delivered to an
32 individual pursuant to a commercial sale until NICS has issued a "proceed" response.

33 159-E:4 Exceptions. This chapter shall not apply to a commercial sale where the transfer of
34 ownership is:

35 (a) Between individuals, provided neither party to the transaction is a prohibited person.
36 If the status of an individual's eligibility to own or possess a firearm cannot be ascertained, the
37 transaction shall be completed through a licensed firearm dealer pursuant to RSA 159-E:2, II;

1 (b) Between immediate family members;

2 (c) To a licensed importer, licensed manufacturer, licensed dealer, or licensed collector,
3 as those terms are defined by 18 USC section 921;

4 (d) By or to a law enforcement agency; or

5 (e) By or to a law enforcement officer or member of the United States Armed Forces
6 acting within the course of his or her official duties.

7 159-E:5 Penalties.

8 I. Any individual or person who violates any provision of this chapter shall be guilty of a
9 class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent
10 offense.

11 II. The local law enforcement agency shall report all violations of this chapter by a licensed
12 firearms dealer to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

13 159-E:6 Other Laws.

14 I. Nothing in this chapter shall be construed to modify or change the duties of the
15 department of safety pursuant to RSA 159-D.

16 II. Nothing in this chapter shall be construed to require or authorize any state, county, or
17 local law enforcement agency to establish or maintain a registry of firearms sold or transferred in
18 accordance with this chapter.

19 3 Applicability. The provisions of section 2 of this act shall apply to the sale of a firearm on or
20 after the effective date of this act and shall not apply to sales completed prior to the effective date of
21 this act.

22 4 Effective Date. This act shall take effect January 1, 2020.

HB 109-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2019-2244s)

AN ACT requiring background checks for commercial firearms sales.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires background checks for commercial firearm sales or transfers. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law. The bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Class B Misdemeanor	\$53	\$54
Class A Misdemeanor	\$76	\$77
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable

Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120
---	----------------	----------------

The Judicial Council assumes this bill is unlikely to affect expenditures for defense of the indigent accused. The indigent defense system is not usually called upon to provide representation to someone who violates laws governing business and industry. If a licensed firearm dealer were to be charged with violating this legislation, the violation would take place in the context of his or her occupation and it would be unlikely that they would meet the eligibility standards for appointment of counsel.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

The Department of Safety indicates the bill would increase general fund expenditures for staff and related costs as the number of background checks will increase. Each calendar year the State Police Permits and Licensing Unit, Gun Line handles about 60,000 calls from Federal Firearm Licensed dealers (FFL) for background checks on the sale of handguns to New Hampshire Residents. The Department indicates the number of background checks will increase, however it is impossible to determine what percentage of current private sales would be subject to a transfer through a FFL as a "commercial sale". The Permits and Licensing Unit, Gun Line does not charge a fee for this background check service so there is no revenue impact. The Department assumes the additional responsibility for the increase in background checks would require additional staff. The cost for an additional gun clerk position is approximately \$50,000 in the first year. The current facilities housing the Gun Line has reached capacity, therefore there would be additional associated costs for any additional staff. FFL dealers typically charge \$25 to \$50 to transfer a firearm, but there would be no additional revenue to the State, county or municipalities.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments of Justice and Safety

**HB 109-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2019-2244s)**

AN ACT requiring background checks for commercial firearms sales.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires background checks for commercial firearm sales or transfers. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law. The bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Class B Misdemeanor	\$53	\$54
Class A Misdemeanor	\$76	\$77
Appeals	Varies	Varies

It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.

NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

The Judicial Council assumes this bill is unlikely to affect expenditures for defense of the indigent accused. The indigent defense system is not usually called upon to provide representation to someone who violates laws governing business and industry. If a licensed firearm dealer were to be charged with violating this legislation, the violation would take place in the context of his or her occupation and it would be unlikely that they would meet the eligibility standards for appointment of counsel.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

The Department of Safety indicates the bill would increase general fund expenditures for staff and related costs as the number of background checks will increase. Each calendar year the State Police Permits and Licensing Unit, Gun Line handles about 60,000 calls from Federal Firearm Licensed dealers (FFL) for background checks on the sale of handguns to New Hampshire Residents. The Department indicates the number of background checks will increase, however it is impossible to determine what percentage of current private sales would be subject to a transfer through a FFL as a "commercial sale". The Permits and Licensing Unit, Gun Line does not charge a fee for this background check service so there is no revenue impact. The Department assumes the additional responsibility for the increase in background checks would require additional staff. The cost for an additional gun clerk position is approximately \$50,000 in the first year. The current facilities housing the Gun Line has reached capacity, therefore there would be additional associated costs for any additional staff. FFL dealers typically charge \$25 to \$50 to transfer a firearm, but there would be no additional revenue to the State, county or municipalities.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments of Justice and Safety

HB 109-FN - FINAL VERSION

05/23/2019 2244s
27Jun2019... 2656-EBA

2019 SESSION

19-0019
04/08

HOUSE BILL **109-FN**

AN ACT requiring background checks for commercial firearms sales.

SPONSORS: Rep. Rogers, Merr. 28; Rep. Huot, Belk. 3; Rep. Butler, Carr. 7; Rep. Berch, Ches. 1; Rep. Mulligan, Graf. 12; Rep. Heath, Hills. 14; Rep. Wallner, Merr. 10; Rep. Berrien, Rock. 18; Rep. M. Smith, Straf. 6; Rep. Oxenham, Sull. 1; Sen. Hennessey, Dist 5

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides a criminal penalty for a violation. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.

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 Nineteen

AN ACT requiring background checks for commercial firearms sales.

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

1 1 Purpose. It is the purpose and intent of the general court in enacting RSA 159-E to require
2 commercial firearm sales in New Hampshire to be processed through a licensed firearms dealer, who
3 will conduct a background check and create a record of each sale. The general court believes this law
4 will protect public safety by helping to keep firearms out of the hands of felons, domestic abusers,
5 and those adjudicated to be mentally ill.

6 2 New Chapter; Background Checks for Commercial Firearms Sales. Amend RSA by inserting
7 after chapter 159-D the following new chapter:

8 CHAPTER 159-E

9 BACKGROUND CHECKS FOR COMMERCIAL FIREARMS SALES

10 159-E:1 Definitions. In this chapter:

11 I. "Commercial sale" means a transfer of ownership of a firearm, including but not limited
12 to, a sale, exchange, or gift.

13 II. "Firearm" means any weapon or device designed to be used as a weapon, which will, is
14 designed to, or may be readily converted to, expel a projectile by the action of an explosive, explosion,
15 or other means of combustion, or the frame or receiver of such a device, provided the term "firearm"
16 shall not include the term "antique firearm" as defined in 18 U.S.C. section 921(a)(16), or a weapon
17 that has been rendered permanently inoperable and is incapable of being readily restored to a firing
18 condition.

19 III. "Immediate family member" means a spouse, parent, stepparent, child, stepchild,
20 sibling, stepsibling, grandparent, step-grandparent, grandchild, step-grandchild, great-grandparent,
21 step-great-grandparent, great-grandchild, and step-great-grandchild.

22 IV. "Individual" means a natural person.

23 V. "Law enforcement" means any person employed by the United States, or a state, county,
24 city, or town, or other political subdivision as a police officer, peace officer, or another position
25 involving the enforcement of the law and protection of the public interest.

26 VI. "Licensed firearms dealer," "licensed dealer," or "dealer" means a person who has a valid
27 federal firearms dealer license under 18 U.S.C. section 923(a), and all additional licenses required by
28 state or local law to engage in the business of selling or transferring firearms.

29 VII. "Person" means any corporation, company, association, firm, partnership, club,
30 organization, society, joint stock company or other entity, and shall include any entity that engages

1 in business in this state, in whole or part, through Internet or mail order sales.

2 VII. "Prohibited person" means any individual or person who is prohibited from owning or
3 possessing a firearm pursuant to 18 U.S.C. section 922(d) or pursuant to state law.

4 159-E:2 Firearms Sales to be Conducted Through a Licensed Dealer.

5 I. No individual or person shall engage in the commercial sale of a firearm unless:

6 (a) The individual or person is a licensed firearms dealer;

7 (b) The purchaser is a licensed firearms dealer; or

8 (c) The requirements of paragraph II are met.

9 II. If neither party to a prospective firearms transaction is a licensed firearms dealer, the
10 parties to the transaction shall complete the commercial sale through a licensed firearms dealer as
11 follows:

12 (a) The seller shall deliver the firearm to the dealer, who shall process the sale as if he
13 or she were the seller, except that the seller may remove the firearm from the business premises of
14 the licensed dealer while the background check is being conducted. If the seller removes the firearm
15 from the business premises of the licensed dealer while the background check is being conducted, the
16 purchaser and the seller shall return to the business premises of the licensed dealer, and the seller
17 shall again deliver the firearm to the licensed dealer prior to completing the sale.

18 (b) Except as provided in subparagraph (a), the dealer shall comply with all
19 requirements of federal, state, and local law that would apply if the licensed dealer were selling the
20 firearm from his or her inventory to the purchaser, including but not limited to, conducting a
21 background check on the prospective purchaser, which shall include a check of the National Instant
22 Criminal Background Check System (NICS), and compliance with all federal, state, and local
23 recordkeeping requirements.

24 (c) If the transaction is not prohibited, the dealer shall deliver the firearm to the buyer
25 after all legal requirements are met.

26 (d) If the dealer cannot legally deliver the firearm to the buyer, the dealer shall return
27 the firearm to the seller without requiring a background check and the transfer to the buyer shall
28 not take place.

29 (e) The dealer may impose on the purchaser a reasonable fee to cover administrative
30 costs incurred by the dealer for facilitating the transfer of the firearm, plus any applicable fees
31 permitted under state or federal law.

32 159-E:3 Successful Completion of Background Check. No firearm shall be delivered to an
33 individual pursuant to a commercial sale until NICS has issued a "proceed" response.

34 159-E:4 Exceptions. This chapter shall not apply to a commercial sale where the transfer of
35 ownership is:

36 (a) Between individuals, provided neither party to the transaction is a prohibited person.

37 If the status of an individual's eligibility to own or possess a firearm cannot be ascertained, the

1 transaction shall be completed through a licensed firearm dealer pursuant to RSA 159-E:2, II;

2 (b) Between immediate family members;

3 (c) To a licensed importer, licensed manufacturer, licensed dealer, or licensed collector,
4 as those terms are defined by 18 USC section 921;

5 (d) By or to a law enforcement agency; or

6 (e) By or to a law enforcement officer or member of the United States Armed Forces
7 acting within the course of his or her official duties.

8 159-E:5 Penalties.

9 I. Any individual or person who violates any provision of this chapter shall be guilty of a
10 class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent
11 offense.

12 II. The local law enforcement agency shall report all violations of this chapter by a licensed
13 firearms dealer to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

14 159-E:6 Other Laws.

15 I. Nothing in this chapter shall be construed to modify or change the duties of the
16 department of safety pursuant to RSA 159-D.

17 II. Nothing in this chapter shall be construed to require or authorize any state, county, or
18 local law enforcement agency to establish or maintain a registry of firearms sold or transferred in
19 accordance with this chapter.

20 3 Applicability. The provisions of section 2 of this act shall apply to the sale of a firearm on or
21 after the effective date of this act and shall not apply to sales completed prior to the effective date of
22 this act.

23 4 Contingent Renumbering. If HB 514-FN of the 2019 regular legislative session becomes law,
24 RSA 159-E:1 through RSA 159-E:5 and all references to RSA 159-E as inserted by sections 1 and 2 of
25 this act shall be renumbered as RSA 159-F.

26 5 Effective Date. This act shall take effect January 1, 2020.

27
28 VETOED August 9, 2019

29 Veto Sustained September 18, 2019

30

HB 109-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2019-2244s)

AN ACT requiring background checks for commercial firearms sales.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires background checks for commercial firearm sales or transfers. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law. The bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Class B Misdemeanor	\$53	\$54
Class A Misdemeanor	\$76	\$77
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable

Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120
---	----------------	----------------

The Judicial Council assumes this bill is unlikely to affect expenditures for defense of the indigent accused. The indigent defense system is not usually called upon to provide representation to someone who violates laws governing business and industry. If a licensed firearm dealer were to be charged with violating this legislation, the violation would take place in the context of his or her occupation and it would be unlikely that they would meet the eligibility standards for appointment of counsel.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

The Department of Safety indicates the bill would increase general fund expenditures for staff and related costs as the number of background checks will increase. Each calendar year the State Police Permits and Licensing Unit, Gun Line handles about 60,000 calls from Federal Firearm Licensed dealers (FFL) for background checks on the sale of handguns to New Hampshire Residents. The Department indicates the number of background checks will increase, however it is impossible to determine what percentage of current private sales would be subject to a transfer through a FFL as a "commercial sale". The Permits and Licensing Unit, Gun Line does not charge a fee for this background check service so there is no revenue impact. The Department assumes the additional responsibility for the increase in background checks would require additional staff. The cost for an additional gun clerk position is approximately \$50,000 in the first year. The current facilities housing the Gun Line has reached capacity, therefore there would be additional associated costs for any additional staff. FFL dealers typically charge \$25 to \$50 to transfer a firearm, but there would be no additional revenue to the State, county or municipalities.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments of Justice and Safety

Amendments

Floor Amendment to HB 109-FN

1 Amend the bill by replacing sections 1 and 2 with the following:

2

3 1 Purpose. It is the purpose and intent of the general court in enacting RSA 159-E to require
4 commercial firearm sales in New Hampshire to be processed through a licensed firearms dealer,
5 who will conduct a background check and create a record of each sale. The general court believes
6 this law will protect public safety by helping to keep firearms out of the hands of felons, domestic
7 abusers, and those adjudicated to be mentally ill.

8 2 New Chapter; Background Checks for Commercial Firearms Sales. Amend RSA by inserting
9 after chapter 159-D the following new chapter:

10

CHAPTER 159-E

11

BACKGROUND CHECKS FOR COMMERCIAL FIREARMS SALES

12

159-E:1 Definitions. In this chapter:

13

14

I. "Commercial sale" means a transfer of ownership of a firearm, including but not limited
to, a sale, exchange, or gift.

15

16

17

18

19

20

II. "Firearm" means any weapon or device designed to be used as a weapon, which will, is
designed to, or may be readily converted to, expel a projectile by the action of an explosive,
explosion, or other means of combustion, or the frame or receiver of such a device, provided the
term "firearm" shall not include the term "antique firearm" as defined in 18 U.S.C. section
921(a)(16), or a weapon that has been rendered permanently inoperable and is incapable of being
readily restored to a firing condition.

21

22

23

24

III. "Immediate family member" means a spouse, parent, stepparent, child, stepchild,
sibling, stepsibling, grandparent, step-grandparent, grandchild, step-grandchild, great-
grandparent, step-great-grandparent, great-grandchild, and step-great-grandchild.

25

26

27

IV. "Individual" means a natural person.
V. "Law enforcement" means any person employed by the United States, or a state, county,
city, or town, or other political subdivision as a police officer, peace officer, or another position
involving the enforcement of the law and protection of the public interest.

28

29

30

VI. "Licensed firearms dealer," "licensed dealer," or "dealer" means a person who has a valid
federal firearms dealer license under 18 U.S.C. section 923(a), and all additional licenses required
by state or local law to engage in the business of selling or transferring firearms.

31

32

VII. "Person" means any corporation, company, association, firm, partnership, club,
organization, society, joint stock company or other entity, and shall include any entity that engages

Floor Amendment to HB 109-FN

- Page 2 -

1 in business in this state, in whole or part, through Internet or mail order sales.

2 VII. "Prohibited person" means any individual or person who is prohibited from owning or
3 possessing a firearm pursuant to 18 U.S.C. section 922(d) or pursuant to state law.

4 159-E:2 Firearms Sales to be Conducted Through a Licensed Dealer.

5 I. No individual or person shall engage in the commercial sale of a firearm unless:

6 (a) The individual or person is a licensed firearms dealer;

7 (b) The purchaser is a licensed firearms dealer; or

8 (c) The requirements of paragraph II are met.

9 II. If neither party to a prospective firearms transaction is a licensed firearms dealer, the
10 parties to the transaction shall complete the commercial sale through a licensed firearms dealer as
11 follows:

12 (a) The seller shall deliver the firearm to the dealer, who shall process the sale as if he
13 or she were the seller, except that the seller may remove the firearm from the business premises of
14 the licensed dealer while the background check is being conducted. If the seller removes the
15 firearm from the business premises of the licensed dealer while the background check is being
16 conducted, the purchaser and the seller shall return to the business premises of the licensed dealer,
17 and the seller shall again deliver the firearm to the licensed dealer prior to completing the sale.

18 (b) Except as provided in subparagraph (a), the dealer shall comply with all
19 requirements of federal, state, and local law that would apply if the licensed dealer were selling the
20 firearm from his or her inventory to the purchaser, including but not limited to, conducting a
21 background check on the prospective purchaser, which shall include a check of the National Instant
22 Criminal Background Check System (NICS), and compliance with all federal, state, and local
23 recordkeeping requirements.

24 (c) If the transaction is not prohibited, the dealer shall deliver the firearm to the buyer
25 after all legal requirements are met.

26 (d) If the dealer cannot legally deliver the firearm to the buyer, the dealer shall return
27 the firearm to the seller without requiring a background check and the transfer to the buyer shall
28 not take place.

29 (e) The dealer may impose on the purchaser a reasonable fee to cover administrative
30 costs incurred by the dealer for facilitating the transfer of the firearm, plus any applicable fees
31 permitted under state or federal law.

32 159-E:3 Successful Completion of Background Check. No firearm shall be delivered to an
33 individual pursuant to a commercial sale until NICS has issued a "proceed" response.

34 159-E:4 Exceptions. This chapter shall not apply to a commercial sale where the transfer of
35 ownership is:

36 (a) Between individuals, provided neither party to the transaction is a prohibited
37 person. If the status of an individual's eligibility to own or possess a firearm cannot be ascertained,

Floor Amendment to HB 109-FN

- Page 3 -

1 the transaction shall be completed through a licensed firearm dealer pursuant to RSA 159-E:2, II;

2 (b) Between immediate family members;

3 (c) To a licensed importer, licensed manufacturer, licensed dealer, or licensed collector,
4 as those terms are defined by 18 USC section 921;

5 (d) By or to a law enforcement agency; or

6 (e) By or to a law enforcement officer or member of the United States Armed Forces
7 acting within the course of his or her official duties.

8 159-E:5 Penalties.

9 I. Any individual or person who violates any provision of this chapter shall be guilty of a
10 class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent
11 offense.

12 II. The local law enforcement agency shall report all violations of this chapter by a licensed
13 firearms dealer to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

14 159-E:6 Other Laws.

15 I. Nothing in this chapter shall be construed to modify or change the duties of the
16 department of safety pursuant to RSA 159-D.

17 II. Nothing in this chapter shall be construed to require or authorize any state, county, or
18 local law enforcement agency to establish or maintain a registry of firearms sold or transferred in
19 accordance with this chapter.

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Martha Hennessey, Chair
Sen Shannon Chandley, Vice Chair
Sen Melanie Levesque, Member
Sen Sharon Carson, Member
Sen Harold French, Member

Date: April 24, 2019

HEARINGS

Tuesday	04/30/2019	
(Day)	(Date)	
Judiciary	SH 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 109-FN	requiring background checks for commercial firearms sales.
10:00 a.m.	HB 514-FN	imposing a waiting period between the purchase and delivery of a firearm.
11:00 a.m.	HB 564	relative to possession of firearms on school property.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 109-FN

Rep. Rogers
Rep. Mulligan
Rep. M. Smith

Rep. Huot
Rep. Heath
Rep. Oxenham

Rep. Butler
Rep. Wallner
Sen. Hennessey

Rep. Berch
Rep. Berrien

HB 514-FN

Rep. Rogers
Rep. Chretien

Rep. Abbott
Rep. Mombourquette

Rep. Josephson
Rep. Bunker

Rep. Muscatel
Rep. Conley

HB 564

Rep. Heath
Rep. Eisner

Rep. Doherty
Rep. Rodd

Rep. Cornell

Rep. Mulligan

Jennifer Horgan 271-2609

Martha S. Hennessey
Chairman

Senate Judiciary Committee
Jennifer Horgan 271-2609

HB 109-FN, requiring background checks for commercial firearms sales.

Hearing Date: April 30, 2019

Time Opened: 9:00 a.m. Time Closed: 11:14 a.m.

Members of the Committee Present: Senators Hennessey, Chandley, Levesque, Carson and French

Members of the Committee Absent : None

Bill Analysis: This bill requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides a criminal penalty for a violation. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.

Sponsors:

Rep. Rogers	Rep. Huot	Rep. Butler
Rep. Berch	Rep. Mulligan	Rep. Heath
Rep. Wallner	Rep. Berrien	Rep. M. Smith
Rep. Oxenham	Sen. Hennessey	

Who supports the bill: Please See Sign-In Sheet

Who opposes the bill: Please See Sign-In Sheet

Summary of testimony presented in support:

Representative Rogers (provided written testimony)

- Although NH has the seventh lowest number of gun deaths per capita in the country, it has the 24th highest rate of crime gun exports.
- NH exports three times as many crime guns as we import.
- NH is the top supplier of crime guns to MA, ME, and VT.
- The use of firearms is responsible for 48% of the state's domestic violence homicides.
- NHDOS estimates that 33,000 of the 82,500 gun sales in NH will not have background checks in the coming year.
- Background checks have been blocked due to the loopholes of private sellers.
- According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) NH exported 18.3 guns per 100,000 inhabitants. The national average is 14.1.

- HB109 will not prevent every tragedy but it will make a difference and can save lives.
- This bill will require commercial firearms sales or transfers in the state to be subject to a criminal background check.
- It will be a misdemeanor penalty for the seller for each violation.
- Under this bill, commercially advertised sales would require a background check.
- The bill defines 'commercial sale' as a sale, transfer, or exchange of a firearm that takes place at, or on the curtilage of, a firearm or "gun" show or pursuant to an offer to sell, buy, transfer, or exchange a firearm that took place at a gun show, or pursuant to an advertisement, posting, listing, or display.
- Transfers and exchanges are included in this definition because it is not uncommon for a firearm to be traded rather than sold.
- Curtilage is included to discourage gun exchanges in the parking lot of a gun show.
- There is an exception in the bill for private non-commercial sales transferred between friends and family.
- The bill expressly prohibits a gun registry.
- Commercially selling a pistol or revolver without a license is already illegal.
- This is not going to affect private citizens who do one sale.
- If a person does not know the person, the best bet is to do a background check.
- RSA159:14 suggests you have to personally know someone before selling them a pistol or revolver but, there is case law on this.
- There is nothing in law currently that says that a gun show sale has to have a background check.

Honorable Bette Lasky

- Knows all members of the Committee grieve for the tragedies that have occurred and wonder about what will happen next.
- Urges the Committee to put aside partisanship, come together, and pass these bills.
- These bills do not infringe on second amendment rights.
- The bills are trying to strike a balance between reasonable second amendment rights and commonsense measures.
- If these laws protect one life and save one family then you will have done a really good thing by passing these.

Dr. Nick Porencevich (provided written testimony)

- Has seen minimal gun trauma in NH but worked in Lawrence and saw significant gun violence there.
- Provided articles regarding the gun bills.
- For about two years the American College of Surgeons met to discuss how to deal with mass shootings and they came to realize that the community firearm owners are often approached as part of the problem but less commonly approached a part of the solution.
- The College put together 22 surgeons from 16 states, 18 of them are gun owners and half of those are members of the NRA.
- They supported the idea of background checks and more research.

Clyde Bacon

- Is a air force veteran and gun owner and supports all three gun bills.
- America has a massive problem with paranoia and money.
- Spoke of the multiple instances of gun violence in America.
- Thinks people with guns need to relax a bit and the world is not coming to the end if they have to register.
- Got a concealed carry permit even though he did not have to.
- Senator French asked if Mr. Bacon was aware that under this law having PTSD would prohibit him from having a gun.
 - Does not know whether PTSD would allow you to carry a gun or not. Every time he goes into the VA the first thing they ask is if he is suicidal. If he can't carry, then that's fine.
- Senator Carson asked if he is aware that if he were to become a prohibited person and go on the National Instant Criminal Background Check System (NICS) list there is no way for him to come off the list.
 - If that is the repercussion, he is willing to face that. Is first and foremost an American and then a New Hampshireite. Does not feel he is a danger to anyone but would give up his gun if that is the price to pay.

