

LEGISLATIVE COMMITTEE MINUTES

SB141

Bill as
Introduced

SB 141-FN - AS INTRODUCED

2021 SESSION

21-0955
04/10

SENATE BILL **141-FN**

AN ACT relative to the procedure for conducting firearm background checks.

SPONSORS: Sen. Giuda, Dist 2; Sen. Avard, Dist 12; Rep. Burt, Hills. 39; Rep. Edwards, Rock. 4; Rep. Rhodes, Ches. 15; Rep. Gorski, Hills. 7; Rep. Kelsey, Hills. 7

COMMITTEE: Judiciary

ANALYSIS

This bill authorizes the FBI to conduct all National Instant Criminal Background Check System (NICS) searches concerning the purchase, sale, and transfer of firearms through Federal Firearm Licensees operating in New Hampshire; abolishes the "gun line" in the division of state police; repeals the state's partial point of contact system