Susan Sonneborn

- Shared testimony on behalf of Deb Howard who is a volunteer for Moms Demand Action.
- 100 Americans are killed with guns on an average day and the US gun homicide rate is 25% higher than other high-income countries
- Background checks save lives.
- When CT passed a law to require background checks it led to a 40% reduction in the gun homicide rate and a 15% reduction in the gun suicide rate.
- The background check system has stopped 3.5 million illegal gun sales since 1994.
- The federal laws are riddled with loopholes.
- NH has no state laws requiring background checks on firearm sales.
- Current federal law requires federally licensed gun dealers to perform background checks but there is no such requirement for unlicensed sellers.
- Last year more than 14,000 firearms were listed on ArmsList.com in NH available without a background check.
- A recent survey found that 22% of Americans who had acquired their most recent gun in the two years prior, did so without a background check.
- In some states as many as 1 in 10 people seeking guns in unlicensed sales have prohibiting criminal records.

Rabbi Robin Nafshi (provided written testimony)

- Jewish law expressly prohibits the sale of firearms to those with criminal records.
- The Jewish Community is still reeling from the recent attacks on synagogues.
- Shared that just 18 days after the Pittsburgh shooting she became a target of a neo-Nazi individual in NH; he claims not to be violent, but the FBI has shared that his ex-wife lives in a safehouse because he has a history of domestic violence.

- Virtually every synagogue in American is spending countless hours and money to develop safety procedures.
- Please join their efforts to be safer and pass this legislation.

Dr. Leonard Korn (NH Medical Society) (provided written testimony)

- Organized medicine has been concerned about gun violence for a long time.
- People that oppose commonsense gun laws never present any information on how to reduce gun violence.
- Gun violence in the US is 25 times the rate of other civilized western democracies.
- We have to do something.
- Studies have shown that commonsense gun laws do reduce firearm violence.
- All efforts at preventing gun violence are attempts to restrict possession of firearms by those individuals that have shown tendencies to commit violence.
- This bill has nothing to do with mental health, it is just expanding the use of background checks to all commercial firearm sales.
- 75 medical public health and research organizations support background checks.
- 84 physicians in the state support this.
- Senator French asked if mental health does not come into play for firearm purchases.
 - The purchase of the firearm from a federally license dealer requires a background check. Those sellers are not equipped or prepared to do a mental health evaluation. There are some states that send the names of patients that are committed to the state hospital to NICS, but NH does not. If a patient is discharged from NH Hospital, they can immediately go and purchase a gun.

Tracey Hahn-Burkett

- Has sympathy for those that want to have a gun for protection.
- None of the rights in the federal or state constitution are absolute.
- Public safety is a legal and legitimate state interest.
- This bill will not take away anyone's rights, it will simply ensure that people who ought not be in possession of firearms cannot get them.
- Waiting for a single, perfect solution is not an excuse to do nothing.
- How many more people would be dead without the background checks we require now.
- 90% of NH citizens responded they support background checks.
- This is not going to shut down firearm training.
- Senator French asked what reasons would make a person ineligible to purchase a firearm.
 - Cannot recite them, but they are in the prohibited person statute.

Cindy White (provided written testimony)

- David Ray Connolly was prohibited from owning a firearm because of his criminal history, but he bought a gun over the Internet with no background check in Texas. He used that gun to massacre eight people.
- Radcliff Hoten in Milwaukee was barred from purchasing firearms because of a restraining order. He bought a gun online from a private seller and used it to murder his estranged wife and two of her co-workers.

- These cases could have happened in NH because of these loopholes.
- In 34% of mass shootings between 2009 and 2016 the gunman was legally prohibited from possessing firearms.
- Studies show that stronger background check laws are associated with significantly lower rates of firearm homicides and suicides.
- This bill will help close the loophole while respecting the rights of law abiding gun owners.
- Polls show that 97% of Americans support background checks, including 97% of gun owners, and by 94% of Granite Staters, including 80% of NH gun owners.

Marcella Dube

- On August 11, 2013 Muni Savyon killed himself and his nine-year-old son at the Manchester YMCA during a supervised visit. In March of the previous year he was accused of making threats against his son and he was charged with domestic violence criminal threatening. A restraining order was granted in May 2012 and the final order prohibited Savyon from having a firearm.
- Joshua would have started the fourth grade with her daughter.
- These bills are a foundation. Understands there is not one bill or law that can prevent gun violence.
- Gun violence has become normalized.
- Understands the right to own a gun, but also understands the right to be safe.
- Senator French asked if it was ever determined where Savyon bought his firearm.
 - He was asked by the court if he had any firearms, but he lied and said he didn't have any. There was no law at that time to take the guns from him. He bought it legally through a licensed dealer.

Barbara McKusick Liscord

- We have not done enough to pass sensible gun laws in America.
- Medical professionals can only do so much to help the trauma of a gunshot.
- Is not anti-gun.
- Just as we have sensible traffic laws for vehicles we should have sensible gun laws.

Lizarda Lorena

- Suffers from PTSD.
- This bill is very important for safety.
- NH has too many suicides.
- It is dangerous for people that have a mental illness to buy a gun.
- Spoke to her doctors about buying a gun and they did not care.
- Went to the gun show in April and was considering buying a gun when she was not in a good mental state. Has no criminal background so they would have simply sold her a gun.

Zandra Rice-Hawkins (Gunsense NH-Granite State Progress)

- Since the Brady Act was enacted through 2010 over 118 million applications were subject to background checks. Of those, 2.1 million applications were denied. A felony conviction was the number one reason why and a conviction of domestic abuse was the second.

- In 2017 NH conducted nearly 130,000 background checks and in 2018 it was around 120,000.
- Requiring a background check every time a gun is sold is effective in keeping guns out of the hands of those who are a danger to themselves or others.
- If a seller does not know a person, they should have them go through a background check.
- Online sales over state lines are supposed to go through a federally licensed dealer, but in-state online sales are not subject to that.
- Gun shows do not require background checks. If you are a federally licensed dealer you have to conduct a background check regardless of where you are, but if you are a private seller you do not have to do a background check.
- Lets subject those engaging in these sales to the same process as federally licensed sales. There are clear exceptions for friends and family.
- Knows this is supported by 9 out of 10 Granite Staters and that that statistic has remained steady since 2013.
- Went on to ArmsList.com this spring and said she was 18 and not a prohibited person. That is the extent of the requirement to purchase.

Summary of testimony presented in opposition:

Susan Olsen (Women's Defense League of NH) (provided written testimony)

- This bill relies on universal background checks that are performed through the National Instant Criminal Background Check System (NICS).
- In October 2018 requested copies of all of the audits of the NH State Gun Line, though the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).
- In April 2019 received copies of two of the audits. Provided those to the Committee.
- The audit consists of three parts: an interview portion that discusses Gun Line policies and procedures, a data quality review, and transactions that were conducted utilizing NICS for the disposal of firearm transactions.
- The ATF threshold for assessing the integrity of the Gun Line is 10%.
- The only recourse for those 10% is to file suit.
- The 2015 assessment reviewed 400 entries in the NH Gun Line and found that 98 records, for which documentation did not support a NICS entry, were missing and there were four completely inaccurate records.
- This produces an error rate of 27.25%, nearly three times ATF's acceptable threshold.
- The Women's Defense League routinely has six instructors working with 25 students over a 10-hour period. It would not be unusual for a firearm to change hands 400 times during that course.
- This bill would require a NICS check every time the firearm exchanged hands.
- To place reliance on such a massively failed system is wrong.
- The NH Gun Line is incompetent and should not be used as any part of any piece of legislation until it is corrected.
- Senator French asked if there anything else besides what she has expressed that would make her opposed to this legislation.

- This bill requires a registry, it conflates transfer with sale, it absolutely ignores current state and federal law, and has for all of its iterations been wrong.

Honorable Robert Clegg (Pro-Gun NH)

- This bill does not prohibit a registry, it just says we do not have to have one.
- Believes the bill indicates that there should be a registry.
- On page 2, line 30 it sounds like a prohibited person is someone who has done something major, it would actually apply to someone on medical marijuana.
- Proper work needs to be done see what is and is not a prohibited person.
- The Gun Line does not work.
- Two officers in Manchester got shot not too long ago because of the Gun Line's incompetence.
- Having to hire a lawyer to clear your name when you have done nothing wrong because of incompetence is further proof that NH should do away with the Gun Line and just go straight to the federal government.

Kimberly Morin

- Is an instructor with the Women's Defense League.
- This bill will make it impossible for women to get gun safety training because it turns all transfers into commercial sales.
- This bill does nothing to stop criminals.
- Granite State women have a right to protect themselves and the right to learn how to use guns safely.

Lauren LePage (National Rifle Association) (provided written testimony)

- Federal studies have shown that the vast majority of inmates who acquired firearms, did so through straw purchases, the black market, and theft.
- Federal law broadly defines firearm dealers, who are already required under federal law to complete background checks.
- It does not matter if it is at a gun show or a gun shop, they have to perform a background check.
- Senator French asked how these background checks determine the mental state of buyers.
 - A person needs to have a criminal record in order to be flagged by the NICS system. A lot of gun dealers will use their personal judgment. There is no propensity test.
- Senator French asked if a seller uses their personal opinion for the denial of a sale due to psychological concerns.
 - A dealer has to run a background check. It is not going to show a propensity to commit a crime.

Aaron Penkacik

- Is a lifelong NRA member and a member of a NH Firearms Coalition.
- This bill does nothing to help with any of the problems we have been discussing.
- This law is unenforceable because the sales will still go on through the black market.
- Often takes friends that he does not know their entire background to the range and transfers the gun between them; that would become illegal if this bill passes.

Larry Melanson

- This bill is perpetuating a myth that the gun shows and online sales are a wide-open marketplace where anyone can buy a firearm without a background check.
- The vast majority of guns sold at gun shows and online are done by licensed dealers and have to go through a background check.
- This is unenforceable without a registry and sees the gun registry coming next.
- NH is home to two significant firearm manufacturers which may impact NH's exportable numbers.

Alan Rice (Gun Owners of America) (provided written testimony)

- This bill includes the word 'display' without a definition.
- If someone shows a gun to someone and they talk about buying it, under this bill they would then have to go to a licensed dealer even if they were just loaning it.
- There is nothing in this bill that requires a licensed dealer to perform the service of a background check.
- If the dealer chooses to provide this service, there is not limit on what they could charge.
- After returning the loaned gun, the same process would have to take place over again.
- This is not a simple or commonsense bill.
- It sets dealers up to fail because there are provisions that violate federal laws.
- Current NH law requires the person to be personally known or for the buyer to possess a pistol license, which cannot be issued to a prohibited person.
- NH is one of the safest states in the country.
- Online sales by virtue of federal law have to be shipped to a federally licensed dealer resulting in a background check.
- It is a myth that you can buy a gun online and have to shipped to your house.

Stephen Stefanik

- Remembers when he could buy a gun at a hardware store.
- The Brady Act was passed in 1993 and the implementation of the NICS background check was passed in 1998.
- All gun sales at gun shows require background checks.
- For whatever reason people think there are parking lot sales going on that might be true but that is already against the law.
- There is a law in NH that says you can sell guns to a friend or family members.
- This bill does not address the mental illness issue.
- This is a partisan bill.

Honorable JR Hoell (NH Firearms Coalition) (provided written testimony)

- Provided Representative Danielson's testimony, which covers concerns with constitutional protections and the word 'ascertain' in the definitions.
- Raised the concerns that an advertisement for a training class could be considered a firearm transfer under this legislation. Simple transfer is handing a firearm to someone else.
- This creates a list of gun owners that the government then has and historically, when the government has a list they start collecting them.

- There are 3.5 million people that were stopped from buying a firearm. Asked of that number how many of them were arrested or convicted? It is fractions of less than 1% due to false positives.
- It takes tens of thousands of dollars to get an attorney if it is at all possible to get off the NICS list.
- Good legislation meets three constraints: follows the constitutional guidelines for government, is enforceable, and is not already on the books.
- This bill violates the constitution, it drives sales to the black market, and RSA159:8 already deals with the transfer of firearms.

Don Avery

- Is wondering if NH is exporting more guns than we are importing then at some point we are not going to have any guns left to export, expect for the fact that we have gun manufacturers. Questions if we are an exporter.
- It is his belief that the gun laws in MA create their own need for guns.
- Felons will look at the opportunities they have to make money. If they can be reasonably assured there is not going to be a gun on the premises they are going to have a more booming and safer business.
- MA is creating its own need for black market guns, making it extremely difficult for good MA people to own guns.

Honorable Joe Hannon (Gun Owners of NH)

- The bill redefines the word 'commercial' to mean anything: posting at a private gun club's bulletin board or a Facebook post in a private group to a friend.
- This says if you show a gun to anyone, you have displayed it and therefore it would require a background check.
- This bill would put a lot of murkiness into the legal process.
- In *Haynes v US* (1968) the Supreme Court ruled that felons were not required to register their firearms due to self-incrimination. The same could apply to a background check.
- The majority of firearms are purchased illegally or through a straw purchase.
- A straw purchase is when a gun is sold to a permitted person and then given to a prohibited person.
- We should be going after prohibited persons trying to purchase guns instead of doing this.
- NH is consistently one of the safest states in the country, do we want to emulate the states that face more danger?
- Senator French raised concerns regarding the definitions within the bill.
 - The exception aspect is a joke. This bill completely redefines every transfer of a firearm between non-licensed firearm dealers into a commercial sale. It is a tax on of every gun owner and user in the state, which we would not allow for anything else.

James Gaffney

- Thinks people who are so dangerous that they should not own a gun, should probably not be on the street.
- The government is criminalizing one thing after another.
- This is attempting to prevent people from harming others, but assault, homicide, and disturbing the peace are already illegal.

- Anyone that thinks this bill will do anything probably needs to have their head examined.
- People commit crimes, not guns. A gun is no different than a cellphone or a baseball bat.
- There are upwards of 1.2million incidents of defense with a firearm.
- Was on the receiving end of a home invasion and only had to present his gun to the burglar to get him to leave. It is amazing how a criminal with a crowbar changes their mind when you have a firearm.
- Once the government restricts access to one inanimate object a person is just going to move on to the next one.

Tim Mulverhill

- Is a federal firearms licensee and has worked with NH gun shows.
- Most mass shooters have purchased their firearms after passing a background check.
- There were 136 deaths by firearms in NH, 127 of those were suicides.
- If someone has motive, opportunity, means, and intent to commit violence they are going to do it no matter what.

Penny Dean

- Federal law 18 U.S. Code § 922, D, G, & N provide ten-year penalties for most of the transfers people are concerned about.
- The question is whether or not the federal government and the state enforce those penalties.
- Doesn't believe the statistics showing support for this are accurate.
- Anyone who says we should get rid of the Gun Line is crazy.
- The Gun Line is not perfect, but Sargent Haggerty who runs it now is the best the state has ever seen.
- The person that shot two officers was not a prohibited person.
- No one can predict what someone is going to do.
- This bill is a bad train wreck and it redefines all sorts of terms to make everything a transfer.
- The question is what are you trying to fix with this?
- The supporters of this do not like guns, do not like gun owners, and they see this as a starting point not a stopping point.
- In NH, even if a person appeals to the NH Supreme Court and they reverse the determination, you can still never have your firearm rights restored.

Greg Montgomery

- If we believe the statistics from earlier there shouldn't be so many people here opposing the bill.
- How many of those exported guns would have been stopped if this bill passes? Finds it questionable.
- Maybe we need to focus on de-escalation of rhetoric rather than passing laws that will prohibit law abiding gun owners from selling or acquiring firearms.
- This may increase taxes on the citizenry.

Richard Shepherd

- This bill goes against the basic constitutional precepts: the laws of God and the laws of nature's God. In that lies the respect of the sentient human being, which this bill ignores.
- What does commonsense even mean?
- This will take away his guns and the guns of people like him.
- His firearms belong to him, they are his property, and they do not belong to the state.
- Should not have his guns taken away from him because of a stupid, ill thought out law.
- This law does nothing to create safety and is a solution looking for a problem.

jch

Date Hearing Report completed: May 6, 2019

Speakers

SPEAKING

Senate Judiciary Committee

SIGN-IN SHEET

Date: 04/30/2019 Time: 9:00 a.m.

HB 109-FN AN ACT requiring background checks for commercial firearm sales.

Name/Representing (please print neatly)

Name/Representing	Support	Oppose
✓ Susan Olsen WIDEN H	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ KALBERG MORIN SELF	<input type="checkbox"/>	<input type="checkbox"/>
✓ Nick PENCEVICH, MD SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ CLYDE BACON SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Suzanne Sonneborn / Deb Howard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Rabbi Robin Nafshi - need to leave by 10:30. Thank you	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REP JOHN POPCZEK ROCK. 6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
no Charles A. Hall	<input type="checkbox"/>	<input checked="" type="checkbox"/>
no REP TIMOTHY HARRISON STREETS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
no SUSAN COVERTE CONTOOCCOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Lauren LePage - NRA	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Aaron Penkacik Hollis	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ HON BETTIE LABRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. [REDACTED]	<input type="checkbox"/>	<input checked="" type="checkbox"/>
no Cheri Falk Wilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ LEONARD KORN MD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
no ✓ Tracey Zahn-Burkett	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Cindy White	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ LARRY MELANSON WEBSTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NOT SPEAKING

Senate Judiciary Committee

SIGN-IN SHEET

Date: 04/30/2019 Time: 9:00 a.m.

HB 109-FN AN ACT requiring background checks for commercial firearm sales.

Name/Representing (please print neatly)

Rep. DENNIS GREEN	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
GEORGE KURMANS	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Cathie Goldwater	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Juda Rea Camarota - Rep. Hills 7	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Rep John Bunt Hills 39 Goffstown Weare, Deerig	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
AP Am	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Mina Amara Manchester	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Kathleen Glover Portsmouth	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
ROBIN SKUDLAREK Londonderry	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Mary Heath Hills 14	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Leah Cushman, RN Weare, NH	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Rep Walter A. Stapleton Sullivan #5	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
John Michelle Levell	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Cheryl Dean	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Deidre Reynolds Nashua	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Michael Hammond Dunbarton	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Tjalling Hoiska	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Edward Joid	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>

NOT SPEAKING

Senate Judiciary Committee

SIGN-IN SHEET

Date: 04/30/2019 Time: 9:00 a.m.

HB 109-FN AN ACT requiring background checks for commercial firearm sales.

Name/Representing (please print neatly)

Mareno Clark	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Garner Cruz	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Rozmarie Ruy Hills-21	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Jim Bresler Jon Bresler - self	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Alden Fenney	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>
DAVID STORA DIST 1	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>
Louise Dartnell	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Jeanne Ludt	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Martha Korkuc	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Rep Samantha Fox	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Rep Liz McConnell Brentwood 11	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Rep. Donna Mamlunquett Hills 5	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Rep SKIP BERRIO - ROCK-18	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Rep. Mary Jane Mulligan Grif #12	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
Lula Freeman-Wolpert/self (unpaid)	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>
	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>

NOT SPEAKING

Senate Judiciary Committee

SIGN-IN SHEET

Date: 04/30/2019 Time: 9:00 a.m.

HB 109-FN AN ACT requiring background checks for commercial firearm sales.

Name/Representing (please print neatly)

	Support	Oppose
Susan Peterson, Newton, NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ann Zeller, Stratham	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Sue Newman - Nashua ^{ward} 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Faye O'Neill	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A.R. LINDBNER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cathleen Hodson (self)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah Zuech Salisbury	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nancy Fortin Hollis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lily Durney Nashua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TIM O'HEARNE Charlestown	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DAVID CAWLEY Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wilfrid R. Mott-Smith Loudon	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elizabeth Cornell Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>
howie Spencer Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Fairchild Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Carr Newmarket	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Claudia C. Damon Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rev Jason Wells NH Council of Churches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RICHARD ADAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NOT SPEAKING

Senate Judiciary Committee

SIGN-IN SHEET

Date: 04/30/2019 Time: 9:00 a.m.

HB 109-FN AN ACT requiring background checks for commercial firearm sales.

Name/Representing (please print neatly)

	Support	Oppose
Sen Bob Girba	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEN REUBEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joanne P. DeBald, Nipkinds	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Edna Bunis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LeDee	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Barbara Price	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim McConnell	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Dan Bohannon Merr 20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Ed Butler Carroll 17	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REP JOHN POTUCKER Rock. 6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Alvin See London	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rita Perencevich	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jeanne Torpey Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Luey Cuchton Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOB ANDERSON W124	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lindsey Franck Greenland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Matlage Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rick Castellano	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Elise Castellano	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NOT SPEAKING

Senate Judiciary Committee

SIGN-IN SHEET

Date: 04/30/2019 Time: 9:00 a.m.

HB 109-FN AN ACT requiring background checks for commercial firearm sales.

Name/Representing (please print neatly)

	Support	Oppose
REP. DAVIS MEUDS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rick Nottin	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STEPHAN RASCHAK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PATRICK RASCHAK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jack Filiault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
K B Hatch Nashua	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David DeVost Gilman	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JON LEBRON Loudon	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Russell Bartholomew Manchester	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PHOEBE BARTHOLOMEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep John O'Day	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GALE BAILEY SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Randy (Francis) Hayer MD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deborah Bruss self Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Lee Oxenham	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liz-Anne Platt self / Concord	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maura Willing Concord self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Testimony



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400

Lauren LePage
State Director

Memorandum of Opposition

Date: April 30, 2019
To: Honorable Members of the Senate Judiciary Committee
From: Lauren LePage
RE: House Bill 109-FN

Honorable members of the committee, on behalf of the National Rifle Association, I would like to express our opposition for House Bill 109-FN (Rogers-D); an act requiring background checks for commercial firearms sales. This measure would effectively subject all private transfer of firearms at “gun shows” and through “advertisement” to be conducted by a licensed firearms dealer.

This bill is legislation in search of a problem. Background checks do not stop criminals from obtaining firearms. According to federal studies done by the Department of Justice, of how prison inmates acquired firearms, fewer than 1% reported acquiring them at gun shows, and the vast majority acquired firearms on the black market, by straw purchase, or by theft. In addition, ATF has reported that nearly all illegally trafficked firearms alone originate through straw purchasers.

Under federal law, firearm dealers are “persons engaged in the business” of selling firearms for profit on a regular basis. Federal law already requires firearm dealers to be licensed and to initiate a background check before issuing a firearm to a non-dealer, regardless of where the transfer takes place. Under current law it is a felony to sell a firearm to a person who is a “prohibited person.” Likewise, both New Hampshire and federal law make it a felony for a prohibited person to buy, own or possess a firearm and a felony to purchase and knowingly sell a firearm to a prohibited person, commonly known as a “straw purchase.”

The push for closure of the so-called “gun show loophole” before the New Hampshire General Court is not about crime but rather the governmental intervention and regulation of private firearm sales which sets the stage for universal firearm registration. These types of background checks do nothing to reduce violent crime, and only affect law-abiding gun owners by imposing cumbersome mandates and restrictions on the lawful purchase and possession of firearms.

New Hampshire citizens, gun owners, sportsmen and women hope that you will oppose this legislation. Please feel free to contact me at 703-267-1243 if you have additional questions or concerns. Thank you for your attention to this matter.

For 2/13/19

Nick Perencevich, MD FACS (Fellow American College of Surgeons)
nperencevich@gmail.com

AI
Tuesday, February 12, 2019
concordmonitor.com/opinion

MY TURN

Surgeons have unique perspective on gun violence

By NICK PERENCEVICH
For the Monitor

On Wednesday, the House Committee on Criminal Justice and Public Safety will hold testimony on two firearm bills, one on background checks and the other on waiting periods.

There have been two major articles in major medical journals recently about gun safety written by those on the frontline caring for firearm injuries. As a retired surgeon who cared for all types of trauma patients for more than 40 years, these two articles made me realize that the hearing at the State House is very important.

The first article from the *New England Journal of Medicine* called “#This is Our Lane – Firearm Safety as Health Care’s Highway” outlines the pushback reaction from seven major physician associa-

tions and the American Bar Association to the NRA’s Nov. 6 tweet asking for “self-important anti-gun doctors to stay in their lane.” The NRA said this soon after the American College of Surgeons, of which I am a member, came out on Nov. 3 with recommendations for legislation particularly on background checks, limiting use of high caliber/velocity weapons, and allowing government-funded research to happen.

The college’s recommendations came from a consensus working group of 22 active trauma surgeons from 16 states, with an average of 28 years of experience. Eighteen of them are firearm owners and nine are current or past NRA members. The article was published recently in the *Journal of the American College of Surgeons*.

Surgeons strongly feel more should be done now to stop the waste of lives that

has become an epidemic. The recommendations do not threaten our Second Amendment rights, but offer a common-sense approach.

For surgeons, “our lane” gets more traffic with each additional shooting. As one surgeon put it, “This isn’t just my lane. It’s my (expletive) highway.”

The NRA thinks we are “self-serving anti-gun doctors.” Most of us are not anti-gun, but we are anti-gun-violence. When we run to the ER to see you after you are shot at 2 a.m., we are not self-serving. We are serving you. The NRA has woken-up a non-sleeping giant – and not just surgeons but all in the medical profession who care for firearm trauma victims.

As previously stated, the hearing on Wednesday is very important.

(Nick Perencevich lives in Concord.)

Article one: <https://www.nejm.org/doi/full/10.1056/NEJMp1815462>

Article two: [https://www.journalacs.org/article/S1072-7515\(18\)32155-0/fulltext](https://www.journalacs.org/article/S1072-7515(18)32155-0/fulltext)

step would be to reach out to bicycle owners to engage them as a part of the solution and to use their expertise in the activity with the goal of making the prevention initiative as effective as possible. For the initial work of our FAST Workgroup, the community of interest is the community of firearm owners in the US.

Just as with surgery, engagement is a blend of science and art.⁹ A good example of this type of effort in the firearm injury prevention arena is Barber and colleagues⁴ work on suicide prevention through engagement of the firearm owner community. Barber and colleagues describe the importance of working with "trusted messengers" as a necessary step in community engagement. As described here, the individual bicycle rider is simply more receptive to a safety message from a bicycle enthusiast or representative from the bicycle community, and generally much more receptive if the message comes from those who are supportive of bicycling. This is also true in medicine; surgeons are much more receptive to messages from their surgical colleagues. Likewise, critically injured trauma patients are more receptive to advice and counseling from trauma survivors who have been in a similar position, which is the basis of the using a trauma survivors' network.¹⁶

To create the FAST Workgroup, the ACS COT leadership sought out surgical leaders who are firearm owners, specifically looking for a geographically representative sample of trauma surgeons passionate about firearm ownership with expertise as hunters, sport shooters, self-defense, law enforcement, and/or previous military service. The FAST Workgroup is composed of respected surgeons who meet the criteria of being on the frontline for the care of firearm injuries, involved in meetings with the COT Injury Prevention Committee, have a track record of working well as a part of a team, are avid firearm owners, and practice in areas distributed across the US.

This article describes the FAST Workgroup's approach and methods, and summarizes consensus recommendations for strategies and tactics to increase firearm safety, reduce the probability of mass shootings, reduce firearm-associated violence, address mental health factors, and encourage federally funded firearm injury research, while preserving the right to own and use a firearm.

METHODS AND APPROACH

For the past 5 years, the ACS COT has worked to develop a consensus strategy around how best to reduce the firearm injury death and disability. This strategy was built around 3 guiding principles:

1. Advocate and promote a public health approach to firearm injury prevention;

2. Implement evidence-based violence prevention programs through the network of ACS COT-verified trauma centers
3. Provide, foster, and promote a forum for civil dialogue within our own professional organization with the goal of moving toward a consensus on programs or interventions aimed at reducing firearm injuries and deaths.

These principles have allowed a maximally inclusive process whereby input has been obtained from all points of view. This inclusive approach has led to the creation of a common narrative that creates a bridge between groups of people who do not agree about the general benefit of firearms, but agree on the need to reduce violence, injuries, and deaths.¹⁷ We have demonstrated that surgeons with strong opinions about the benefit or lack of benefit of firearms can and will work together to reduce firearm death and disability. The next steps of this process are multifaceted, but the goal is to develop a durable, effective, and common-ground set of policies that reduce firearm injury and death. The COT leadership believes that a durable and effective strategy requires the engagement and partnership with firearm owners.

Members of the FAST Workgroup had all been engaged in previous discussions with the COT Injury Prevention and Control Committee and had all either expressed an interest in the topic or had contributed their opinion(s) about the work of the ACS COT's firearm injury prevention initiative. Three of the authors (RMS, DLK, EMB) worked to identify surgeons who had identified themselves as avid firearm owners. These surgeons were then invited to attend as a member of the focus group. Multiple conference calls were held along with 3 in-person meetings. The group consciously worked to focus the discussion on efforts that could reduce injury and death and preserve the ownership rights of responsible Americans. The group recognizes that firearm injury is a complex and multifaceted problem and that the underlying cause of the injuries might be different and can require different solutions based on the context of the injury. For the purpose of this initial set of meetings, the FAST Workgroup centered its efforts on how best to make firearm ownership safer, decrease the risk of intentional mass shootings, and start to address the culture of violence in the US. A consensus process was used for making the recommendations. To be included as a recommendation in this article, all members of the group needed to agree with the recommendation. There were some differing degrees of agreement, but if every participating member did not agree enough that they could accept and support a given recommendation, then

This Document did
not include Page 200

warranted, for high-capacity, magazine-fed, semi-automatic rifles. In this setting, increased screening and additional evidence of safety training could be opted for by individual states. This could also provide a more efficient and focused setting for an electronic database, in contrast to a database for all firearm purchases.

Education and training

Principle: Responsible firearm ownership and use comes with significant responsibility and understanding of safe handling, care, and use.

Recommendation: We endorse formal gun safety training for all new gun owners and endorse hunter safety and safe gun handling education. Any training program must include the 4 vital safety rules: assume the gun is always loaded; finger off the trigger until ready to fire; never point at anything you do not intend to kill or destroy; and always check all chambers before cleaning.

Recommendation: We recommend direct adult supervision in the use of firearms for children younger than 12 years and indirect supervision for children between the age of 12 and 18 years, where not already state-regulated.

Rationale: As surgeons who routinely provide care to patients that is important and generally beneficial, but also entails risk, we believe education is a cornerstone of safety. There are numerous resources available for high-quality firearm safety education and we believe this should be universal, foundational training for all new firearm owners.

Ownership responsibilities

Principle: Owners who do not provide reasonable, safe firearm storage should be held responsible for adverse events related to discharge of their firearm(s).

Recommendation: We endorse requiring firearm owners to provide safe and controlled firearm storage. Owners who do not provide reasonable, safe firearm storage should be held responsible for adverse events related to discharge of their firearm(s). This includes the responsibility for the use of a stolen firearm, unless there has been timely reporting of a stolen weapon made to law enforcement.

Rationale: Safe, controlled storage reduces the risk of unintentional harm to others.

Mandatory reporting and risk mitigation

Principle: For individuals who are deemed an imminent threat to themselves or others, firearm ownership should be temporarily or permanently restricted based on due process.

Recommendation: Programs to remove firearms from those individuals should be standard as is done in Extreme Risk Protection Order policies, Red Flag laws, and federal law 18 U.S.C. § 922[g][1-9]. Specific due process measures should be required for removal and return of firearms. Mandatory reporting to (and by) law enforcement and medical personnel for those who are threatening to themselves or others should become standard practice.

Recommendation: We recommend treating mass shootings as terrorism and support and encourage domestic law-enforcement efforts and strategies (within the limits of Fourth Amendment protections) to predict, detect, and deter future mass firearm violence.

Rationale: We believe that risk mitigation by law-enforcement professionals is important to public safety, and is necessary to prevent violent individuals from inflicting harm at an individual and societal level.

Safety innovation and technology

Principle: Firearm ownership should be made safer through the use of innovative technology such as that used in automobile safety.

Recommendation: We encourage the development of firearm technology that would significantly reduce the risk of self-harm, prevent unintentional discharge, and prevent unintended use by someone other than the registered owner of the firearm.

Research

Principle: Research to understand health conditions underpins the modern practice of medicine and is essential to improve care and develop effective interventions for all health care conditions.

Recommendation: We recommend that research for firearm injury and firearm injury prevention must be federally funded at a level commensurate with the burden of the disease without restriction.

Recommendation: This research must be conducted in a non-partisan manner. The research agenda should broadly address firearm safety, including safe storage and safe use; violence intervention and control research; serious mental illness and firearm violence; and improving treatment of patients injured from firearms.

The research agenda should include:

1. Root causes of violence. These research endeavors should be focused on identifying intervention programs and strategies to prevent actions of violence involving a firearm, as well as all other mechanisms.
2. Effect of media content (ie social media, television, movies, and video games) on interpersonal violence. This research should investigate the effects of exposure

This Document did
not include Page 202

Table 1. Summary of Firearm Ownership, Firearm Use, and Firearm Storage of Firearm Strategy Team Workgroup Participants

Participant	Handgun			Rifle			NFA class III weapon, n	Target practice, shooting sports, Y/N	Hunting, Y/N	Collecting, Y/N	Home or personal defense, Y/N	All locked and secured, Y/N	Total firearms, n
	Shotgun, n	Revolver, single-fire, or not specified, n	Magazine-fed, semi-automatic, n	Traditional (not high-capacity, magazine-fed, or semi-automatic), n	High-capacity magazine, semi-automatic (AR15-style), n	Antique or muzzle loader, n							
Surgeon 1	3	1	4	1	1	0	0	Y	Y	N	Y	Y	10
Surgeon 2	7	2	2	5	0	6	0	Y	Y	Y	N	Y	22
Surgeon 3	5	6	0	5	0	0	0	Y	Y	N	Y	Y	16
Surgeon 4	12	2	5	5	0	0	0	Y	Y	Y	Y	Y	24
Surgeon 5	2	3	1	3	0	0	0	Y	Y	N	Y	Y	9
Surgeon 6	8	3	6	11	5	4	2	Y	Y	Y	Y	Y	39
Surgeon 7	1	0	0	2	0	1	0	Y	N	Y	Y	N	4
Surgeon 8	0	0	3	0	1	0	0	Y	N	N	N	Y	4
Surgeon 9	0	0	1	0	0	0	0	Y	N	N	Y	N	1
Surgeon 10	3	2	3	1	2	0	0	Y	Y	Y	Y	Y	11
Surgeon 11	0	1	1	1	0	0	0	Y	Y	N	Y	Y	3
Surgeon 12	1	0	1	0	0	0	0	Y	N	N	Y	Y	2
Surgeon 13	6	1	3	4	0	0	0	Y	Y	Y	Y	Y	14
Surgeon 14	1	0	2	1	0	0	0	Y	Y	N	Y	Y	4
Surgeon 15	6	1	4	9	5	0	0	Y	Y	N	Y	Y	25
Surgeon 16	0	1	0	1	0	0	0	Y	N	N	N	Y	2
Surgeon 17	4	0	3	2	0	0	0	Y	N	N	N	Y	9
Surgeon 18	1	3	0	1	0	0	0	Y	Y	N	Y	Y	5
ACS/COT	0	0	0	0	0	0	0	N	Y	N	N	NA	0
ACS/COT	0	0	0	0	0	0	0	N	N	N	N	NA	0
ACS/COT	0	0	0	0	0	0	0	N	N	N	N	NA	0
ACS/COT	4	1	0	1	0	0	0	Y	N	N	N	Y	6

ACS/COT, American College of Surgeons/Committee on Trauma, N, no; NFA, National Firearms Act; Y, yes.

This Document did
not include Page 204

CONCLUSIONS

The members of the FAST Workgroup believe these recommendations will increase public safety and improve our understanding of firearm injury in the US. We understand that there is not a perfect or simple solution for an issue as complex as firearm injury in America. These recommendations would make firearm ownership safer for those who own a firearm, as well as those who do not. The group's general approach is centered on enforcement of existing laws and strengthening existing statutes and regulations, with the goal of keeping firearms out of the hands of those who are a danger to themselves or others. This basic, responsible approach is supported by organizations across the spectrum.^{24,25} Through the ACS COT's consensus-driven firearm injury prevention project, ACS COT members have demonstrated the ability to work together (across regions and philosophic differences) to advance substantive public health recommendations and programs. We hope this approach can serve as a model for other Americans and other organizations.

The members of the FAST Workgroup know there will be people who think we did not go far enough, and also people who think we went too far, but we believe the middle ground moves the purpose forward. We know thousands of American lives can be saved each year. Full implementation of the measures we call for in this report would preserve freedom and simultaneously make our country safer, stronger, and healthier.

Author Contributions

Study conception and design: Kuhls, Bulger, Stewart

Acquisition of data: Talley, Campbell, Jenkins, Barnes, Sidwell, Timmerman, Gross, Coburn, Bailey, Eastman, Ficke, Kuncir, Letton, Eastridge, Liepert, Wilson, Robinette, Davis, Shalgian, Michaels, Weissler, Kuhls, Bulger, Stewart

Analysis and interpretation of data: Talley, Campbell, Jenkins, Barnes, Sidwell, Timmerman, Gross, Coburn, Bailey, Eastman, Ficke, Kuncir, Letton, Eastridge, Liepert, Wilson, Robinette, Davis, Shalgian, Michaels, Weissler, Kuhls, Bulger, Stewart

Drafting of manuscript: Talley, Stewart

Critical revision: Talley, Campbell, Jenkins, Barnes, Sidwell, Timmerman, Gross, Coburn, Bailey, Eastman, Ficke, Kuncir, Letton, Eastridge, Liepert, Wilson, Robinette, Davis, Shalgian, Michaels, Weissler, Kuhls, Bulger, Stewart

REFERENCES

1. Kuhls DA, Campbell BT, Burke PA, et al. Survey of American College of Surgeons Committee on Trauma members on

- firearm injury: consensus and opportunities. *J Trauma Acute Care Surg* 2016;82:877–886.
2. Stewart RM, Kuhls DA. Firearm injury prevention: a consensus approach to reducing preventable deaths. *J Trauma Acute Care Surg* 2016;80:850–852.
3. Dicker RA, Gaines BA, Bonne S, et al. Violence intervention programs: a primer for developing a comprehensive program for trauma centers. *Bull Am Coll Surg* 2017;102:30–36.
4. Barber C, Frank E, Demicco R. Reducing suicides through partnerships between health professionals and gun owner groups—beyond docs vs Glocks. *JAMA Intern Med* 2017;177:5–6.
5. Hemenway D, Miller M. Public health approach to the prevention of gun violence. *N Engl J Med* 2013;368:2033–2035.
6. Croce MA. AAST statement on firearm injury. *J Trauma Acute Care Surg* 2018;85:427–428.
7. Kristof N. How to reduce shootings. Available at: <https://www.nytimes.com/interactive/2017/11/06/opinion/how-to-reduce-shootings.html>. Accessed October 28, 2018.
8. Tasigiorgos S, Konstantinos PE, Winfield RD, Sakran JV. Firearm injury in the United States: an overview of an evolving public health problem. *J Am Coll Surg* 2015;221:1005–1014.
9. Clinical and Translational Science Awards Consortium. Community Engagement Key Function Committee Task Force on the Principles of Community Engagement. Principles of Community Engagement Second Edition. NIH Publication No. 11-7782. Bethesda, MD: National Institutes of Health; 2011.
10. Pronk NP, Hernandez LM, Lawrence RS. An integrated framework for assessing the value of community-based prevention: a report of the institute of medicine. *Prev Chronic Dis* 2013;10:120323.
11. National Institute for Health and Care Excellence (NICE). Community Engagement: Improving Health and Wellbeing and Reducing Health Inequalities (NG44). [Nice.org.uk/guidance/ng44](http://nice.org.uk/guidance/ng44). Published March 2016. Accessed November 26, 2018.
12. Moloughney B. Community Engagement as a Public Health Approach: A Targeted Literature Review: Final Report October 2012. Available at: https://www.pcelregion.ca/health/library/pdf/Community_Engagement.pdf. Accessed November 18, 2018.
13. Glandon D, Paina L, Alonge O, et al. 10 Best resources for community engagement in implementation research. *Health Policy Plan* 2017;32:1457–1465.
14. Cyril S, Smith BJ, Possamai-Inesedy A, Renzaho AM. Exploring the role of community engagement in improving the health of disadvantaged population: a systematic review. *Glob Health Action* 2015;8:29842.
15. Hanson DW, Finch CF, Allegrante JP, Sleet D. Closing the gap between injury prevention research and community safety promotion practice: revisiting the public health model. *Public Health Rep* 2012;127:147–155.
16. The ATSTrauma Survivors Network. Available at: <https://www.traumasurvivorsnetwork.org/pages/home>. Accessed August 10, 2018.
17. Stewart RM, Kuhls DA, Rotondo MF, Bulger EM. Freedom with responsibility: a consensus strategy for preventing injury, death, and disability from firearm violence. *J Am Coll Surg* 2018;227:281–283.
18. Hamill ME, Hernandez MC, Bailey KR, et al. State level firearm concealed-carry legislation and rates of homicide and



Perspective

JANUARY 31, 2019

#ThisIsOurLane — Firearm Safety as Health Care’s Highway

Megan L. Ranney, M.D., M.P.H., Marian E. Betz, M.D., M.P.H., and Cedric Dark, M.D., M.P.H.

On November 6, 2018, in response to a position paper on firearm injuries and death from the American College of Physicians,¹ the National Rifle Association (NRA) fired off a tweet admonish-

ing “self-important anti-gun doctors to stay in their lane.” Physicians — many of whom are also gun owners — quickly responded that the topics of gun violence and firearm-injury prevention are squarely within our lane. Then, less than 12 hours after the NRA tweet, another mass shooting took place, in Thousand Oaks, California. On November 7 and 8, the Twitter hashtag #ThisIsOurLane went viral (see figures).

Use of the hashtag exploded beyond the usual confines of #medtwitter in part because it was inclusive. #ThisIsOurLane calls attention to the role of physicians from many walks of medical life — emergency medicine, radiology, anesthesiology, surgery, physical medicine, rehabilitation, psychiatry, and forensic pathol-

ogy. It encompasses our other colleagues as well: paramedics who face carnage in the field, nurses who provide massive transfusions, housekeeping staff who clean blood-soaked floors, pharmacists who assist with ICU medication dosing, and everyone who helps survivors piece their lives back together and helps families recover from loss. This is their lane, too.


The hashtag was also visceral, inspiring responses that went beyond words. Photographs of blood-stained scrubs, face masks, and skin peppered the Internet and news broadcasts, exposing the public to the gruesome reality that we health care providers know too well. And #ThisIsOurLane is personal, as tragically highlighted by the November 19 shooting



This Document did
not include Page 406

new movement, but rather the convergence of multiple paths on which physicians had already embarked. Sadly, this road gets more traffic with each additional shooting. As one physician, Judy Melinek, put it, "This isn't just my lane. It's my [expletive] highway." Physicians throughout the country were already committed to solving this epidemic. The hashtag has helped us share this commitment with the wider world.

So where do we go from here? As with any complex problem, there is no simple solution. Addressing such deep-rooted issues will take work by all of us, from all points on the political spec-

 An audio interview with Dr. Ranney is available at NEJM.org

trum. It will require us to unite as health care professionals who witness the human toll of this epidemic, rather than as liberals or conservatives, urban or rural. It will require gun-owning and non-gun-owning

physicians alike to listen carefully to our colleagues and patients. By emphasizing inclusion, perhaps we can begin to overcome the partisan standstill and generate real change.

Moving forward will also require recognition that firearm-injury prevention is not the same thing as gun control. The distinction may be difficult for many people to grasp, but it is essential. Many physicians, including some of us, own firearms. As a movement, we are not anti-gun; our focus is on stopping shootings before they happen and on saving human lives.

Let us keep our voices front and center, bringing the focus of discussions about gun-injury prevention back to the person who matters: the patient. Let us continue to seek both public funding and private partnerships for conducting needed research and then implement evidence-based strategies that can reduce the toll of firearm suicide, homicide, accidental shootings, and mass shootings. Let us be collaborative in our efforts, involving stakeholders on all sides of this issue. As an example, we can look to the field of suicide prevention, in which local partnerships between public health professionals and firearm ranges have grown into a national program jointly supported by the National Shooting Sports Foundation and the American Foundation for Suicide Prevention. In this program, gun-shop owners provide suicide-prevention education to customers and employees of shooting ranges learn how to identify at-risk customers.⁵ Another example is work that AFFIRM, the ACP, the AMA, and the ACS are doing with colleagues at academic health centers around the country to create best-practice

guidelines for physician counseling of at-risk patients. This work specifically acknowledges the importance of both evidence (the mainstay of all conversations about prevention) and cultural competence (just as we practice for conversations about safe sex, cigarettes, and alcohol).

At the end of the day, we all want our children, families, and communities to be safe. There are tens of thousands of us who know that we are on the cusp of transforming this epidemic. As physicians and allied health care professionals, we have a responsibility to continue to insist that this is our highway. We'll keep driving forward, together.

Disclosure forms provided by the authors are available at NEJM.org.

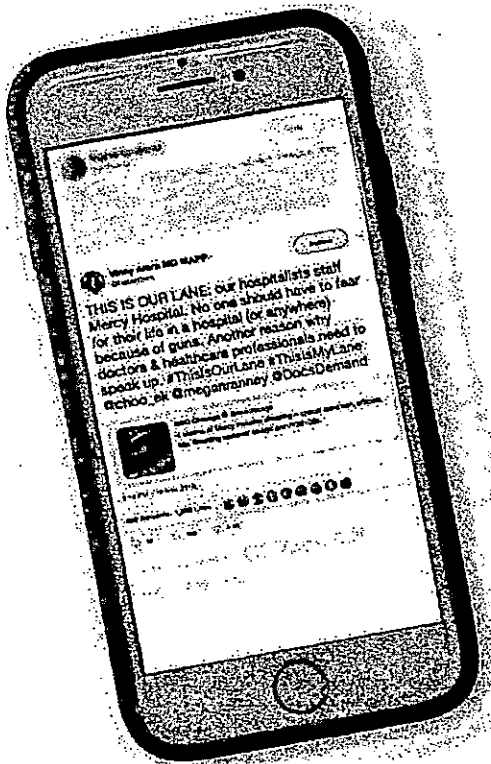
From the Department of Emergency Medicine, Alpert Medical School, Brown University, Providence, RI (M.L.R.); the Department of Emergency Medicine, University of Colorado School of Medicine, Aurora (M.E.B.); and the Department of Emergency Medicine, Baylor College of Medicine, Houston (C.D.).

This article was published on December 5, 2018, at NEJM.org.

1. Butkus R, Doherty R, Bornstein SS. Reducing firearm injuries and deaths in the United States: a position paper from the American College of Physicians. *Ann Intern Med* 2018;169:704-7.
2. Stark DE, Shah NH. Funding and publication of research on gun violence and other leading causes of death. *JAMA* 2017;317:84-5.
3. Weinberger SE, Hoyt DB, Lawrence HC III, et al. Firearm-related injury and death in the United States: a call to action from 8 health professional organizations and the American Bar Association. *Ann Intern Med* 2015;162:513-6.
4. Talley CL, Campbell BT, Jenkins DH, et al. Recommendations from the American College of Surgeons Committee on Trauma's Firearm Strategy Team (EAST) workgroup: Chicago consensus I. *J Am Coll Surg* 2018 November 13 (Epub ahead of print).
5. Barber C, Frank E, Demicco R. Reducing suicides through partnerships between health professionals and gun owner groups — beyond docs vs Glocks. *JAMA Intern Med* 2017; 177:5-6.

DOI: 10.1056/NEJMp1815462

Copyright © 2018 Massachusetts Medical Society.





U.S. Department of Justice
Federal Bureau of Investigation

Clarksburg, WV 26306

May 24, 2013

Ms. Mary Kay MacNichol
New Hampshire State Police
33 Hazen Drive
Concord, NH 03305

Dear Ms. MacNichol:

Enclosed is the final audit report for the New Hampshire State Police's National Instant Criminal Background Check System (NICS) Audit conducted by the FBI's Criminal Justice Information Services Division during June 2012. We appreciate your attention to these findings and the proactive measures you indicated your agency will take to ensure compliance to all NICS regulations and policies. The audit results and your response to the audit report will be reviewed by the Advisory Policy Board's Compliance Evaluation Subcommittee (Subcommittee). Further correspondence will be forthcoming from the Subcommittee.

Thank you for your cooperation throughout the audit process. Should you have any questions, please contact Ms. Annette M. Thompson at (304) 625-2898 or <annette.thompson@ic.fbi.gov>.

Sincerely yours,

Todd C. Commodore
Acting Section Chief
Law Enforcement Support Section
Criminal Justice Information
Services Division

Enclosure



U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division
CJIS Audit Unit

National Instant Criminal Background Check System (NICS) Audit Report

NEW HAMPSHIRE

JUNE 2012

Executive Summary

Overview

The FBI's Criminal Justice Information Services (CJIS) Division is mandated to triennially audit every federal and state Point of Contact (POC) who contributes or has access to the National Instant Criminal Background Check System (NICS) to ensure the integrity and reliability of FBI CJIS systems and data. The audit is designed to assess policy compliance through a review of administrative policies and/or data quality procedures at the POC and/or local agencies within the jurisdiction of the POC. Although compliance with all policies is not assessed, adherence to all policies and procedures is required to be a NICS participant.

In summary, the FBI CJIS Division identified two areas requiring corrective action during their review of 200 License to Carry Permit transactions issued by 8 local agencies to ensure the NICS was not utilized for any other purpose than for permit checks, 40 NICS denial notification messages submitted by the Permits and Licensing Unit at the New Hampshire State Police (NSP), and 240 NICS Index records submitted by the NSP from 11 district courts. The NSP is requested to submit a written response within 30 days of receipt of this report outlining the corrective actions planned regarding the noncompliance issues outlined below.

Audit Recommendations

Based on the fourth cycle NICS Audit of New Hampshire conducted during June 2012, the FBI CJIS Division audit staff recommends the following corrective actions:

1. **Ensure that the NICS is utilized only for authorized purposes in accordance with Title 18, United States Code (U.S.C.) § 922 (t).**
2. **Ensure that records entered into the NICS Index are valid entries in accordance with Title 28, Code of Federal Regulations (C.F.R.) Chapter 1 § 25.5 (a-b).**

The following NICS Audit Policy Compliance Summary Chart provides a listing of policies assessed during the audit and indicates overall compliance.

Introduction

Background

The NICS Audit Program was established upon the recommendation of the Advisory Policy Board (APB) to the FBI Director that an audit be implemented of state and federal agency system users that provide and/or contribute nationwide access to the NICS. The audit program assesses the performance of the POC in providing the NICS and related services to the criminal justice community.

Scope

The objective of the NICS Audit is to triennially review every federal and state POC who contributes or has access to NICS to ensure the integrity and reliability of FBI CJIS systems and data. The NICS Audit assesses the performance of the POC in administering NICS access and services through a review of administrative policies and/or data quality procedures at the POC and local agencies within the jurisdiction of the POC. Assessments are made based on policies set forth in the Gun Control Act (GCA) of 1968, as amended; Titles 27 and 28, Code of Federal Regulations (C.F.R.); *NICS User Manual*; APB Bylaws and meeting minutes; and any other applicable federal laws and regulations.

Methodology

On-site audits of POCs and/or local agencies include an administrative interview and/or data quality review, as applicable. Administrative interviews are conducted with appropriate agency personnel and are designed to assess methods used by an agency for access to and maintenance of NICS records. Data quality reviews include an examination of case files and other supporting documentation to ensure the NICS is not misused and verify the accuracy and validity of the data provided to the NICS Index. Collectively, the administrative interview and data quality review help to ensure compliance with federal and state laws, and applicable regulations. A simple random sampling formula is used to calculate the number of NICS Index records to be reviewed during the audit.

About This Report

The report is divided into policy sections as outlined in the Table of Contents. Each section contains a summary chart which displays policy compliance results, as well as, overall compliance. Red text within a chart indicates a policy violation. Each policy is defined and referenced beneath the summary chart. Policy violations are detailed as necessary following the respective policy definition. The violations listed in the executive summary are chronological throughout the report. Violations determined to be noncompliance issues requiring corrective actions are presented as bold text. Violations which are only considered an area of concern and do not require a response are presented as non-bolded text following the corresponding policy definition.

This Document did
not include Page 2

This down time is used for back-up, re-indexing databases, system tests, and other nightly batch processes. The current scheduled downtime is subject to change. (*NICS User Manual*)

POC Determination Messages: POCs shall transmit electronic NICS transaction determination messages to the FBI for the following transactions:

- (1) Open transactions that are not resolved before the end of the operational day on which the check is requested;
- (2) Denied transactions;
- (3) Transactions reported to the NICS as open and later changed to proceed; and
- (4) Denied transactions that have been overturned. . . .

For transactions where a determination has not been communicated to the Federal Firearms Licensee (FFL), the electronic messages shall be communicated no later than the end of the operational day on which the check was initiated. With the exception of permit checks, newly created POC NICS transactions that are not followed by a determination message (deny or open) before the end of the operational day on which they were initiated will be assumed to have resulted in a proceed notification to the FFL. . . . (Title 28, C.F.R., Chapter 1 § 25.6 (h))

Retention and Destruction: The records of state and local law enforcement units serving as POCs will be subject to the Brady Act's requirements for destruction. All cases relating to an allowed transaction, all identifying information submitted by or on behalf of the transferee will be destroyed within 24 hours after the FFL receives communication of the determination that the transfer may proceed. This includes all inquiry and response messages relating to the initiation and result of a check of the NICS that allows a transfer and all other records relating to the person or the transfer created as a result of the NICS check. All inquiry and response messages (regardless of media) relating to the initiation and result of a check of the NICS that allows a transfer that are not part of a record system created and maintained pursuant to independent State law regarding firearms transactions; and all other records relating to the person or the transfer created as a result of the NICS check that are not part of a record system created and maintained pursuant to independent State law regarding firearms transactions. (*Federal Regulation Title 28 CFR Chapter 1, Part 25.9*)

Sales or deliveries of firearms on and after November 30, 1998

Background Check: (1) (a) . . . Before the completion of the transfer, the licensee has contacted NICS; (c) Time Limitation on NICS checks: A NICS check . . . may be relied upon by the licensee only for use in a single transaction, and for a period not to exceed 30 calendar days from the date that NICS was initially contacted. If the transaction is not completed within the 30-day period, the licensee shall initiate a new NICS check prior to completion of the transfer. (Title 27, C.F.R., Chapter II § 478.102 (a))

Managing an Appeal Process:

- a) An individual may request the reason for the denial from the agency that conducted the check of the NICS (the "denying agency," which will be either the FBI or the state or local law enforcement agency serving as a POC). . . . The request for the reason for the denial must be made in writing to the denying agency. (POCs at their discretion may waive the requirement for a written request.)

This Document did
not include Page 4

- (3) The POCs, with the assistance of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the FBI, shall notify the FFLs in its state regarding the procedures for contacting the POC and all other procedures related to firearm background checks.
- (4) The POCs will have automated access to the NICS via the NCIC telecommunications network.
- (5) The POCs will offer telephone access to the FFLs, at a minimum, between 10 a.m. and 9 p.m., Monday through Saturday, and during normal retail business hours within their state on Sundays.
- (6) The POCs shall have procedures in place that provide assurance that NICS background checks are initiated only by authorized personnel and only for purposes authorized under the Brady Act.
- (7) The POCs shall provide supporting processes and personnel to review record data, make disqualification decisions, respond to the FFLs, and manage an appeal process.
- (8) The POCs shall not deny the purchase of a firearm based on an arrest without a disposition. If such a practice is occurring, a state law must be in place authorizing the practice.
- (9) The POCs shall deny firearm sales based on criteria equal to or more stringent that imposed by the GCA of 1968 (18 United States Code (U.S.C.) § 922), as amended.
- (10) The POCs shall ensure that they adhere to all applicable federal laws regarding the NICS.
- (11) The POCs shall adhere to federal guidelines which dictate the purging of proceed transaction data according to the current retention period as published in the C.F.R., currently 24 hours. If this time limit is exceeded, there must be an independent state law regarding firearm transactions authorizing this practice.
- (12) The POCs shall ensure that a state-generated State Transaction Number for a NICS inquiry can be cross-referenced with the NICS Transaction Number generated by the NICS.
- (13) The POCs shall ensure that an IAQ is conducted through the ICE on all non-U.S. Citizen transactions.
- (14) If utilized within their state, the POCs shall ensure that all Identification for Firearms Sales flags are being properly set for Interstate Identification Index records.
- (15) The POCs shall not deny a transaction based solely upon the existence of a protective order without consideration being given to the Brady indicator.
- (16) The POCs in decentralized states shall ensure that information from the ATF and the FBI is disseminated to all agencies performing NICS background checks. The POCs should provide guidance and training regarding this information in order to ensure consistency throughout the state.
- (17) The POCs must ensure the transmittal of final transaction status to the NICS in accordance with Federal Rule 28 C.F.R. 25.

This Document did
not include Page 6

permits or licenses to possess, acquire, or transfer a firearm, or to carry a concealed firearm, or to import, manufacture, deal in, or purchase explosives; or
(2) Responding to an inquiry from the ATF in connection with a civil or criminal law enforcement activity relating to the GCA (18 U.S.C. Chapter 44) or National Firearms Act (26 U.S.C. Chapter 53). (Title 28, C.F.R., Chapter 1 § 25.6 (j))

- During the review of transactions at the [REDACTED] there were two instances of misuse identified. One transaction revealed that a dispatcher mistakenly conducted a NICS check when attempting to query III for another agency. Additionally, another transaction uncovered that the dispatcher keyed the applicant's first name, and gender incorrectly during the NICS check for the issuance of a permit and a corrected NICS transaction was never conducted.
- During the review of transactions at the [REDACTED] it was determined that a NICS check was conducted for the return of a firearm released from evidence at the request of the sheriff.
- During the review of transactions at the [REDACTED] it was determined that a NICS check was accidentally conducted for a taxi license. The Records Bureau Commander realized it should not have been run for this purpose and all documents were shredded and not utilized for the license. Additionally, the [REDACTED] internal licensing check request form has been modified to avoid this error in the future.

This Document did
not include Page 8

Dishonorable Discharge:

Title 18, U.S.C. § 922 (g)(6): Who have been discharged from the Armed Forces under dishonorable conditions;

Citizen Renunciate:

Title 18, U.S.C. § 922 (g)(7): Who, having been a citizen of the United States, has renounced his citizenship;

Protective Order:

Title 18, U.S.C. § 922 (g)(8): Who is subject to a court order that –

(i) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; (ii) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (iii) (A) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (B) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

Misdemeanor Crime of Domestic Violence (MCDV):

Title 18, U.S.C. § 922 (g)(9): Who has been convicted in any court of a MCDV;

The definition of a MCDV is a federal, state or local offense that meets all the following criteria: Is a misdemeanor under federal or state law, or in states which do not classify offenses as misdemeanors, is an offense which is punishable by imprisonment for a term of one year or less, and includes offenses that are punishable only by a fine; (This is true whether or not the state statute specifically defines the offense as a “misdemeanor” or as a “misdemeanor crime of domestic violence,”) and Has an element that involves the use or attempted use of physical force (e.g., assault and battery), or the threatened use of a deadly weapon; and Was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian (e.g., the equivalent of a “common law” marriage even if such relationship is not recognized under the law), or a person similarly situated to a spouse, parent, or guardian of the victim (e.g., two persons who are residing at the same location in an intimate relationship with the intent to make that place their home).

Felony Indictment:

Title 18, U.S.C. § 922 (n): . . . who is under indictment for a crime punishable by imprisonment for a term exceeding one year;

**This Document did
not include Page 10**

NICS Index Submission Requirements

NICS Index Validation and Data Integrity Compliance Summary Chart

	Records Reviewed	Unable to Locate	#Unable to Locate Records	Invalid	#Invalid Records	#Unknown Relationship	Inaccurate	#Inaccurate Records	*FYI Incomplete	#FYI Incomplete Records
Candia District Court	40	IN	0	OUT	10	23	IN	0	IN	0
Concord District Court	40	IN	0	OUT	12	14	IN	0	IN	0
Derry District Court	40	IN	2	OUT	10	22	IN	0	IN	0
Dover District Court	40	IN	0	OUT	16	19	IN	0	IN	0
Franklin District Court	40	IN	1	OUT	7	10	IN	0	IN	0
Keene District Court	40	IN	0	OUT	10	6	IN	0	IN	0
Manchester District Court	38	IN	1	OUT	13	17	IN	0	IN	0
Nashua District Court	40	IN	0	OUT	18	9	IN	0	IN	0
Plymouth District Court	40	IN	2	OUT	10	11	IN	0	IN	0
Portsmouth District Court	40	IN	0	OUT	9	27	IN	0	IN	0
Rochester District Court	40	IN	0	OUT	6	30	IN	0	IN	0
NSP	238	IN	6	OUT	121	188	IN	0	IN	0

NICS Index Validation and Data Integrity of Records in the System:

Unable to Locate, Invalid, and/or Inaccurate Data Quality Error Types

- (a) The FBI will be responsible for maintaining data integrity during all NICS operations that are managed and carried out by the FBI. This responsibility includes:
- (1) Ensuring the accurate adding, canceling, or modifying of NICS Index records supplied by federal agencies;
 - (2) Automatically rejecting any attempted entry of records into the NICS Index that contains detectable invalid data elements;
 - (3) Automatic purging of records in the NICS Index after they are on file for a prescribed period of time; and
 - (4) Quality control checks in the form of periodic internal audits by FBI personnel to verify that the information provided to the NICS Index remains valid and correct.
- (b) Each data source will be responsible for ensuring the accuracy and validity of the data it provides to the NICS Index and will immediately correct any record determined to be invalid or incorrect. (Title 28, C.F.R., Chapter 1 § 25.5 (a-b))



Colonel Robert L. Quinn
Director

State of New Hampshire

DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner of Safety

Division of State Police

James H. Hayes Safety Building, 33 Hazon Drive, Concord, NH 03305



May 13, 2013

FBI CJIS Division
Ms. Annette Thompson
Module - D3
1000 Custer Hollow Rd
Clarksburg, WV 26301

Dear Ms. Thompson:

Please accept this as the CSA response to the 2012 NICS System Audit conducted by members of the FBI NICS Audit team.

Two concerns were identified and presented as requiring corrective action:

Issue: That the CSA ensure that NICS is used for authorized purposes in accordance with Title 18, USC 922 (t). Three agencies were marked out of compliance in this area.

Action: An immediate review with the three agencies took place via a telephone conversation with the TAC's to ensure that they review with their personnel the authorized uses of NICS. In addition, the CSO sent an e-mail out on January 7th to all agencies advising them of the above issue and pointed them to a secure web portal of where the report was posted. (See attached).

A subsequent message went out today's date to all TAC's again to re-emphasize the importance of proper NICS usage. (See attached)

A re-audit of the three agencies; Belknap County Sheriff's Office, Carroll County Sheriff's Office and Dover Police Department for proper usage of NICS is currently in process and the results should be complete by June 15th.

Issue: That the CSA ensure that records entered into the NICS Index are valid entries in accordance with Title 28, Code of Federal Regulations (C.F.R.) Chapter 1§25.5 (a-b).

MacNichol, Mary Kay**From:** MacNichol, Mary Kay**Sent:** Monday, May 13, 2013 9:10 AM

To: Andross, Tom; Beaudin, Wendy; Beaupre, Brian; BROWN, DOUG; Brown, Keith; Buckley, Steve; Burt, Laurie; Carrico, Rick; Champion, Cathy; cheney, martha; Couch, Joy; crowell, arlene; Cummings, Thomas; dexter, jennifer; Duval, Mary; Emerson, IRIS; Estey, Capt; Griffin, William; Harris, Sara; Hayden, Robert; Kulacz, Jennifer; Louis, Beth; MacNichol, Mary Kay; Mahoney, Sean; McNair, Cecily; O'Sullivan, Melanie; Pinciario, Chad; Poggi, Brynda; rivers, sandra; Roberts, Doug; Roy, Laurie; Schillinger, Jennifer; Storm, Sara Douglas; Twombly, Denise; Walsh, Kevin Lt; Wright, William Sgt; Bleezarde, Philip M (BICE); Britton, John (USAF); Chaplin, Scott Sgt; Dow, Kimberly (USMS); Grasso, Helen (BATF); Greenwood, Tammy (US PROBATION); Hanes, Timothy (US ATTY's OFC); JANCZY, DAN S MSgt USAF ANG 157 SFS/SFOA; MacNichol, Mary Kay; Mclaughlin, Louise X (DEA); Meyers, Jeffrey Asst Chief (VA Police); Sullivan, Michael (Air Nat Guard); Trainor, Joanne (USSS); Wyner, William; Auger, Lisa; Ballou, Robert; Barilani, Karen; Beland, Gerry; Belanger, Kevin; Belletete, Ernie; Blackwell, Melissa; Bonenfant, Carol Ann; Cahill, David Chief; Cass, Stephen; Cavanaugh, Sean; Chance, Robert; Chandler, Dean; Chaput, Anna; Chase, Glen; Chatel, Denise; cloutier, jennifer; Cooper, Penny; Costello, Darragh; Cote, Clam; Currier, Tricia; Devonshire, James; Dillard, Robert; Dilorenzo, Marnell; Eldridge, Linda; Emery, Gil; estes, Robin; Fairbanks, Lester; Fowler, Cynthia; Gallant, Jason; Ganley, Mary Jo; Gardiner, John; Girard, Amy; HACKETT, DOUG; HAYNES, TRACY; Higley, Sharon; horan, kim; Houghton, Wendy; Iskra, Jamie; Johnson, Jason; Jones, Robert; Langmaid, Sheryle; Leonard, Tim; Lewis, Evelyn; Lyons, Mia; MACFADZEN, MARY; Mackenzie, Kimberly; MacKenzie, JoAnne; Martin, Virginia; Mastin, Teresa; McGrenaghan, Kelly; McLin, Timothy; Meade, Jennifer; Murdo, Dana; Neal, Andrew; Page, Rachael; Pelzcar, Mark; Plumer, Scott; POOLE, HEATHER; rowe, paula; Russo, Steve; Scott Fulton; Shackley, Sheryl; Smith, Glenda; Spence, John; St. Aubin, Al; St. Pierre, Marcie; Stevens, Rhonda; Sullivan, Wendt; sylvia, mary; Theberge, Lucia; Treem, Richard; Twiss, Jon; Wentworth, Barbara; Wheeler, Nikkie; Wiggin, Terri; Wood, Heather; Anderson, Michael; Barnes, Susan; Belliveau, Susan; Bly, John; BOUTHOT, DIANE; Bouton, Tenley; brodeur, paul; Champagne, Sebastien; ComSuper, Farley, Robert; Foss, Tiffany; Fox, Sarah; Harris, Frank; Hilliard, Jensine M; Hucks, Edmund; Jones, Karen; Jordan, Kevin Maj; Joseph, Laura; Klinger, Bruce; LEPAGE, SYLVIA; MacFadzen, Brian; Marineau, Kelly; McLain, Crystal; Meyer, Patricia; Pervere, Matthew; Ritz, Kristen; Roberts, Kimberly; Roy, Suzanne (Suzanne.Roy@dos.nh.gov); Sheehan, Dorothy; Shelly Marshall; Smith, Valerie T.; Zinn, Pamela

Subject: Reminder about proper NICS Usage

To All,

The final audit report from the NICS Audit Section has been received, the State as a whole was marked out of compliance in two areas:

- 1) Misuse of NICS, and (Local Issue)
- 2) Invalid records in the NICS Index corrective action is taking place (State Issue).

Please remind all personnel of the following:

NICS at the local level is only to be accessed for concealed weapon permits, any other use of the NICS system is prohibited by Title 18, USC § 922(t).

As a reminder Do not use NICS for:

Return of Firearm Checks
 Taxi/Hawker and Peddler Permits
 Criminal Background Checks
 Employment Checks or

5/13/2013

This Document did not
include Page 2 of 2

*File
2013
Audit*

MacNichol, Mary Kay

From: MacNichol, Mary Kay

Sent: Monday, January 07, 2013 3:32 PM

To: Wyner, William; Auger, Lisa; Ballou, Robert; Barilani, Karen; Beaudin, Wendy; Beede, Peter; Beland, Gerry; Belanger, Kevin; Belletete, Ernie; Blackwell, Melissa; Bonenfant, Carol Ann; Cahill, David Chief; Cass, Stephen; Chance, Robert; Chandler, Dean; Chaput, Anna; Chase, Glen; Chatel, Denise; cloutier, jennifer; Cole, Jason; Cooper, Penny; Costello, Darrah; Cote, Clem; Currier, Tricia; daigle, bruce; Devonshire, James; Dichard, Robert; DiIorenzo, Marnell; Eldridge, Linda; Emery, Gil; estes, Robin; Fairbanks, Lester; Fowler, Cynthia; Gallant, Jason; Ganley, Mary Jo; Gardiner, John; Girard, Amy; Gordon, Pauline; HACKETT, DOUG; HAYNES, TRACY; Higley, Sharon; horan, kim; Houghton, Wendy; Iskra, Jaimie; Johnson, Jason; Jones, Robert; Kulacz, Jennifer; Langmaid, Sheryle; Leonard, Tim; Lewis, Evelyn; Lyons, Mia; MACFADZEN, MARY; Mackenzie, Kimberly; MacKenzie, JoAnne; MacNichol, Mary Kay; Martin, Virginia; Mastin, Teresa; McGrenaghan, Kelly; McLIn, Timothy; Meade, Jennifer; Murdo, Dana; Page, Rachael; Pelzcar, Mark; POOLE, HEATHER; Robert Gagliardi (rgagliardi@bedfordnh.org); rowe, paula; Russo, Steve; Shackley, Sheryl; Smith, Glenda; Spence, John; St. Aubin, Al; St. Pierre, Marcie; Stevens, Rhonda; Sullivan, Wendi; sylvia, mary; Theberge, Lucia; Treem, Richard; Twiss, Jon; Wentworth, Barbara; Wheeler, Nikkie; Wiggin, Terri; Wood, Heather; Anderson, Michael; Barnes, Susan; Belliveau, Susan; Bly, John; BOUTHOT, DIANE; Bouton, Tenley; brodeur, paul; Champagne, Sebastien; ComSuper; Farley, Robert; Foss, Tiffany; Fox, Sarah; Harris, Frank; Hilliard, Jensine M; Hucks, Edmund; Jones, Karen; Jordan, Kevin Maj; Joseph, Laura; Klinger, Bruce; LEPAGE, SYLVIA; MacFadzen, Brian; Marineau, Kelly; McLain, Crystal; Meyer, Patricia; Pervere, Matthew; Ritz, Kristen; Roberts, Kimberly; Roy, Suzanne (Suzanne.Roy@dos.nh.gov); Sheehan, Dorothy; Shelly Marshall; Smith, Valerie T.; Zinn, Pamela; Andross, Tom; Beaupre, Brian; Boucher, Kevin; BROWN, DOUG; Brown, Keith; Buckley, Steve; Burt, Laurie; Carrico, Rick; Champion, Cathy; cheney, martha; Couch, Joy; crowell, arlene; Cummings, Thomas; dexter, jennifer; Duval, Mary; Emerson, IRIS; Estey, Capt; Forcier, Jonathan; Griffin, William; Harris, Sara; Louis, Beth; MacNichol, Mary Kay; Mahoney, Sean; McNair, Cecily; O'Sullivan, Melanie; Pinclaro, Chad; Poggi, Brynda; rivers, sandra; Roberts, Doug; Roy, Laurie; Schillinger, Jennifer; Storm, Sara Douglas; Twombly, Denise; Walsh, Kevin Lt; Wright, William Sgt; Bleezarde, Phillip M (BICE); Britton, John (USAF); Dow, Kimberly (USMS); Grasso, Helen (BATF); Greenwood, Tammy (US PROBATION); Hanes, Timothy (US ATTY'S OFC); JANCSY, DAN S MSgt USAF ANG 157 SFS/SFOA; Mclaughlin, Louise X (DEA); Meyers, Jeffrey Asst Chief (VA Police); Sullivan, Michael (Air Nat Guard); Trainor, Joanne (USSS)

Subject: NCIC Audit Results, SPOTS Info and other related info

Good afternoon,

I have several items to discuss with you in this e-mail relative to SPOTS and NCIC specifically audit results and some changes that are taking place:

First I would like to inform everyone that the 2012 FBI CJIS Audit results have been received. I have posted the audit findings; we as a whole need to work on the following areas:

- 1) Ensure NCIC records are validated – This compliance area I wrote a rebuttal to because we were having great difficulty getting the records ftp'd from the FBI to us here at Headquarters.
- 2) Ensure second-party checks are conducted on NCIC entries – This should come as no surprise and for those that need assistance to complete this we have developed a Second Party Check Form that is available for download in NEXTEST on the Launchpad.
- 3) Ensure Missing Person File records, for individuals under age 21, are entered within 2 hours.

3/1/2013

This Document did not
include Page 2 of 3

Do place alias name info, if the aka name is different than the base record ie. Smith, Donald Smythe; Marc; Smith, Robert

Fees – Many have called regarding your 2013 SPOTS fees and to this I say keep it at \$4500.00 until further notice.

Friday, January 11th NH registrations will be down from 0600 – 0630 all other SPOTS traffic will be in full-service including out of state registration checks.

Lastly, most if not all of you are aware that your agencies will be going to direct entry for all NCIC and Instate- Misdemeanor entries; this may cause sheer panic for some but I am confident that as we transition to this you'll all be fine. We will be hosting Go To Meeting sessions for some On-Line training so stay tuned for dates, times and directions on viewing these sessions.

I will leave you with this:

The achievements of any organization or program are the result of the combined efforts of each individual, so thank you all for what you do and my best to you in 2013.

~Mary Kay

Mary Kay MacNichol
New Hampshire State Police
CJIS Systems Officer/NCIC Supervisor
FBI Advisory Policy Board Member
33 Hazen Drive
Concord, NH 03305
Tel: (603) 223-8425 Direct
NCIC General # (603) 223-3872
Cell [REDACTED]
Fax: (603) 271-1757
Email: MaryKay.MacNichol@dos.nh.gov



THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____
Case Name: _____
Case Number: _____

QUALIFYING MISDEMEANOR CRIME OF DOMESTIC VIOLENCE

A Qualifying Misdemeanor Crime of Domestic Violence (QMCDV) is crime that is a misdemeanor under New Hampshire law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon and which was committed by a current or former spouse, parent or guardian of the victim, a person with whom the victim shares a child in common, a person who is cohabiting or has cohabited with the victim as a spouse, parent or guardian, or a person similarly situated to a spouse, parent or guardian of the victim [18 USC 921(a) 33, A,].

It is unlawful for persons convicted of a Qualifying Misdemeanor Crime of Domestic Violence to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. See U.S.C. sec 922(g)(9).

The Defendant has been convicted of :	
<input type="checkbox"/>	Assault RSA 631:2-a, I
<input type="checkbox"/>	Disorderly Conduct RSA 644:2 (II)(a)
<input type="checkbox"/>	Sexual Assault RSA 632-A:4, (I)(a)
<input type="checkbox"/>	False Imprisonment RSA 633:3

THE DEFENDANT HAS BEEN CONVICTED OF THE ABOVE MISDEMEANOR CRIME, AND

- A. The offense is a Class A or B misdemeanor under New Hampshire State Law;
- B. The defendant was represented by counsel, or knowingly and intelligently waived the right to counsel;
- C. The defendant knowingly and intelligently waived the right to a jury trial or was not entitled to a jury trial and was subsequently convicted as a result of a bench trial, a plea of guilty, or a plea of no contest;
- An element of the offense includes:
 - the use or attempted use of physical force and/or
 - the threatened use of a deadly weapon; AND
- The Court finds that the defendant is involved with the victim in a qualifying relationship, specifically
 - current or former spouse; parent of the victim;
 - guardian of the victim; or the parties share a child in common, or
 - the defendant is cohabitating with or has cohabited with the victim as
 - spouse parent guardian; OR
 - as a person similarly situated to spouse parent guardian of the victim.
- D. The court informed the defendant of the: 1) nature of the offense; 2) defendant's right to counsel and 3) the range of allowable penalties.

Date

Signature of Presiding Justice

Typed Name of Presiding Justice

This information is being collected and reported to state and federal firearms regulatory authorities.

**Testimony in Support of HB 109 (Background Checks) and
HB 514 (Waiting Periods)
Senate Judiciary Committee
April 30, 2019**

By Leonard Korn MD
Immediate Past President, New Hampshire Medical Society

I want to thank the Senate Judiciary Committee for your attention to the issue of gun violence and public safety that is represented by HB 109 and HB 514. Organized medicine has been concerned for years about the alarming prevalence of gun violence in our country. For us as physicians gun violence is not a political issue but an issue of public health. And for us as physicians we come of course to this public health crisis because we treat the blood, death and injuries in our emergency rooms, our surgical suites and our hospitals, and for survivors in our offices and rehab centers. We are the "last lane" in the tragedy of gun violence, and we cannot remain silent in the face of this epidemic.

Studies clearly show that legislation to curb the incidence of gun violence does help to reduce gun violence. ***Basically, all efforts at preventing gun violence are at their core attempts to restrict possession of firearms by those individuals who have shown tendencies to commit violence towards themselves or others.*** The most basic such legislation is of course the universal background check system, restricting gun purchase and possession of individuals who are felons or who have been deemed ineligible to possess firearms due to domestic violence, severe mental illness or other reasons. I have appended to this testimony several studies and research supporting background checks as an important element in reducing the incidence of gun violence. The evidence is clear and convincing that background checks do work and are a vital and necessary part of reducing gun violence in our state and nation.

Nevertheless, the current system of background checks has many alarming loopholes, so that the system can be easily bypassed. Bypassing the background check system is totally unacceptable and needs to be fixed. HB 109 closes the significant loopholes of private

sales and sales through the internet. The New Hampshire Medical Society has been supporting such policy since March 2014. Indeed, there are 75 national medical, public health and research organizations that endorse comprehensive gun violence prevention initiatives including universal background checks. I've appended a copy of a letter sent to the US House of Representatives on February 22, 2018 by those 75 health organizations supporting strengthening the background check system.

I am also here to encourage support of HB 514, legislation requiring a waiting period of seven days between the purchase and delivery of a firearm to an individual. This is also a crucial piece of legislation that is especially important for individuals who might be purchasing a firearm with intent to commit suicide. I've been practicing psychiatry for 51 years, since my internship at Maine Medical Center in 1968.

Psychiatrists and mental health clinicians know that suicide is an impulsive act and that people can be helped if the impulse to act is interrupted. Suicide is a "long term solution to a short term problem," so attempts to interfere with the impulse such as a waiting period between purchase and delivery of a firearm would clearly be of great benefit in reducing the unfortunate increasing firearm suicide rate in New Hampshire. The New Hampshire Medical Society on January 9, 2019 adopted a policy position of support for waiting periods and thus is strongly supportive of HB 514. The AMA and many other medical specialty societies also support waiting periods.

I want to bring to your attention a recent advertisement that was published in the Concord Monitor on April 16, 2019 entitled "*Physicians Support Commonsense Firearm Safety Laws.*" This ad supporting background checks, waiting periods and safe school zones where firearms are prohibited was sponsored by the New Hampshire Medical Society, the New Hampshire Chapter of the American Academy of Pediatrics and the New Hampshire Academy of Family Physicians along with 84 individual physicians from throughout New Hampshire. I have appended a copy of that ad to this testimony emphasizing the importance of gun safety laws in reducing gun violence.

The New Hampshire House has already passed both HB 109 and HB 514. The New Hampshire Medical Society encourages your Committee

and the NH Senate and Governor Sununu to support these vital and commonsense gun violence prevention bills. They are crucial elements that fulfill a critical need for comprehensive legislative solutions to the epidemic of gun violence in our state and nation.

Thank you for your attention to this important public health issue.

Data Supporting Universal Background Checks

- Everytown for Gun Safety research reported a 40% reduction in homicide rates and 15% reduction in suicide rates as a result of closing loopholes in background check laws in Connecticut.
- Everytown research also showed that states requiring universal background checks had:
 - 47% decreased rates of women shot to death by intimate partners
 - 53% lower rates of officers shot and killed
 - 47% fewer firearm suicides
 - 48% less trafficking of firearms in cities

Data Supporting Background Checks (cont'd)

- Laws strengthening background checks are associated with decreased firearm homicides.
 - *Lee LK et al (JAMA Int Med 2017 1;177(1):106-119)*
- Study finds that universal background checks are associated with 14% decreased firearm homicides.
 - *Crifasi CK et al (J Urban Health 2018 Jun;95(3):383-90)*
- Study estimates that universal background checks would reduce the US death rate from firearms from 10.35 to 4.46 per 100,000.
 - *Kalesan B et al (Lancet 2016 Apr 30;387(10030):1847-55)*

February 22, 2018

U.S. House
Washington, DC 20515

Dear Representative:

The undersigned 75 national medical, health, public health, and research organizations write to urge you – again - to find a bipartisan path forward for comprehensive legislative solutions to firearm-related injuries and fatalities.

Many of our groups previously wrote to you after massacres in Las Vegas and Sutherland Springs. We write to you now because on Feb. 14th, 17 children and adults at Marjory Stoneman Douglas High School in Parkland, Florida, lost their lives at the hands of an individual with an assault weapon. Over and over again, such mass shootings are the tragic inflection points that exemplify the daily toll that gun violence takes on the lives of Americans. In 2016, there were over 38,000 U.S. firearm-related fatalities.¹ It is critical that we address gun violence as the significant public health threat that it is, so that we can enact policies that significantly reduce firearm-related morbidity and mortality.

Policymakers have an opportunity to respond to this public health challenge with bipartisan solutions that reduce injuries and fatalities associated with firearms. Federal policy should address gun violence with the same dedication applied to other successful public health initiatives over the past 25 years, such as immunizations, public sanitation, and motor vehicle safety. Reducing injury and mortality through research and evidence-based prevention and intervention strategies has been proven to improve health, safety, and life expectancy.

Strengthening firearm background checks and supporting funding for federal research and public health surveillance on firearm-related injuries and fatalities would provide meaningful progress in achieving a public health solution for this issue. We urge you to find a bipartisan path forward to enact commonsense solutions that address the public health threat of firearm-related injuries and fatalities. Our organizations stand ready to work with you to support that critical effort. Thank you for your consideration.

Sincerely,

2020 Mom

Academic Pediatric Association
American Academy of Family Physicians
American Academy of Pediatrics
American Art Therapy Association
American Association for Psychoanalysis in Clinical Social Work
American Association of Colleges of Nursing
American Board of Pediatrics
American College of Obstetricians and Gynecologists
American College of Physicians

American College of Preventive
American Counseling Association
American Medical Association
American Medical Women's Association
American Nurses Association
American Osteopathic Association
American Pediatric Society
American Pediatric Surgical Association
American Psychiatric Association
American Psychoanalytic Association
American Psychological Association
American Public Health Association
American Society of Nuclear Cardiology
Association for Ambulatory Behavioral Healthcare
Association of American Medical Colleges
Association of Black Cardiologists
Association of Maternal & Child Health Programs
Association of Medical School Pediatric Department Chairs
Association of Reproductive Health Professionals
Association of Schools and Programs of Public Health
Association of State and Territorial Health Officials
Association of Women's Health, Obstetric and Neonatal Nurses
Big Cities Health Coalition
Child Injury Prevention Alliance
Children's Defense Fund
Children's Health Fund
Clinical Social Work Association
Commissioned Officers Association of the U.S. Public Health Service, Inc. (COA)
Council of State and Territorial Epidemiologists
Council on Social Work Education
Doctors for America
First Focus
Futures Without Violence
GLMA: Health Professionals Advancing LGBT Equality
Healthy Teen Network
International Association of Forensic Nurses
National Alliance to Advance Adolescent Health
National Association for Children's Behavioral Health
National Association of Community Health Centers
National Association of County and City Health Officials
National Association of Pediatric Nurse Practitioners
National Association of School Nurses
National Association of Social Workers
National Association of State EMS Officials
National Black Nurses Association
National Center on Domestic and Sexual Violence

National Hispanic Medical Association
National Network of Public Health Institutes
National Partnership for Women & Families
National Physicians Alliance
National Register of Health Service Psychologists
National Women's Health Network
North American Society for Pediatric Gastroenterology, Hepatology and Nutrition
Pediatric Policy Council
Prevention Institute
Public Health Institute
Safe States Alliance
School-Based Health Alliance
Society for Adolescent Health and Medicine
Society for Pediatric Research
Society for Public Health Education
Society of General Internal Medicine
Trailhead Institute for Public Health Innovation
Trust for America's Health
Urgent Care Association of America

ⁱ https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm

New Hampshire
MEDICAL SOCIETY

ADVOCATING FOR PHYSICIANS & PUBLIC HEALTH SINCE 1791

American Academy
of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN™

New Hampshire Chapter

Physicians Support Common Sense Firearm Safety Laws

Firearm safety is a public health issue of great concern. According to the Centers for Disease Control and Prevention, gun deaths in the U.S. have risen to the highest levels in 20 years. Even in New Hampshire where we have one of the lowest death rates from firearm homicide, our rates are rising markedly, especially for gun-related suicides. Our rates for firearm deaths have risen 17% from 2015 to 2017, and 58% from 2005 to 2017. Fortunately, in NH we have so far been spared from mass shootings and school shootings. Nevertheless, we shouldn't wait until tragedy of such proportions strikes our state.

The New Hampshire Medical Society and the American Medical Association are committed to firearm safety. The NHMS and the AMA have passed policies to support universal background checks, waiting periods between purchase and delivery of firearms, extreme risk protection orders, and gun-free safe school zones.

The New Hampshire Medical Society, the New Hampshire Academy of Pediatrics, and the NH Academy of Family Physicians join the undersigned New Hampshire physicians in the belief that firearm deaths and injuries can be significantly reduced by appropriate legislation to make sure that firearms are restricted from those individuals who might be dangerous. As such, we support:

- HB 109 requiring background checks for all commercial firearm sales
- HB 514 imposing a waiting period between purchase and delivery of a firearm
- HB 687 creating extreme risk protection orders (ERPOs), preventing individuals at extreme risk of harm to themselves or others from possessing firearms
- HB 564 creating safe school zones where firearms are prohibited.

These common sense firearm policies are premised on the belief that restricting guns from individuals believed to have a history and prevalence for violence can enhance public safety. We base our support on the many published studies that have demonstrated that laws restricting such individuals from possession of firearms decrease the incidence of gun-related deaths (homicide and suicide) and injuries.

Please join us in support of such needed legislation by encouraging our State Representatives, our State Senators, and our Governor to enact these important initiatives to curtail gun-related violence in our state.

First	Last	Title	Town	First	Last	Title	Town
William	Abdu	M.D.	Hanover	Kathleen	Kelly	M.D.	Kingston
Patricia	Ruth	D.O.	Enfield	Audrey	Kern	M.D.	Washington
Judith	Austin-Strohbehn	M.D.	Hanover	Robert	Kiefer	M.D.	Concord
Michael	Baker	M.D.	Portsmouth	Elizabeth	King	M.D.	Lebanon
Eileen	Bennett	PA-C	Stratham	John	Kiurk	M.D.	Bow
Mark	Berman	M.D.	Dover	Donald	Koilsch	M.D.	Hanover
Charles	Blitzer	M.D.	Durham	Leonard	Korn	M.D.	Portsmouth
Dan	Brown, MD	M.D.	Portsmouth	Linda	Kornfeld	M.D.	Manchester
Albee	Burditz	M.D.	Nashua	Gregory	Lynch	M.D.	New Castle
Michael	Caldarwood	M.D.	Hanover	Sharon	Gunsher	M.D.	Concord
Audrey	Caldarwood	M.D.	Hanover	Bridget	MervinSmith	M.D.	Portsmouth
Christopher	Calhoun	M.D.	Goffstown	Laeh	Matthew	M.D.	Hanover
Robert J.	Chapman	M.D.	Hanover	Mauraen	Mccarty	M.D.	Dunbarton
Patricia	Clancy	M.D.	Concord	Herb	Meyer	D.O.	Dartville
Geoffrey	Clark	M.D.	Portsmouth	Richard	Nalmark	M.D.	Dover
Carolyn	Claussen	M.D.	Bedford	William	Palmer	M.D.	Cornish
Brian	Claussen	M.D.	Bedford	Lisa	Patterson	M.D.	Winchester
Heather	Crowley	M.D.	East Kingston	Nick	Perencevich	M.D.	Concord
Mary	Cullen	D.O.	Manchester	Mario	Ramas	M.D.	Hollis
Joanna	Culver	M.D.	Lyme	Heidi	Rinehart	M.D.	Keene
Matthew	Curley	M.D.	Manchester	Molly	Rosignol	D.O.	Hopkinton
Christopher	Daigle	M.D.	Hollis	John	Sauter	M.D.	Littleton
Valerie	Danielson	M.D.	Bedford	Susan	Schaefer	M.D.	Concord
Emily	Davie	M.D.	Dover	Jerome	Schlachter	M.D.	Portsmouth
Barbara	Deuel	M.D.	Portsmouth	Martin	Sedlacek	M.D.	Lebanon
Burton	Dibble	M.D.	Rye	Taj	Shafique	M.D.	Gilford
Gary	Fagin	M.D.	Portsmouth	Eric	Shah	M.D.	Lebanon
Rudy	Fedrizzi	M.D.	Keene	Gary	Sobelson	M.D.	Concord
Jeffrey	Fetter	M.D.	Concord	Henry	Sonneborn	M.D.	Rye
James	Fleisher	M.D.	Dover	Grag	Thesing	M.D.	Hopkinton
Timothy	Fisher	M.D.	Hanover	H Dixon	Turner	M.D.	Portsmouth
Katharine T	Fox	M.D.	Concord	Michael A.	Urbano	M.D.	Exeter
Patricia	Glowa	M.D.	Hanover	Ahmad	Usmani	M.D.	Londonderry
Denis	Hammond	M.D.	Bedford	Erum	Usmani	M.D.	Londonderry
Deborah	Harrigan	M.D.	Rochester	Lee	Willitt	M.D.	Gilford
Francis (Randy)	Hayes	M.D.	Canterbury	Charles	Wolcott	M.D.	Sugar Hill
David	Hallar	D.O.	Portsmouth	Gary	Woods	M.D.	Bow
Peter	Hayl	M.D.	Bedford	Ogo	Young	M.D.	Concord
Jonathan	Holzappel	M.D.	New Castle				
Joel	Huleatt	M.D.	Laconia				
Jonathan	Jaffe	M.D.	Cofftown				
Carmilla	Jones	M.D.	Holderness				
Eileen	Joyce	M.D.	Meriden				
Steven	Kaltz	M.D.	Concord				
Lawrence	Kane	M.D.	Newmarket				
Patricia	Kegel	M.D.	Concord				



NEW HAMPSHIRE ACADEMY OF
FAMILY PHYSICIANS
DEDICATED TO QUALITY HEALTHCARE

Paid for by Dr. Len Korn & Signatories: NH Medical Society and NH Academy of Family Physicians

My name is Marcella Dube. I am a resident of Amherst New Hampshire and a Mother of 4. I am testifying in support of the 3 bills being heard today.

HB 109 Background Checks, HB 514 Waiting Periods, HB 564 Gun Free School Zones

My Testimony is personal.

On August 11th, 2013 Muni Savyon, , shot and killed his 9-year-old son, Joshua, during a supervised visit at the Manchester YWCA. He then killed himself.

In March, 2012 Savyon was accused of making threats about his son. Savyon who was upset about custody arrangements, telling Joshua's Mother he bought a gun and that, "It's going to be either you, or Josh and I."

Savyon was charged with, domestic-violence-related, criminal threatening as a result of that incident.

The day after the confrontation, according to court records, Joshua's mother filed for a restraining order, fearing for the safety of herself and her Son.

That petition was granted in May 2012, and in the final order, a judge ruled that Savyon was not to possess any firearms and "shall complete anger management evaluation in an attempt to assess dangerousness."

Hours before the tragic incident, the Father emailed friends and alerted them to the plot, saying that he was "insane"" and that he "couldn't be stopped."

Joshua would've started the fourth grade at Wilkins Elementary School, with my daughter Sophia and the daughters of my friends seated behind me. My daughter was Joshua's friend, she had just attended his 9th birthday party. His last.

We ask that you support these bills in efforts to lay the ground work for gun sense safety.

Thank you for your time and consideration.

Testimony in favor of HB 109

My name is Rabbi Robin Nafshi. I am the rabbi of Temple Beth Jacob here in Concord. I will not restate the many reasons why closing the private sales loophole makes common sense and would make for good public policy. Instead, I will share a bit about what my faith tradition teaches.

In Deuteronomy we read: "When you build a ... house, you shall make a parapet (or fence) for your roof, so that you do not bring bloodguilt on your house if anyone should fall from it."¹

In other words, you are required to properly gate a roof, in order to prevent people from falling off. The Talmudic Rabbis site this verse to issue a general directive requiring a person to remove or correct any safety hazard.² Under contemporary Jewish law, this has been extended to require an employer to ensure occupational safety³ and to prohibit reckless driving.⁴ In general, safety regulations are treated with far greater stringency than any other legal considerations in Judaism.⁵

Jewish law expressly prohibits someone from selling offensive weapons to suspected criminals.⁶ The broad understanding cites this law to support the screening of all buyers of firearms, that require a national registry of gun owners, and that otherwise restrict access to guns by those with criminal records, mental illness and other evidence of instability.

¹Deuteronomy 22:8.

²Bava Kamma 15b; Shulchan Aruch Hoshen Mishpat 427:8.

³Piskei Uziel 47.

⁴Minchat Yitzchak 8:148.

⁵Shulchan Aruch Yoreh De'ah 116:7.

⁶Avodah Zarah 15b; Yoreh De'ah 151:5-6.

The Jewish community is still reeling following the two synagogue shootings in the last six months: Tree of Life Congregation in Pittsburgh this past October, and the Chabad Center of Poway, California just this past Saturday, *the Jewish Sabbath and final day of Passover.*

Just 18 days after the Pittsburgh shooting, I became a target of a white supremacist/neo-Nazi/Holocaust denier who lives here in NH. He has blogged about me on both Gab and Storm Front, two neo-Nazi websites. He wrote about me on Gab as recently as last week. He claims to not to be violent, and yet the FBI has shared with me that his ex-wife lives in a safe house because of he has a history of domestic violence. It is frightening enough to be a target of this individual. Given his background, it is even scarier, knowing that there is a private gun sale loophole in this state.

Right now, virtually every synagogue and Jewish organization is spending countless hours and tens of thousands of dollars to do what we can to make our organizations as safe as possible. For Temple Beth Jacob, this has included police walk-throughs; attendance at multiple safety and security trainings; the installation of two different security systems in my home, a parsonage, next door to the synagogue; the removal of mail boxes and slots at both locations and instead having mail delivered to PO boxes; locks on all classrooms; and the covering of all ground floor windows in the house and synagogue with a film that will reduce glass shattering and slow down the velocity of a bullet.

We are doing our part to keep our community safe. Please join us. Enact HB 109 and other legislation that would reduce the likelihood that guns will get into the hands of those who should not have them. Thank you.

Testimony of Tracy Hahn-Burkett on HB 109
Senate Judiciary Committee, April 30, 2019

Thank you for giving me the opportunity to speak to you today. My name is Tracy Hahn-Burkett, and I'm from Bow. I'm here both in my personal capacity, and as the leader of the Kent Street Coalition Working Group on Gun Violence Prevention.

I've understood all sides of this issue for decades, since my first job out of college working for a U.S. senator on the Judiciary Committee. Gun-related issues were part of my portfolio. I've talked with hundreds of gun owners. Over the years, I've heard just about all the arguments. I understand the importance of hunting and family culture. I have sympathy for some people like, for example, a victim of repeated domestic violence, living in a very rural area, who says they need a gun to feel safe.

But I also recognize that there are *other interests* at issue here; other people whose rights count *just as much* as the rights of gun owners: ordinary, non-gun-owning NH children and adults who want only to preserve their lives. Let's recognize some truths in this first of three hearings today: that *no rights*, either in our federal or our state Constitution, are absolute. That neither constitutional provision setting forth a right to bear arms holds any *superior right* over all other rights. And that *public safety is a legal, legitimate state interest*, and what could be a more obvious state interest than safeguarding the lives of our citizens?

HB 109, which would close loopholes in our background-check system for firearms purchases, would not take away anyone's rights. Let me emphasize this point: *law-abiding gun-owners have nothing to fear from this bill*. As some have already mentioned, we already have background checks; this bill merely closes some of the gaps in the existing system. Others have and will continue to detail the bill's mechanics, and I won't repeat them here. I will simply note

that by closing gaps in the law to ensure that people who ought not to be in possession of firearms don't get them, the bill protects *both* law-abiding gun owners and those who don't own guns and wish to live free from gun violence.

Background checks work. Since 1994, background checks have blocked more than 3.5 million sales to prohibited purchasers. Now I know some will say that not *all* gun crimes or criminals have been blocked. Tens of thousands of Americans still die each year from gun violence. This is true. But waiting for the single perfect solution that catches 100 percent of gun deaths before they happen is not an excuse to do nothing at all. How many more people would be dead without the background checks that have already happened? Let's take what works and extend it to gun shows and online purchases so that those easy loopholes aren't just sitting there to be exploited.

This bill won't grab your guns. It won't shut down the gun-sale industry in New Hampshire, but it will help to ensure that people who ought not to own a gun because they are too dangerous or unstable to possess a machine made to kill won't get one. It's as simple as that.

The people of NH have already recognized the plain, commonsense value of background checks—in a recent poll, 90 percent of New Hampshire citizens polled responded that they support them.* That sort of consensus in this era of extreme partisan bitterness is a clear indication of public intent. People have had enough of innocent bloodshed. Please, members from both parties, act with the interests of your constituents and the people of New Hampshire in mind and vote ought to pass on HB 109.

* Market Research Study commissioned by Everytown for Gun Safety; data collected 2/26/19-3/5/19.

18 U.S. Code § 922.Unlawful acts

(d)It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to anyperson knowing or having reasonable cause to believe that such person—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5)who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under an anonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who [2] has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8)is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

(B)

(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9)has been convicted in any court of a misdemeanor crime of domestic violence.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

Testimony in Support of HB 109 – Requiring Background Checks for Commercial Firearms Sales

Thank you, Chairman Hennessey. My name is Cindy White, I am from Hopkinton, and am here in support of HB 109. I will be submitting a written copy of my testimony.

David Ray Conley was prohibited from owning a firearm because of his criminal history, but he bought a gun over the internet, with no background check, and then used it to massacre eight people in Texas. Radcliffe Haughton, in Milwaukee, was barred from purchasing firearms because of a restraining order. He bought a gun online from a private seller and used it to murder his estranged wife and two of her coworkers and shoot four others. These cases happened in other states, but they could just as easily have happened here because of a gaping loophole in our gun safety laws.

Background checks are the foundation of a comprehensive approach to gun violence prevention. Keeping guns out of the hands of dangerous persons is critical and a common-sense way to reduce gun violence. We know it is risky to allow felons, domestic abusers, and other prohibited persons to have access to guns. In 34% of mass shootings between 2009 and 2016, for example, the gunman was legally prohibited from possessing

firearms at the time of the shooting.¹ Not surprisingly, studies show that stronger background check laws are associated with significantly lower rates of firearms homicides and suicides.²

New Hampshire needs to step up and join the other states that have adopted a state background check law. The federal Brady law has been tremendously successful and has blocked sales of guns to more than 3 million dangerous persons who were not legally allowed to possess them.³ But the federal law applies only to sales by federally licensed firearms dealers. Because of that gaping loophole, an estimated 22% of all gun sales, millions each year, take place without a background check, many at gun shows or over the internet.⁴ We need to pass HB 109, which would help close this loophole by requiring background checks for all commercial firearms sales in New Hampshire. This bill does not contemplate or require a registry of firearms sold

¹ Everytown for Gun Safety, *Mass Shootings in the United States: 2009-2016*, March 2017

² Fleegler, E.W. et al, *Firearm Legislation and Firearm-Related Fatalities in the United States*, *JAMA Intern. Med.*, 2013; 173(9) 732-40 (stronger background check laws associated with significantly lower rates of firearm suicides and homicides); Lee, L.K. et al, *Firearm Laws and Firearm Homicides: A Systematic Review*, *JAMA Intern. Med.*, 2017;177(1)106-119 (stronger background check requirements seemed to decrease firearm homicide rates); Rudolph, K.E. et al, *Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides*, *Amer. Journal Pub. Health*, 2015; 105(8) (background checks associated with 40% reduction in firearms homicides)

³ Karberg, J.C. et al, *Background Checks for Firearms Transfers, 2015 – Statistical Table*, Bureau of Justice Statistics, Nov. 2017

⁴ Miller, M. et al, *Firearm Acquisition Without Background Checks: Results of a National Survey*, *Annals of Intern. Med.* Feb. 2017; 166(4) 233-39

Enacting a state background check requirement should be an easy choice. It's a win-win situation. It will enhance public safety and save lives while respecting the rights of responsible, law-abiding gun owners. It just makes sense. Nobody should want to allow guns into the hands of dangerous people and almost nobody does want that. Background check requirements are supported by almost everybody; by 97% of Americans, including 97% of gun owners, and by 94% of Granite Staters, including 90% of gun owners.⁵

I ask you to do the right thing and vote for HB 109.

⁵ University of New Hampshire poll, February 2013; <https://www.wmur.com/article/poll-shows-support-for-gun-background-checks-less-for-ban/5179440> Quinnipiac University poll, Feb. 2018, <https://poll.qu.edu/national/release-detail?ReleaseID=2521> (supported by 97% of Americans and 97 % of gun owners)



GUN OWNERS OF AMERICA

STATEMENT BY MICHAEL E. HAMMOND LEGISLATIVE COUNSEL FOR GUN OWNERS OF AMERICA

On behalf of Gun Owners of America, I call for a swift defeat of the three anti-gun bills being heard by the Senate today: House Bill 109-FN (universal background checks/gun registration), House Bill 514-FN (lengthened waiting periods on constitutional rights), and House Bill 564 (putting school children in danger for the sake of political correctness).

If necessary, we would ask that the governor veto these monstrosities. And, based on the House votes, we are confident that his vetoes would be upheld.

House Bill 109-FN is a clownishly drafted and intentionally deceptive piece of legislation that would be a nightmare if it were ever passed. It purports to require Brady Checks for "commercial sales," but defines "commercial sale" to be a transfer -- however momentary -- "pursuant to ... [a] display." No one knows what this "nonsense verbiage" means. But it is more than likely that, if you "display" your new gun to your next door neighbor in your kitchen without a Brady Check, you are a criminal under this law.

Although bills like House Bill 109-FN have become the central thrust for gun-hating groups to "put points on the board," they didn't stop mass tragedies in places like California, Illinois, and Connecticut. And they're merely a way-station on the road to New York-style gun bans in places like New Hampshire.

House Bill 514-FN would further interfere with constitutional rights by lengthening checks which currently produce 95% false positives.

House Bill 564 would narrow federal law to gratuitously make our children less safe in the event of a horrific school shooting. It is no coincidence that copycat school shootings took off shortly after schools were made "gun-free zones." In fact, the only thing these laws accomplished was to assure shooters that they could get their "15 minutes of fame" without any fear that the kids would be protected.

For these reasons and more, GOA calls for these bills to be vetoed -- and assures that we will work to make sure those vetoes are sustained.

HB109 REQUIRING BACKGROUND CHECKS FOR COMMERCIAL FIREARMS SALES

Submitted by
Hon. Daniel C. Itse

HB109 has two serious defects. The first defect is in the requirements imposed upon the firearms dealers. Others will testify as to the particular conflicts of law. However, what is important is the supremacy clause of the Constitution for the United States of America. This states that where there is a conflict between federal law State law, federal law prevails. Unless the Legislature is prepared to challenge the federal law under the Tenth Amendment, HB109 should be recommended inexpedient to legislate. I should caution you however, that our State Constitution is far more explicitly protective of the right to keep and bear arms than the federal constitution.

The second defect is in the exceptions clause.

159-E:3 Exception. This chapter shall not apply to a noncommercial, private sale, transfer, or exchange of a firearm between individuals, provided neither party to the transaction is a prohibited person. If the status of either party's eligibility to own or possess a firearm cannot be *ascertained*, the transaction shall be completed through a licensed firearm dealer pursuant to RSA 159-E:2, II.

As written this except does not allow for any exceptions. The word ascertain has a definition. Ascertain: 1. To discover through examination or experimentation; to find out; find out. 2. To make certain definite.

The only way to ascertain whether a person is disqualified for owning a firearm is by with a background check. However, private individuals are not authorized to obtain background check. Therefore, in effect there are no exceptions and no power of private sale or "transfer" which could include simply handing a firearm to another person in the course training or hunting.

April 30, 2019
9am, Room 100 State House, Concord, New Hampshire

Testimony on HB 109

Dear Legislators,

I come before you in support of HB 109 requiring background checks for commercial firearm sales.

I come before you as a grandmother, minister, farmer and citizen.

My grandson was born on the very day of the Sandy Hook Shooting. Each year when we celebrate his birthday, I am reminded that we haven't done enough in this country to pass sensible gun laws. He turned 6 last December. Before that there was Columbine and after that Parkland and innumerable shootings in addition to those.

His Mom- my daughter- is an emergency room physician who has seen death and life-long damage from gun shot wounds. Medical professionals can do only so much to save people wounded by guns. Removing bullets and suturing doesn't heal the life-long trauma that people experience from a gun event.

As a minister, I have witnessed long lasting trauma that ripples throughout people's lives.

As a farmer, I appreciate the need for a gun. I am not anti-gun. Just as we have sensible traffic laws related to the use of automobiles, we need sensible gun laws. As a law-abiding citizen, I am willing to comply with those laws.

As a citizen, I am concerned with the safety of people in my community and I vote. I will only support candidates who advocate sensible gun laws.

Requiring a background check every time a gun is sold is effective in keeping guns out of the hands of those with a criminal record.

About 90% of the public supports this common sense background check legislation. It's up to you to pass it.

Please support HB 109- as if our lives depend on it. Because they do.

Respectfully submitted,



Rev. Barbara McKusick Liscord
24 Old Amherst Rd.
Mont Vernon, NH 03057

permit process, it led to 40 percent reduction in the gun homicide rate⁶ and a 15 percent reduction in the gun suicide rate.⁷

The background checks system works, it has stopped more than 3.5 million illegal gun sales since 1994, but the federal laws are riddled with loopholes. What's worse, New Hampshire currently has no state laws requiring background checks on firearm sales. Therefore the only requirements is the one created by federal law. Current Federal law requires federally licensed gun dealers to conduct background checks on all gun sales. But there is no such requirement for unlicensed sellers. That means individuals who are legally prohibited from having firearms—including convicted felons, domestic abusers, and people who have been involuntarily committed due to serious mental illness—can avoid the very background checks designed to prevent them from getting guns by simply buying guns from unlicensed sellers, including sales arranged online or at gun shows. Last year, more than 14,000 firearms were listed on Armslist.com in New Hampshire, available without a background check.

These loopholes in the system weaken gun safety laws, enabling criminals to get armed with no questions asked and making it difficult to enforce the law and protect communities from gun violence. A recent survey found that nearly a quarter (22%) of Americans who had acquired their most recent gun in the two years prior reported doing so without a background check,⁸ and investigations have revealed that in some states as many as 1 in 10 people seeking guns in unlicensed sales online have prohibiting criminal records.

No one should be able to avoid a background check simply by purchasing a gun from the internet, a gun show, or the trunk of a car.

⁶ Kara E. Rudolph, Elizabeth A. Stuart, Jon S. Vernick, and Daniel W. Webster, Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides, *105 American Journal of Public Health* 8, pp. e49-e54 (August 2015).

⁷ Cassandra K. Crifasi, Daniel W. Webster, et al., Effects of Changes in Permit-to-Purchase Handgun Laws in Connecticut and Missouri on Suicide Rates, *Preventative Medicine* 79, 43-49 (October 2015).

⁸ Miller M, Hepburn L, Azrael D. Firearm acquisition without background checks: results of a national survey. *Annals of Internal Medicine*. 2017 Feb 21;166(4):233-239.

Polls in New Hampshire have shown that Granite Staters overwhelmingly support requiring background checks on all gun sales - including majorities of both gun owners and Republicans. A 2019 poll of New Hampshire adults showed that 90 percent of Granite Staters support universal background checks, including 84 percent of gun owners. When broken down by party affiliation, not group had less than 85% support for the policy.⁹

By requiring a thorough background check on all commercial sales by unlicensed sellers, HB 109 would greatly reduce the risk that a prohibited person could access firearms, making our communities safer. Our kids and our communities deserve to live without fear of gun violence. It's up to us to act. I ask you to vote HB 109 Ought to Pass. Thank you.

⁹ Survey USA poll, on behalf of Everytown for Gun Safety 2019.
<https://everytown.org/documents/2019/03/everytown-new-hampshire-polling.pdf/>



Testimony in Support of HB 109, Closing Background Check Loopholes Senate Judiciary, April 30, 2019

My name is Zandra Rice Hawkins and I am the Executive Director of Granite State Progress, a multi-issue advocacy organization working on issues of immediate state and local concern. Our members work actively on gun violence prevention, and as such strongly support HB 109.

In the absence of Congressional action, it is important that states explore other options for preventing or reducing gun violence in our communities. HB 109 would require background checks for all commercially advertised firearm sales, helping keep guns out of the hands of felons and domestic abusers.

How Background Checks Work

Under the federal Brady Act, criminal background checks must be conducted on individuals before a firearm may be purchased from a federally licensed dealer, manufacturer or importer – sometimes referred to as FFL's. In New Hampshire, background checks on handgun purchases are conducted by the NH Department of Safety and background checks on long guns are conducted through the FBI's National Instant Criminal Background Check System (NICS).

How Background Checks Save Lives

Since the Brady Act thru 2010, over 118 million applications for firearm transfers or permits were subject to background checks. During this time period, about 2.1 million applications, or 1.8%, were denied. A Department of Justice study of applications from 1999 to 2010 found that:

- A **felony conviction** or indictment was the most common reason to deny an application during FBI (63%) and state (50.7%) background checks.
- **Domestic abusers** attempting to purchase guns accounted for the second most common reason of denials during FBI (15.5%) and state (13.2%) background checks.

NH Background Checks

In 2017, New Hampshire conducted nearly 130,000 background checks to keep guns out of the hands of felons, domestic abusers, and other prohibited persons. But guns sold in New Hampshire through private sales at gun shows, online, or the classifieds do not currently require a background check.

Requiring a background check every time a gun is sold is effective in keeping guns out of the hands of those with a criminal record. This bill will require a background check for all commercially advertised sales. This just makes sense: responsible gun owners shouldn't put guns in the hands of people they don't know.

NH Background Check Facts

Under this bill, commercially advertised gun sales – including online sales – would require a criminal background check through a federally licensed dealer using the same background check system already used in all dealer sales.

The bill defines commercial as “a sale, transfer, or exchange of a firearm that takes place at, or on the curtilage of, a gun show or pursuant to an offer to sell or buy a firearm that took place at a gun show, or pursuant to an advertisement, posting, listing, or display.”

Transfers and exchanges are included because it is not uncommon for a firearm to be traded rather than sold for financial value.

The bill defines that sales on the ‘curtilage of’ gun shows or ads are included. This deters parties from meeting at a gun show then going to the parking lot to sell a gun without running a background check.

This bill would help keep guns out of the hands of dangerous criminals and save lives. An overwhelming 9 out of 10 Granite Staters support background checks – including a majority of gun owners and NRA members.

On Loopholes

According to the fiscal note at the end of a similar bill in 2014, an estimated 33,333 gun sales in New Hampshire did not go through the background check process the previous year. This morning our office looked on Armslist, which advertises itself as an online firearms marketplace. There were 1,422 firearms for sale or trade in New Hampshire alone. The website has a disclaimer advising users to follow all federal and state firearms laws. That is it. I had to click a button saying yes, I am allowed to purchase a gun. No questions asked. No background check. There is no guarantee the individual seller will require one of me either.

It's high time we had a conversation about who can easily buy firearms in New Hampshire.

What The Bill Won't Do

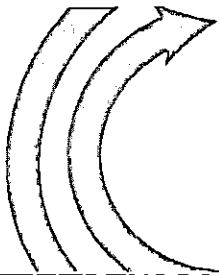
It does not affect law-abiding New Hampshire gun owners selling and trading guns between friends & family. It expressly prohibits a gun registry.

Vote OTP on HB 109

In the absence of action at the federal level, states must explore options for preventing or reducing gun violence in our own communities. HB 109 is a smart policy measure with widespread public support. We urge you to pass this important piece of legislation.

If you have any questions about the testimony provided herein, my contact information is available on the written copy provided to you.

Zandra Rice Hawkins
Executive Director
Granite State Progress
Phone: 603.225.2471
zandra@granitestateprogress.org



NEW HAMPSHIRE
**PUBLIC HEALTH
ASSOCIATION**

Improving Health, Preventing Disease, Reducing Costs for All

4 Park Street, 4th Floor
Concord, NH 03301
603.228.2983 | info@nhpha.org
www.nhpha.org

April 30, 2019

Testimony on HB 109: an act requiring background checks for commercial firearms sales

The New Hampshire Public Health Association (NHPHA) is a statewide membership organization composed of health care and public health professionals. For over 25 years, it has brought together members who share a common goal of making sure that all of New Hampshire citizens live, learn, work and play in safe and healthy environments.

NHPHA supports HB 109. NHPHA recognizes that guns are part of American culture and believes that the pursuit of gun safety is substantially different from the pursuit of gun control. Improving gun safety, in contrast to traditional gun control, reflects a focused, multidisciplinary effort to limit violence and harm subsequent to inappropriate use of a prevalent technology. As such, NHPHA advocates for policies that will prevent gun-related injuries rather than policies focused solely on firearm limitations. HB 109, with its focus on the expansion of background checks, is directly aligned with NHPHA policy positions.

NHPHA supports policies that support and expand universal background checks, including:

- Closing loopholes for private sales, gun shows, and Internet sales
- Improving the amount of information available to firearms dealers seeking background checks

HB 109 “requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides a criminal penalty for a violation. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.” The text of the law explicitly defines commercial sales to include gun shows and the land surrounding them.

Universal background checks are widely acknowledged as a key lever to reduce illegal gun ownership and improve public safety. The best available data, though dated, suggest that a significant volume of firearms are purchased or acquired from sources other than federally licensed firearms dealers (FFLs). Critically, there is concern that purchases outside of FFLs may be disproportionately illegal; further, evidence suggests that criminal offenders prohibited from owning firearms are far less likely to obtain guns from sources requiring a background check, including FFLs. Expanding background check requirements would make it more difficult for prohibited persons to obtain firearms. By mandating that all commercial sales, including gun shows, and all sales in which an individual’s eligibility to own or possess a firearm is in question must proceed through a FFL, HB 109 closes a critical loophole in existing law. In so doing, it makes an essential step toward a comprehensive, evidence-based approach to preventing gun violence.

NHPHA appreciates the opportunity to provide testimony in support of HB 109. We urge you to give this bill your full support by voting Ought to Pass.

Sincerely,

Joan H. Ascheim, MSN, Executive Director, jascheim@nhpha.org

2018 Affiliate of the Year of the American Public Health Association



New Hampshire Council of Churches

People of faith strengthening New Hampshire communities

PO Box 1087, Concord, NH 03302-1087 125 Airport Rd, Concord NH 03301

www.NHChurches.org infor@nhchurches.org (603) 224-1352

Joint Statement on Reducing Gun Violence

Our hearts break whenever human life comes to a violent end. Together we as people of faith call on our leaders to do all in their power to reduce the risk of gun violence in New Hampshire and in the United States.

The New Hampshire Council of Churches, comprised of delegates representing ten member denominations of Protestant, Anglican, Orthodox, and Roman Catholic traditions in the state of New Hampshire, are united in a call to seek ways to reduce gun violence in our homes, in our schools, on our streets, and in our communities at large.

In a country of 310 million people, there are 280 million guns. Sixty-seven percent of gun deaths in the United States are suicide related.* While the majority of gun owners are responsible and law-abiding citizens, many guns are purchased and owned by those who are not. We urge measures be taken to insure owning a gun is as safe as possible.

In light of the on-going tragedy of mass gun shootings our faith commends us to “weep with those who weep” (Romans 12:15). We believe that every human being is created in the image of our Creator God (Genesis 1:26) and is therefore entitled to live in community free of the fear of gun violence and gun death. Scripture calls us to “beat our swords into plowshares” (Isaiah 2:4, Joel 3:10); our faith teaches us that our ultimate safety and freedom lies in God. It is therefore idolatrous to imagine that guns, especially semi-automatic and automatic weapons, will protect us from harm.

We urge government leaders:

- to take reasonable steps to restrict civilian ownership of certain types of weapons;
- to take steps to keep guns out of the hands of those who are not responsible;
- to seek ways to identify and provide for greater care of those with mental health issues and their families; and
- to take other effective measures to reduce the risk of firearm violence

To these ends we call on our communities and governmental leaders to take measures enumerated above that will increase the assurance that human life, especially the lives of our children and youth are protected and free from the threat and reality of gun death.

Adopted by the Board of Directors January 2013

Member Denominations: American Baptist Churches, USA, Episcopal, Evangelical Lutheran Church of America, Friends, Greek Orthodox, Presbyterian Church/USA, Roman Catholic, United Church of Christ, United Methodist, Unitarian Universalist

*Numbers attained from the Center for Disease Control, National Center for Health Statistics, Mortality Report, 2012

TESTIMONY OF REP KATHERINE ROGERS
HB 109 Requiring background checks for commercial firearms sales.
Tues, April 30, 2019

Each year 12,000 Americans are murdered with a gun; Americans are 20 times more likely to be murdered with a gun than in other developed countries like ours. Right now there's a loophole in our laws that lets anyone buy a gun online or at a gun show without a background check no question asked. We need to close the loophole that lets felons, domestic abusers, and the dangerous mentally ill get their hands on guns with no questions asked.

AND in states that require criminal background checks on all handgun sales, 46% fewer women are fatally shot by their partners, 48% fewer police are killed with handguns, and 64% fewer crime guns are trafficked out of state.

WHILE it may be true that NH reportably has the 7th lowest number of gun deaths per capita among the states we do have the 24th highest rate of crime gun exports. Exporting three times as many crime guns as we import. The state is the top supplier of crime guns to Massachusetts, Maine and Vermont.

The use of a firearm was responsible for 48% of the state's domestic violence homicides from 2001-2010.

Based on estimates by the NH Department of Safety, 33,000 of the estimated 82,500 sales that will occur next year will not be required to have a background check.

The National Instant Criminal Background Check System (NCIS) has blocked over 2 million gun sales to people who are prohibited from possessing guns. But the current system's loophole is exploited by criminals who can avoid background checks by purchasing firearms from unlicensed "private sellers", often at gun shows or through anonymous online transactions

NH is a net exporter of guns and a substantial percentage of our firearms have a short time-to-crime. (The percentage of guns recovered in a crime within two years of original sale - a strong indicator of gun trafficking).

According to 2009 data collected from the gun trafficking statistics from the Bureau of Alcohol, Tobacco, Firearms & Explosives, New Hampshire exported 18.3 guns per 100,000 inhabitants whereas the national average was 14.1 and 29.3% of NH's firearms have a short time-to-crime. The national average is 22.6%.

WHILE HB 109 won't prevent every tragedy, it will make a difference, it will save lives, and it will make our communities a safer place to live. Small changes to our gun laws might not prevent criminals from getting a gun, but it will prevent many - and that's worth it.

TESTIMONY OF REP KATHERINE ROGERS
HB 109 Requiring background checks for commercial firearms sales.
Tues, April 30, 2019

HB 109 is a simple bill. It fills a loophole that currently exists by requiring commercial firearms sales or transfers in this state to be subject to a criminal background check. If that does not happen, the seller faces a misdemeanor penalty for each violation.

Under this bill, commercially advertised gun sales - including online sales - would require a criminal background check through a federally licensed dealer using the same background check system already used in all dealer sales.

The bill defines commercial as "a sale, transfer, or exchange of a firearm that takes place at, or on the curtilage of, a gun show or pursuant to an offer to sell or buy a firearm that took place at a gun show, or pursuant to an advertisement, posting, listing or display.

Transfer and exchanges are included because it is not uncommon for a firearm to be traded rather than sold for financial value.

This bill defines that sales on the curtilage of gun shows or ads are included. This deters parties from meeting at a gun show then going to the parking lot to sell a gun without running a background check.

What won't HB 109 do?

It WON'T affect law-abiding NH gun owners selling & trading guns between friends & family. It makes an exception for private, noncommercial sales or transfers between friends and families.

AND It expressly prohibits a gun registry.

HB 109 is not an over-reach by government, it is a public safety measure to keep more guns out of the hands of those who we all agree should not have them. People like felons and domestic abusers.

Some today might suggest to you that commercially selling pistols & revolvers without being licensed is already a crime in NH?

The difference is between commercial sales – conducted by gun dealers who regularly sell guns and are required to conduct background checks every time they sell a firearm – and commercially advertised sales (see bill definition), which are sold by private sellers to people they do not know without background checks, i.e. intrastate online sales. The latter is the focus of the bill; commercially advertised sales by definition likely mean selling a gun to someone you don't know – most would agree it is reasonable that a background check should always be required in this situation. Additionally, there is no law requiring background checks at gun shows in NH. Federally licensed dealers must conduct a background check every time they conduct a sale, regardless of where they are. Private sellers currently have no such requirement.

Others might suggest that the exemption in N.H. RSA 159:14 already state that you have to personally know someone to sell them a pistol or revolver?

NH law right now does not fully address how private citizens sell pistols and revolvers, so long as the sales are not done with such frequency or regularity as to constitute a business – a “commercial sale”. From *State v. Timothy Geddes*, 2004: “... the RSA 159 statutory scheme does not create a general prohibition against the sale of pistols & revolvers and then carve out certain limited exceptions for those who have obtained a license or who satisfy other specific criteria or conditions. Rather, with the exception of prohibiting sales or transfers to convicted felons and to minors ... RSA 159 places no restrictions on the ability of private citizens to sell pistols & revolvers as long as this is not done with such frequency or regularity as to constitute a business.” Opponents have tried to argue both that 1) the bill goes too far and tramples on 2nd Amendment rights, and 2) that it is unnecessary because current law covers the loopholes. Other problems with this twisted argument: there is no strong definition for what “personally known” means.

And some will tell you that this bill will make criminals out of law-abiding citizens selling to friends and family?

HB 109 doesn't affect law-abiding NH gun owners selling & trading guns between friends & family. If a seller doesn't feel confident that the friend or family member is qualified to own or possess a firearm, they should seek a background check first. Responsible gun owners shouldn't put guns in the hands of people they don't know well enough to know whether that individual is considered a danger to themselves or others. This provision also helps address the problem that the current law does not define what “personally known” means.

TESTIMONY OF REP KATHERINE ROGERS
HB 109 Requiring background checks for commercial firearms sales.
Tues, April 30, 2019

Finally Will this bill help gun owners or public safety in any way, beyond the very large benefit of keeping guns out of the hands of felons, domestic abusers, and other prohibited persons?

Requiring criminal background checks for sales between strangers is an important public safety measure and also reduces the burden on gun owners privately selling firearms. Right now, if a buyer or any subsequent buyer uses the firearm in a crime, it could be traced back to the original seller who will be questioned by the police regarding how the criminal came into possession of the firearm. Under expanded criminal background checks, the sales record serves as important proof that the background check and sale took place, reducing the burden on the original owner to maintain records and/or have to deal with law enforcement. This system also helps law enforcement better track down criminals and solve crimes committed with firearms.

If you hear the overly simplified argument that HB 109 will only affect "law-abiding citizens" because criminals don't follow the law anyway.

I would suggest that By that logic, we should all pack up and go home right now. What good is passing laws when criminals don't follow the law.

That means we're trapped in a paradox: Law-abiding citizens obey the law - Criminals are lawbreakers, and thus do not obey the law - Laws impose restrictions on the behavior of only those who follow them - Laws, therefore, only hurt law-abiding citizens.

Every law could be refuted with this paradox, and societies would swiftly descent into anarchy. Laws against rape, murder, and theft, for example, are rarely followed by rapists, murderers and thieves, but the fact that such people exist in society is the reason for these laws in the first place.

HB 109 is a simple It is constitutional, and is a regulation that fits in with the beliefs of a majority of our population. Please vote it Ought to pass.

Testimony in Favor of HB 109:

“AN ACT requiring background checks for commercial firearms sales.”

Rep. Timothy Horrigan (Strafford 6)
Senate Judiciary Committee
April 30, 2019

Under current law, a National Instant Criminal Background Check System (NICS) check must be done whenever a firearm is sold to or bought from a licensed firearm dealer. HB 109 would extend that requirement to commercial sales of guns where neither party is a firearm dealer: in such cases, the two parties would have to make the transaction through a licensed firearm dealer.

The “Instant” in National Instant Criminal Background Check System means just that. Unless there is a technical glitch, transactions are approved in a matter of minutes. According to the FBI, over 99.5% of transactions are approved. The government does not charge firearm dealers to perform a NICS check, although dealers are allowed to charge their customers a reasonable fee. If passed, HB 109 would create a new business opportunity for gun dealers, who could provide NICS check services to private sellers at gun shows and other venues.

During the hearings before the House Criminal Justice Committee, and even during the committee process and the floor debate, there was a lot of concern expressed over the exact meanings of the terms “commercial sale,” “exchange,” and “transfer.” However, in my opinion, the existing language of HB 109 is sufficient to make it clear that NICS checks are needed only when a gun is permanently sold or traded. You can still give your gun as a gift to a friend or family member without running a check, and you can still let your friend or family member borrow your gun while hunting or at the target range. Be that as it may, it is a very bad idea to let your friend or family member have your gun if you know he or she falls in to one of the categories which triggers a NICS check failure. Even if you sincerely believe the person is not dangerous, they can still get in serious legal trouble if the cops catch them with a gun. Those categories are:

- Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- Is under indictment for a crime punishable by imprisonment for a term exceeding one year;
- Is a fugitive from justice;
- Is an unlawful user of or addicted to any controlled substance;
- Has been adjudicated as a mental defective or committed to a mental institution;
- Is illegally or unlawfully in the United States;
- Has been discharged from the Armed Forces under dishonorable conditions;
- Has renounced their citizenship of the United States;
- Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child(ren) of such intimate partner;
- Has been convicted of a crime of domestic violence.



GUN OWNERS OF AMERICA

8001 Forbes Pl Suite 202, Springfield VA 22151

703-321-8585 / gunowners.org

Direct Contact: alanrice@gunowners.org
(603) 471-2721

TESTIMONY IN OPPOSITION TO HB 109 April 30, 2019 -- New Hampshire Senate Judiciary Committee

Good morning, for the record, my name is Alan Rice; I am resident of Bedford, NH and I am here today as the New Hampshire Field Representative for Gun Owners of America, a national organization with close to 2 million individual members and supporters. **We are strongly opposed to HB 109 which will criminalize the sale or gift of a firearm to a family member, friend or neighbor.**

HB 109 has very broad language defining a transfer. HB 109 creates a definition of "commercial sale" (in 159:E:1). You could make a so-called "commercial sale" a couple of different ways and run afoul of the new law. But, at its lowest common denominator, "commercial sale" is defined to mean a "transfer ... of a firearm ... pursuant to an advertisement, posting, listing, or display." "Display" is nowhere defined. "Posting" is also nowhere defined, but presumably includes a single communication over the Internet or even in person.

Under the provisions of HB 109 if one friend would like to loan a gun to another friend for use during a hunting trip or maybe even to just try before friend number two buys a gun of the same type, that is transfer and must be completed by a licensed firearms dealer. However, there is nothing contained in HB 109 that will require dealers to perfume this service. Furthermore, even if a dealer decides to perform transfer services, there is no limit on the amount that can be charged for this service. Therefore, our two friends could be forced to pay \$30, \$50 or even \$100 before the gun can be transferred. Then, when friend number two would like to return the gun to friend number one, the process would have to be reversed and another fee would need to be paid.

HB 109 is setting people up to go to jail! Certain provisions contained in section 159-E:2 (d) directly contradict federal law and if a dealer were to follow them he would lose his license and could even be charged with a felony.

It is a myth that guns can be ordered "online" and shipped to a person's home. Firearms traveling interstate must be shipped to a federal licensed firearms dealer for transfer -- including a background check -- to the purchaser. Failure to follow this procedure is a felony.

Private sales, that is sales or transfers between two non dealers, in New Hampshire are heavily regulated as well. Under current state law, a buyer and seller must be personally known to one another and if they are not the buyer must have a New Hampshire Pistol / Revolver license which a person cannot obtain if they are prohibited from owning firearms by state or federal law.

It is illegal under provisions of federal law for a dealer to transfer a firearm to a minor, and a handgun to a person under age 21, HB 109 becomes a defacto gun ban on those who are not of legal age. Irrespective of the wishes of parents or guardians. Hunting and shooting by minors in New Hampshire will effectively become illegal.

Gun Owners of America
Page 2 of 2, OPPOSITION TO HB 109

If I was a member of this committee, I would ask Rep. Rogers how then, are we to teach our youth about firearms if we cannot provide them with firearms?

But, I think I know the answer, Rep. Rogers does not want young people, or anyone else for that matter to own, possess or use firearms.-- and since section II(a) requires dealers to treat Brady Checks as though they were the sellers -- hunting and shooting by minors in New Hampshire will effectively become illegal.

HB 109 is so broad that any transfer that is not completed by a licensed dealer subjects the seller to the penalties of a misdemeanor! A total ban on disposal of privately owned firearms by otherwise law abiding citizens of New Hampshire. A ban so broad that a firearms instructor would not be able to loan firearms to students to use in a training environment.

Consider how this bill would have failed to prevent Newtown (stolen gun), Aurora (passed background check), Tucson (passed background check), and practically every other modern American tragedy. And South Carolina, a failure by the FBI.

I heard the supporters claim a crisis, an epidemic in an attempt to persuade you to vote in favor of HB 109. There is no crisis. New Hampshire is consistently ranked as one of the safest states. We have little to no crime. HB 109 is not needed and for these reasons, we are urging the Judiciary Committee to vote HB 109 "inexpedient to legislate".

Thank you for your time and attention.

Firearms Transaction Record

WARNING: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's/Seller's
Transaction Serial
Number (If any)

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink. "PLEASE PRINT."

Section A - Must Be Completed Personally By Transferee/Buyer

1. Transferee's/Buyer's Full Name (If legal name contains an initial only, record "IO" after the initial. If no middle initial or name, record "NMN".) Last Name (Including suffix (e.g., Jr, Sr, II, III))			First Name		Middle Name				
2. Current State of Residence and Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.) Number and Street Address			City		County		State	ZIP Code	
3. Place of Birth U.S. City and State		-OR- Foreign Country	4. Height Ft. _____ In. _____	5. Weight (Lbs.)	6. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female		7. Birth Date Month Day Year		
8. Social Security Number (Optional, but will help prevent misidentification)				9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)					
10.a. Ethnicity <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino		10.b. Race (In addition to ethnicity, select one or more race in 10.b. Both 10.a. and 10.b. must be answered.) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian		<input type="checkbox"/> Black or African American		<input type="checkbox"/> White <input type="checkbox"/> Native Hawaiian or Other Pacific Islander			
11. Answer the following questions by checking or marking "yes" or "no" in the boxes to the right of the questions.								Yes	No
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.)								<input type="checkbox"/>	<input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)								<input type="checkbox"/>	<input type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)								<input type="checkbox"/>	<input type="checkbox"/>
d. Are you a fugitive from justice? (See Instructions for Question 11.d.)								<input type="checkbox"/>	<input type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.								<input type="checkbox"/>	<input type="checkbox"/>
f. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)								<input type="checkbox"/>	<input type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?								<input type="checkbox"/>	<input type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)								<input type="checkbox"/>	<input type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)								<input type="checkbox"/>	<input type="checkbox"/>
12.a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.) <input type="checkbox"/> United States of America (U.S.A.) <input type="checkbox"/> Other Country/Countries (Specify):									
								Yes	No
12.b. Have you ever renounced your United States citizenship?								<input type="checkbox"/>	<input type="checkbox"/>
12.c. Are you an alien illegally or unlawfully in the United States?								<input type="checkbox"/>	<input type="checkbox"/>
12.d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See Instructions for Question 12.d.)								<input type="checkbox"/>	<input type="checkbox"/>
12.d.2. If "yes", do you fall within any of the exceptions stated in the instructions? <input type="checkbox"/> N/A								<input type="checkbox"/>	<input type="checkbox"/>
13. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#):									

Section D - Must Be Completed By Transferor /Seller Even If The Firearm(s) is Not Transferred

24. Manufacturer and Importer (If any) (If the manufacturer and importer are different, the FFL must include both.)	25. Model (If Designated)	26. Serial Number	27. Type (See Instructions for Question 27.)	28. Caliber or Gauge
1.				
2.				
3.				
4.				

REMINDER - By the Close of Business Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

29. Total Number of Firearms Transferred (Please <i>handwrite</i> by printing e.g., zero, one, two, three, etc. Do not use numerals.)	30. Check if any part of this transaction is a pawn redemption. <input type="checkbox"/> Line Number(s) From Question 24 Above:
31. For Use by Licensee (See Instructions for Question 31.)	32. Check if this transaction is to facilitate a private party transfer. <input type="checkbox"/> (See Instructions for Question 32.)
33. Trade/corporate name and address of transferor/seller and Federal Firearm License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)	

**The Person Transferring The Firearm(s) Must Complete Questions 34-37.
For Denied/Cancelled Transactions, the Person Who Completed Section B Must Complete Questions 34-36.**

I certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections B and D is true, correct, and complete; and (3) this entire transaction record has been completed at my licensed business premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. 922(c). Unless this transaction has been denied or cancelled, I further certify on the basis of — (1) the transferee's/buyer's responses in Section A (and Section C, if applicable); (2) my verification of the identification recorded in question 18 (and my re-verification at the time of transfer, if Section C was completed); and (3) State or local law applicable to the firearms business — it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

34. Transferor's/Seller's Name (Please print)	35. Transferor's/Seller's Signature	36. Transferor's/Seller's Title	37. Date Transferred
---	-------------------------------------	---------------------------------	----------------------

NOTICES, INSTRUCTIONS, AND DEFINITIONS

Purpose of the Form: The information and certification on this form are designed so that a person licensed under 18 U.S.C. 923 may determine if he/she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee/buyer of certain restrictions on the receipt and possession of firearms. The transferor/seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the transferor/seller must be familiar with the provisions of 18 U.S.C. 921-931 and the regulations in 27 CFR Parts 478 and 479. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a resident of another State, the transferor/seller is presumed to know the applicable State laws and published ordinances in both the transferor's/seller's State and the transferee's/buyer's State. (See ATF Publication 5300.5, *State Laws and Published Ordinances.*)

Generally, ATF Form 4473 must be completed at the licensed business premises when a firearm is transferred over-the-counter. Federal law, 18 U.S.C. 922(c), allows a licensed importer, manufacturer, or dealer to sell a firearm to a nonlicensee who does not appear in person at the licensee's business premises only if the transferee/buyer meets certain requirements. These requirements are set forth in section 922(c), 27 CFR 478.96(b), and ATF Procedure 2013-2.

After the transferor/seller has completed the firearms transaction, he/she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his/her permanent records. Such Forms 4473 must be retained for at least 20 years and after that period may be submitted to ATF. Filing may be chronological (by date of disposition), alphabetical (by name of purchaser), or numerical (by transaction serial number), as long as all of the transferor's/seller's completed Forms 4473 are filed in the same manner.

FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:

If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not completed after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his/her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order.

If the transferor/seller or the transferee/buyer discovers that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and the transferor/seller or the transferee/buyer wishes to correct the omission(s) or error(s), photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. The transferor/seller should only make changes to Sections B and D. The transferee/buyer should only make changes to Section A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of the transferor's/seller's permanent records.

Exportation of Firearms: The State or Commerce Departments may require a firearms exporter to obtain a license prior to export. **Warning:** Any person who exports a firearm without proper authorization may be fined not more than \$1,000,000 and/or imprisoned for not more than 20 years. See 22 U.S.C. 2778(c).

Section A

The transferee/buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the transferee/buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the transferor/seller. Two persons (other than the transferor/seller) must then sign as witnesses to the transferee's/buyer's answers and signature/certification in question 14.

When the transferee/buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his/her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity; and (B) the name and address of that business entity.

Question 1. If the transferee's/buyer's name in question 1 is illegible, the transferor/seller must print the transferee's/buyer's name above the name written by the transferee/buyer.

Question 2. Current Residence Address: A rural route (RR) may be accepted provided the transferee/buyer lives in a State or locality where it is considered a legal residence address. County and Parish are one and the same.

If the transferee/buyer is a member of the Armed Forces on active duty, his/her State of residence is the State in which his/her permanent duty station is located. If the service member is acquiring a firearm in a State where his/her permanent duty station is located, but resides in a different State, the transferee/buyer must list both his/her permanent duty station address and his/her residence address in response to question 2. If the transferee/buyer has two States of residence, the transferee/buyer should list his/her current residence address in response to question 2 (e.g., if the transferee/buyer is purchasing a firearm while staying at his/her weekend home in State X, he/she should list the address in State X in response to question 2).

Question 9. Unique Personal Identification Number (UPIN): For transferees/buyers approved to have information maintained about them in the FBI NICS Voluntary Appeal File, NICS will provide them with a UPIN, which the transferee/buyer should record in question 9. The licensee should provide the UPIN when conducting background checks through the NICS or the State POC.

Question 10.a. and 10.b. Federal regulations (27 CFR 478.124(c)(1)) require licensees to obtain the race of the transferee/buyer. This information helps the FBI and/or State POC make or rule out potential matches during the background check process and can assist with criminal investigations. Pursuant to Office of Management and Budget (OMB), effective January 1, 2003, all Federal agencies requiring collection of race and ethnicity information on administrative forms and records, were required to collect this information in a standard format. (See 62 FR 58782) The standard OMB format consists of two categories for data on ethnicity: "Hispanic or Latino," and "Not Hispanic or Latino" and five categories for data on race: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White.

Ethnicity refers to a person's heritage. Persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race, are considered Hispanic or Latino.

Race - one or more of the following responses must be selected: (1) American Indian or Alaska Native - A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment; (2) Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam; (3) Black or African American - A person having origins in any of the Black racial groups of Africa; (4) Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands; and (5) White - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. Any other race or ethnicity that does not fall within those indicated, please select the closest representation.

Question 11.a. Actual Transferee/Buyer: For purposes of this form, a person is the actual transferee/buyer if he/she is purchasing the firearm for him/herself or otherwise acquiring the firearm for him/herself. (e.g., redeeming the firearm from pawn, retrieving it from consignment, firearm raffle winner). A person is also the actual transferee/buyer if he/she is legitimately purchasing the firearm as a bona fide gift to a third party. A gift is not bona fide if another person offered or gave the person completing this form money, service(s), or item(s) of value to acquire the firearm for him/her, or if the other person is prohibited by law from receiving or possessing the firearm.

ACTUAL TRANSFEREE/BUYER EXAMPLES: Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith (who may or may not be prohibited). Mr. Smith gives Mr. Jones the money for the firearm. Mr. Jones is **NOT THE**

ACTUAL TRANSFEREE/BUYER of the firearm and must answer "NO" to question 11.a. The licensee may not transfer the firearm to Mr. Jones. However, if Mr. Brown buys the firearm with his own money to give to Mr. Black as a gift (with no service or tangible thing of value provided by Mr. Black), Mr. Brown is the actual transferee/buyer of the firearm and should answer "YES" to question 11.a. However, the transferor/seller may not transfer a firearm to any person he/she knows or has reasonable cause to believe is prohibited under 18 U.S.C. 922(g), (n) or (x). **EXCEPTION:** If a person is picking up a repaired firearm(s) for another person, he/she is not required to answer 11.a. and may proceed to question 11.b.

Question 11.b. - 12. Generally, 18 U.S.C. 922(g) prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a felony in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*); is a fugitive from justice; is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated as a mental defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions; is subject to certain restraining orders; convicted of a misdemeanor crime of domestic violence under Federal, State or Tribal law; has renounced his/her U.S. citizenship; is an alien illegally in the United States or an alien admitted to the United States under a nonimmigrant visa. Furthermore, section 922(n) prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year. An information is a formal accusation of a crime verified by a prosecutor.

A member of the Armed Forces must answer "yes" to 11.b. or 11.c. if charged with an offense that was either referred to a General Court Martial, or at which the member was convicted Discharged "under dishonorable conditions" means separation from the Armed Forces resulting from a dishonorable discharge or dismissal adjudged by a General Court-Martial. That term does not include any other discharge or separation from the Armed Forces.

EXCEPTION: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law of the jurisdiction where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had their civil rights (*the right to vote, sit on a jury, and hold public office*) taken away and later restored, AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Persons subject to this exception, or who receive relief from disabilities under 18 U.S.C. 925(c), should answer "no" to the applicable question.

Question 11.d. Fugitive from Justice: Any person who has fled from any State to avoid prosecution for a felony or a misdemeanor; or any person who leaves the State to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the State of prosecution.

Question 11.f. Adjudicated as a Mental Defective: A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs. This term shall include: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.

Committed to a Mental Institution: A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

EXCEPTION: Under the NICS Improvement Amendments Act of 2007, a person who has been adjudicated as a mental defective or committed to a mental institution in a State proceeding is not prohibited by the adjudication or commitment if

the person has been granted relief by the adjudicating/committing State pursuant to a qualifying mental health relief from disabilities program. Also, a person who has been adjudicated as a mental defective or committed to a mental institution by a department or agency of Federal Government is not prohibited by the adjudication or commitment if either: (a) the person's adjudication or commitment was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (c) the person was found by the agency to no longer suffer from the mental health condition that served as the basis of the initial adjudication/commitment; or (d) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code; (e) the person was granted relief from the adjudicating/committing agency pursuant to a qualified mental health relief from disabilities program. **Persons who fall within one of the above exceptions should answer "no" to question 11.f.** This exception to an adjudication or commitment by a Federal department or agency does not apply to any person who was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

Question 11.h. Qualifying Restraining Orders: Under 18 U.S.C. 922, firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing which the person received actual notice of and had an opportunity to participate in; (B) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. An "intimate partner" of a person is: the spouse or former spouse of the person, the parent of a child of the person, or an individual who cohabitates or has cohabitated with the person.

Question 11.i. Misdemeanor Crime of Domestic Violence: A Federal, State, local, or tribal offense that is a misdemeanor under Federal, State, or tribal law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with, or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (e.g., *assault and battery*), if the offense is committed by one of the defined parties. (See *Exception to 11.b. - 12.*) A person who has been convicted of a misdemeanor crime of domestic violence also is not prohibited unless: (1) the person was represented by a lawyer or gave up the right to a lawyer; or (2) if the person was entitled to a jury, was tried by a jury, or gave up the right to a jury trial. Persons subject to this exception should answer "no" to 11.i.

Question 12.d. Immigration Status: An alien admitted to the United States under a nonimmigrant visa includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. These aliens must answer "yes" to this question and provide the additional documentation required under question 18.c. Permanent resident aliens and aliens legally admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements may answer "no" to this question and are not required to submit the additional documentation under question 18.c.

Question 13. U.S.-issued Alien Number or Admission Number: U.S.-issued alien and admission numbers may be found on the following U.S. Department of Homeland Security documents: Legal Resident Card or Employment Authorization Card (AR# or USCIS#); Arrival/Departure Record, Form I94, or Form 797A (I94#). Additional information can be obtained from www.cbp.gov. If you are a U.S. citizen or U.S. national then this question should be left blank.

Question 14. Under 18 U.S.C. 922(a)(1), it is unlawful for a person to engage in the business of dealing in firearms without a license. A person is engaged in the business of dealing in firearms if he/she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal

objective of livelihood and profit through the repetitive purchase and resale of firearms. A license is not required of a person who only makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his/her personal collection of firearms.

Section B

Question 16. Type of Firearm(s): "Other" refers to frames, receivers and other firearms that are neither handguns nor long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell, or National Firearms Act (NFA) firearms, including silencers.

If a frame or receiver can only be made into a long gun (*rifle or shotgun*), it is still a frame or receiver not a handgun or long gun. However, frames and receivers are still "firearms" by definition, and subject to the same GCA limitations as any other firearms. See Section 921(a)(3)(B). Section 922(b)(1) makes it unlawful for a licensee to sell any firearm other than a shotgun or rifle to any person under the age of 21. Since a frame or receiver for a firearm, to include one that can only be made into a long gun, is a "firearm other than a shotgun or rifle," it cannot be transferred to anyone under the age of 21, nor can these firearms be transferred to anyone who is not a resident of the State where the transfer is to take place. Also, note that multiple sales forms are not required for frames or receivers of any firearms, or pistol grip shotguns, since they are not "pistols or revolvers" under Section 923(g)(3)(A).

Question 17. Qualifying Gun Show or Event: As defined in 27 CFR 478.100, a gun show or event is a function sponsored by any national, State, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

Question 18.a. Identification: Before a licensee may sell or deliver a firearm to a nonlicensee, the licensee must establish the identity, place of residence, and age of the transferee/buyer. The transferee/buyer must provide a valid government-issued photo identification document to the transferor/seller that contains the transferee's/buyer's name, residence address, and date of birth. A driver's license or an identification card issued by a State in place of a license is acceptable. Social Security cards are not acceptable because no address, date of birth, or photograph is shown on the cards. A combination of government-issued documents may be provided. See instructions for question 18.b. Supplemental Documentation.

If the transferee/buyer is a member of the Armed Forces on active duty acquiring a firearm in the State where his/her permanent duty station is located, but he/she has a driver's license from another State, the transferor/seller should list the transferee's/buyer's military identification card and official orders showing where his/her permanent duty station is located in response to question 18.a. Licensees may accept electronic PCS orders to establish residency.

Question 18.b. Supplemental Documentation: Licensees may accept a combination of valid government-issued documents to satisfy the identification document requirements of the law. The required valid government-issued photo identification document bearing the name, photograph, and date of birth of transferee/buyer may be supplemented by another valid, government-issued document showing the transferee's/buyer's residence address. This supplemental documentation should be recorded in question 18.b., with the issuing authority and type of identification presented. For example, if the transferee/buyer has two States of residence and is trying to buy a handgun in State X, he may provide a driver's license (*showing his name, date of birth, and photograph*) issued by State Y and another government-issued document (*such as a tax document*) from State X showing his residence address. A valid electronic document from a government website may be used as supplemental documentation provided it contains the transferee's/buyer's name and current residence address.

Question 18.c. Exceptions to the Nonimmigrant Alien Prohibition and Acceptable Documentation: An alien admitted to the United States under a nonimmigrant visa is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a hunting license or permit lawfully issued by the Federal Government, a State or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired; (2) was admitted to the United States for lawful hunting or sporting purposes; (3) has received a waiver from the prohibition from the Attorney General of the United States; (4) is an official representative of a foreign government who is accredited to the United States Government or the Government's mission to an international organization having its

headquarters in the United States; (5) is an official representative of a foreign government who is en route to or from another country to which that alien is accredited; (6) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or (7) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

Question 19. NICS BACKGROUND CHECKS: 18 U.S.C. 922(t) requires that prior to transferring any firearm to an unlicensed person, a licensed importer, manufacturer, or dealer must first contact the National Instant Criminal Background Check System (NICS). NICS will advise the licensee whether the system finds any information that the purchaser is prohibited by law from possessing or receiving a firearm. For purposes of this form, contacts to NICS include State agencies designated as points-of-contact (“or POCs”) to conduct NICS checks for the Federal Government.

The licensee should NOT contact NICS and must stop the transaction if there is reasonable cause to believe that the transferee/buyer is prohibited from receiving or possessing a firearm, including if: the transferee/buyer answers “no” to question 11.a.; the transferee/buyer answers “yes” to any question in 11.b. - 11.i. or 12.b. - 12.c.; the transferee/buyer has answered “yes” to question 12.d.1., and answered “no” to question 12.d.2.; or the transferee/buyer cannot provide the documentation required by questions 18.a, b, or c. **WARNING:** Any person who transfers a firearm to any person he/she knows or has reasonable cause to believe is prohibited from receiving or possessing a firearm violates the law, even if the transferor/seller has complied with the Federal background check requirements.

At the time that NICS is contacted, the licensee must record in question 19.a. - 19.c.: the date of contact, the NICS (or State) transaction number, and the initial (first) response provided by NICS or the State. The licensee may record the date the firearms may be transferred to the transferee/buyer (also known as the Missing Disposition Information (MDI) date) in 19.c. that NICS provides for delayed transactions (*States may not provide this date*). If the licensee receives any subsequent response(s) before transferring the firearm, the licensee must record in question 19.d. any response later provided by NICS or the State, or that no response was provided within 3 business days. If the transaction was denied and later overturned in addition to checking the “Proceed” and entering the date, the licensee must also check the “Overturned” box and, if provided, attach the overturn certificate issued by NICS or the State POC to the ATF Form 4473. If the licensee receives a response from NICS or the State after the firearm has been transferred, he/she must record this information in question 19.e. **Note:** States acting as points of contact for NICS checks may use terms other than “proceed,” “delayed,” “cancelled,” or “denied.” In such cases, the licensee should check the box that corresponds to the State’s response. Some States may not provide a transaction number for denials. However, if a firearm is transferred within the three business day period, a transaction number is required.

NICS Responses: If NICS provides a “proceed” response, the transaction may proceed. If NICS provides a “cancelled” or “denied” response, the transferor/seller is prohibited from transferring the firearm to the transferee/buyer. If NICS provides a “delayed” response, the transferor/seller is prohibited from transferring the firearm unless 3 business days have elapsed and, before the transfer, NICS or the State has not advised the transferor/seller that the transferee’s/ buyer’s receipt or possession of the firearm would be in violation of law. (Sec 27 CFR 478.102(a) for an example of how to calculate 3 business days.) If NICS provides a “delayed” response, NICS also will provide a Missing Disposition Information (MDI) date that calculates the 3 business days and reflects when the firearm(s) can be transferred under Federal law. States may not provide an MDI date. *State law may impose a waiting period on transferring firearms.*

Questions 20 and 21. NICS EXCEPTIONS: A NICS check is not required if the transfer qualifies for any of the exceptions in 27 CFR 478.102(d). Generally these include: (a) transfers of National Firearms Act firearms to an individual who has undergone a background check during the NFA approval process; (b) transfers where the transferee/buyer has presented the licensee with a permit or license that allows the transferee/buyer to possess, acquire, or carry a firearm, and the permit has been recognized by ATF as a valid alternative to the NICS check requirement; or (c) transfers certified by ATF as exempt because compliance with the NICS check requirements is impracticable. If the transfer qualifies for one of these exceptions, the licensee must obtain the documentation required by 27 CFR 478.131. A firearm must not be transferred to any transferee/buyer who fails to provide such documentation.

A NICS check must be conducted if an NFA firearm has been approved for transfer to a trust, or to a legal entity such as a corporation, and no background check was conducted as part of the NFA approval process on the individual who will receive the firearm. Individuals who have undergone a background check during the NFA application process are listed on the approved NFA transfer form.

Section C

Questions 22 and 23. Transfer on a Different Day and Recertification: If the transfer takes place on a different day from the date that the transferee/buyer signed Section A, the licensee must again check the photo identification of the transferee/ buyer at the time of transfer.

Section D

Question 24-28. Firearm(s) Description: These blocks must be completed with the firearm(s) information. Firearms manufactured after 1968 by Federal firearms licensees should all be marked with a serial number. Should you acquire a firearm that is legally not marked with a serial number (i.e. pre-1968); you may answer question 26 with “NSN” (No Serial Number), “N/A” or “None.”

If more than four firearms are involved in a transaction, the information required by Section D, questions 24-28, must be provided for the additional firearms on a separate sheet of paper, which must be attached to this ATF Form 4473.

Types of firearms include, but are not limited to: pistol, revolver, rifle, shotgun, receiver, frame and other firearms that are neither handguns nor long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell (pistol grip firearm) or NFA firearms (machinegun, silencer, short-barreled shotgun, short-barreled rifle, destructive device or “any other weapon”).

Additional firearms purchases by the same transferee/buyer may not be added to the form after the transferor/seller has signed and dated it. A transferee/buyer who wishes to acquire additional firearms after the transferor/seller has signed and dated the form must complete a new ATF Form 4473 and undergo a new NICS check.

Question 31. This item is for the licensee’s use in recording any information he/she finds necessary to conduct business.

Question 32. Check this box, or write “Private Party Transfer” in question 31, if the licensee is facilitating the sale or transfer of a firearm between private unlicensed individuals in accordance with ATF Procedure 2013-1. This will assist the licensee by documenting which transaction records correspond with private party transfers, and why there may be no corresponding A&D entries when the transfer did not proceed because it was denied, delayed, or cancelled.

Privacy Act Information

Solicitation of this information is authorized under 18 U.S.C. 923(g). Disclosure of this information by the transferee/buyer is mandatory for the transfer of a firearm. Disclosure of the individual’s Social Security number is voluntary. The number may be used to verify the transferee’s/buyer’s identity.

For information about the routine uses of this form see System of Records Notice Justice/ATF-008, Regulatory Enforcement Records System (68 FR 163558, January 24, 2003).

Paperwork Reduction Act Notice

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine the eligibility of the transferee to receive and possess firearms under Federal law. The information is subject to inspection by ATF officers and is required by 18 U.S.C. 922 and 923.

The estimated average burden associated with this collection is 30 minutes per respondent or recordkeeper, depending on individual circumstances. Comments about the accuracy of this burden estimate and suggestions for reducing it should be directed to Reports Management Officer, IT Coordination Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Confidentiality is not assured.

NICS Index Submission Requirements

Compliance Summary

	# NICS Index Records Reviewed	# Invalid - Documentation does not support entry	# Unable to Locate Supporting Documentation	# Unable to Access Supporting Documentation	# Inaccurate	# Incomplete	Integrity of NICS Index Records	Completeness of NICS Index Records
Belknap County Superior Court	21	3	0	0	1	3	OUT	OUT
District Court Concord	40	5	2	0	0	2	OUT	IN
District Court Dover	44	0	1	0	0	4	IN	IN
District Court Hillsborough	35	22	4	0	0	0	OUT	IN
District Court Laconia	40	13	0	0	1	2	OUT	IN
District Court Merrimack	40	14	0	0	2	1	OUT	IN
District Court Nashua	40	5	0	0	0	0	OUT	IN
District Court Portsmouth	40	1	0	0	0	2	IN	IN
Merrimack Superior Court Concord	20	8	0	0	0	0	OUT	IN
Rockingham Superior Court	40	13	0	0	0	2	IN	IN
Straford Superior Court	40	14	0	0	0	3	OUT	IN
New Hampshire State Police	400	98	7	0	4	19	OUT	IN

Integrity of NICS Index Records

Each data source will be responsible for ensuring the accuracy and validity of the data it provides to the NICS Index and will immediately correct any record determined to be invalid or incorrect. Each data source must maintain documentation supporting the validity of entries into the NICS Index. (*Title 28, C.F.R., § 25.5 (b)*)

Finding: Out of Compliance

Recommendation: Ensure all case file documentation is maintained to substantiate a NICS Index entry in accordance with Title 28, C.F.R. §25.5 (a-b).

Analysis: The assessment consisted of a review of 400 NICS Index entries, comprised of prohibitive categories 18 USC 922 (g) (3) and 18 USC 922 (g) (9). The assessment was conducted at 11 courts throughout the state of New Hampshire. The assessment resulted in 98 invalid records, seven unable to locate records and four inaccurate records producing a 27.25% error rate. The threshold for assessment of the *Integrity of NICS Index Records*

NICS Firearm Background Checks: Year by State/Type

Year 2015

January 1, 2015 - December 31, 2015

State / Territory	Count	Permit						Pre-Pawn			Redemption			Returned/Disposition			Rentals		Private Sale			Return to Seller - Private Sale			Totals
		Handgun	Long Gun	Other	Handgun	Long Gun	Other	Handgun	Long Gun	Other	Handgun	Long Gun	Other	Handgun	Long Gun	Other	Handgun	Long Gun	Other	Handgun	Long Gun	Other			
Alabama	246,203	243,734	176,075	9,442	10,781	0	162	169	11	27,932	22,808	86	0	0	0	38	48	6	9	5	0	737,509			
Alaska	2,682	37,086	36,372	2,318	2,240	0	94	84	0	2,328	2,170	27	117	80	4	10	9	0	0	0	0	85,621			
Arizona	47,873	148,400	93,155	8,896	6,794	0	49	30	5	16,479	8,808	52	797	43	2	29	21	4	4	1	331,442				
Arkansas	55,516	77,394	83,097	2,264	4,248	7	74	98	1	12,131	22,442	17	0	0	0	25	27	2	2	1	257,346				
California	873,632	477,822	343,127	53,693	0	0	0	0	0	6,639	6,067	99	0	0	0	0	0	0	0	0	0	1,761,079			
Colorado	48,739	216,791	163,128	11,488	12,415	3	2	0	0	5	7	0	1,228	253	3	0	0	0	0	0	0	454,062			
Connecticut	133,565	123,507	48,350	2,230	0	88	0	0	0	0	0	0	0	0	0	6	4	0	0	0	0	307,750			
Delaware	4,520	23,245	20,043	897	803	1	45	35	0	329	140	3	0	0	0	244	89	8	9	4	50,416				
District of Columbia	28	674	32	0	2	5	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	742			
Florida	201,131	572,020	277,768	28,972	21,369	2,179	153	73	1	29,414	13,567	48	139	33	0	144	68	2	1	0	1,147,082				
Georgia	192,809	189,445	126,520	5,191	7,473	0	112	131	6	23,478	21,628	49	0	0	0	51	36	4	7	5	566,946				
Guam	0	1,250	605	158	51	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	2,066			
Hawaii	15,266	0	0	0	0	0	0	0	0	0	0	0	8	16	0	0	0	0	0	0	0	15,290			
Idaho	29,029	39,024	53,450	1,998	2,207	2	17	34	4	3,799	7,243	9	68	30	4	11	11	0	0	6	136,946				
Illinois	838,018	252,978	146,878	0	9,524	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,247,398			
Indiana	639,313	249,169	160,378	12,898	7,835	26	21	43	2	166	6,637	33	175	2	2	122	51	7	6	11	1,076,917				
Iowa	108,952	2,678	34,192	315	66	147	1	5	0	22	895	4	14	13	2	0	2	1	0	0	0	147,309			
Kansas	19,880	76,665	69,909	3,622	3,965	31	28	32	2	6,351	5,277	23	8	0	1	33	29	2	1	0	185,859				
Kentucky	0	109,642	3,216	6,991	5	68	101	3	20,754	24,745	29	38	31	1	34	36	1	2	2	0	3,218,371				
Louisiana	0	140,651	8,591	7,727	0	41	7	63	7	12,158	13,784	26	2	0	0	22	35	7	1	4	372,613				
Maine	0	41,198	1,942	1,965	29	4	2	1	1,069	2,036	1	47	42	2	10	6	2	2	2	0	94,744				
Mariana Islands	0	14	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18			
Maryland	0	65,102	1,354	164	0	7	12	0	784	1,803	20	53	21	1	12	107	10	12	16	6	125,694				
Massachusetts	0	34,145	4,493	1,877	12	0	3	0	35	33	6	9	6	5	171	108	14	0	0	1	167,285				
Michigan	0	126,919	4,602	2,378	3,170	3	17	1	73	4,147	11	661	166	7	22	11	2	2	5	1	500,921				
Minnesota	0	136,831	6,247	4,105	0	11	41	2	2,320	5,870	11	126	67	9	16	38	1	0	5	3	519,244				
Mississippi	0	90,161	3,141	4,700	397	384	324	5	15,061	17,454	30	0	0	0	22	35	8	2	1	1	252,772				
Missouri	0	107,718	13,009	11,940	0	96	124	5	14,175	17,775	64	836	190	23	153	102	14	4	7	0	584,875				
Montana	0	57,550	1,355	2,592	163	20	57	48	5,464	11,513	10	41	39	16	11	12	0	3	3	0	127,705				
Nebraska	0	26,998	213	68	0	1	9	0	61	994	2	34	8	0	0	2	1	0	0	0	0	79,340			
New Hampshire	41,217	55,003	38,243	1,265	22	95	1	2	0	221	4	601	43	38	26	24	9	0	2	0	136,816				
New Jersey	0	47,949	40,535	1,932	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	90,994			
New Mexico	8,917	65,666	52,235	3,948	3,516	0	22	23	2	5,758	7,341	14	445	2	0	8	9	0	3	3	147,912				
New York	39,889	107,532	184,216	7,360	1,800	0	7	10	0	146	184	11	1	2	2,774	1,879	99	45	88	4	346,048				
North Carolina	285,468	15,243	166,991	7,675	2,769	0	118	4	4	22,946	30,274	96	0	0	17	77	5	4	8	1	531,876				
North Dakota	7,315	20,610	36,980	907	1,040	0	14	14	1	734	1,757	3	0	0	10	43	0	0	1	0	69,429				
Ohio	95,332	357,374	233,793	17,977	14,885	6	181	149	35	16,398	12,071	113	16	1	84	67	4	7	5	1	748,502				
Oklahoma	0	165,875	127,273	10,439	10,787	0	93	120	6	21,472	22,967	93	0	0	66	66	7	5	7	0	359,276				
Oregon	533	150,194	125,378	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	276,126			
Pennsylvania	267,623	601,164	118,232	0	0	536	0	0	0	1	0	4,543	1,308	22	0	0	0	0	0	0	0	993,429			
Puerto Rico	0	12,988	2,269	274	255	0	1	0	0	74	29	0	0	0	0	0	0	1	1	0	15,892				
Rhode Island	0	11,274	8,402	703	1,561	0	2	1	0	54	47	0	0	0	46	29	7	1	0	0	22,129				
South Carolina	86,351	121,972	85,004	5,798	4,335	8	44	58	4	12,746	10,458	38	98	22	1	21	31	0	7	1	326,991				
South Dakota	8,928	32,317	50,323	2,215	1,959	1	11	11	1	1,594	2,886	4	0	0	3	15	0	0	0	0	100,268				
Tennessee	141,621	300,767	198,386	0	13,231	0	0	0	0	0	0	135	17	35	0	0	0	0	0	0	0	654,192			
Texas	268,158	617,174	486,807	33,752	31,812	0	361	309	8	74,990	60,205	343	2	2	144	149	22	6	20	1	1,574,266				
Utah	149,612	41,687	49,217	2,151	2,225	0	7	4	5	2,878	4,166	3	2,017	735	107	0	0	0	0	0	0	254,814			
Vermont	0	16,353	16,694	787	705	0	1	3	0	6	25	3	0	0	3	4	1	3	0	0	34,588				
Virgin Islands	1,082	216	33	1	7	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	1,342			
Virginia	6,028	262,120	184,030	10,728	0	0	0	0	0	0	0	55	34	2	0	0	0	0	0	0	0	462,991			
Washington	126,583	183,549	129,667	15,639	6,814	52	57	73	2	14,854	14,452	31	3,730	1,250	69	2,729	2,418	209	34	65	502,280				
West Virginia	31,534	88,627	85,883	2,941	5,466	64	30	37	1	12,581	21,735	25	10	7	27	35	3	1	7	0	249,014				
Wisconsin	65,241	155,285	149,264	7,105	510	0	0	16	1	1,497	3,774	65	253	129	34	55	10	1	10	1	383,280				
Wyoming	6,674	22,374	26,264	1,123	1,279	9	19	34	1	1,848	2,684	0	0	1	0	8	16	0	2	3	62,339				
Totals	8,782,048	0	7,333,803	5,479,441	329,499	242,375	7,037	2,362	2,531	175	395,152	415,076	1,512	16,312	4,586	406	0	0	7,181	5,804	472	187	299	25	23,026,283

NOTES:

*Refers to frames, receivers and other firearms that are not either handguns or long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell
Start date: June 29, 2009

**Multiple (multiple types of firearms selected)

Some states may reflect lower than expected numbers for handgun checks based on varying state laws pertaining to handgun permits. Since the permit check is done in place of the NICS check in most of the affected states, the low handgun statistics are often balanced out by a higher number of handgun permit checks.

DISCLAIMERS:

These statistics represent the number of firearm background checks initiated through the NICS. They do not represent the number of firearms sold. Based on varying state laws and purchase scenarios, a one-to-one correlation cannot be made between a firearm background check and a firearm sale.

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # HB109

Hearing date: _____

Executive session date: _____

Motion of: OTD

VOTE: 3-2 (Carson/French)

<u>Made by</u> Hennessey <input checked="" type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input checked="" type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input type="checkbox"/>	French <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hennessey, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Chandley, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Levesque	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

JUDICIARY

HB 109-FN, requiring background checks for commercial firearms sales.

Ought to Pass, Vote 3-2.

Senator Martha Hennessey for the committee.

Docket of HB109

Docket Abbreviations

Bill Title: requiring background checks for commercial firearms sales.**Official Docket of HB109.:**

Date	Body	Description
12/26/2018	H	Introduced 01/02/2019 and referred to Criminal Justice and Public Safety HJ 2 P. 38
1/16/2019	H	==ROOM CHANGE== Public Hearing: 02/13/2019 01:00 pm LOB 206-208
2/13/2019	H	Executive Session: 02/21/2019 11:00 am LOB 204
3/13/2019	H	Majority Committee Report: Ought to Pass for 03/19/2019 (Vote 10-9; RC) HC 16 P. 23
3/13/2019	H	Minority Committee Report: Inexpedient to Legislate
3/19/2019	H	FLAM #2019-1101h (Rep. B. Griffin): AF RC 92-237 03/19/2019 HJ 10 P. 85
3/19/2019	H	Lay on Table (Rep. Welch): MF RC 147-202 03/19/2019 HJ 10 P. 85
3/19/2019	H	Ought to Pass: MA RC 203-148 03/19/2019 HJ 10 P. 85
3/29/2019	S	Introduced 03/28/2019 and Referred to Judiciary; SJ 12
4/24/2019	S	Hearing: 04/30/2019, Room 100, SH, 09:00 am; SC 20
5/14/2019	S	Committee Report: Ought to Pass, 05/23/2019; SC 23
5/23/2019	S	Special Order to the beginning of the regular calendar, Without Objection, MA; 05/23/2019; SJ 17
5/23/2019	S	Sen. Hennessey Floor Amendment #2019-2244s , RC 13Y-10N , AA; 05/23/2019; SJ 17
5/23/2019	S	Ought to Pass with Amendment 2019-2244s, RC 13Y-10N , MA; OT3rdg; 05/23/2019; SJ 17
6/13/2019	H	House Concurs with Senate Amendment 2244s (Rep. Cushing): MA RC 196-161 06/13/2019 HJ 19 P. 2
7/2/2019	S	Enrolled Bill Amendment #2019-2656e Adopted, VV, (In recess of 06/27/2019); SJ 21
7/2/2019	H	Enrolled Bill Amendment #2019-2656e : AA VV 06/27/2019 HJ 20 P. 54
7/10/2019	S	Enrolled (In recess 06/27/2019); SJ 21
7/12/2019	H	Enrolled 06/27/2019 HJ 20 P. 56
8/12/2019	H	Vetoed by Governor Sununu 08/09/2019
9/18/2019	H	Veto Sustained 09/18/2019: RC 218-162 Lacking Necessary Two-Thirds Vote HJ 21 P. 7

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 109-FN

Senate Committee: Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 2244 ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office jm

June 27, 2019
2019-2656-EBA
08/10

Enrolled Bill Amendment to HB 109-FN

The Committee on Enrolled Bills to which was referred HB 109-FN

AN ACT requiring background checks for commercial firearms sales.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 109-FN

This enrolled bill amendment inserts a contingency provision if HB 514 of the regular session becomes law.

Enrolled Bill Amendment to HB 109-FN

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Contingent Renumbering. If HB 514-FN of the 2019 regular legislative session becomes law, RSA 159-E:1 through RSA 159-E:5 and all references to RSA 159-E as inserted by sections 1 and 2 of this act shall be renumbered as RSA 159-F.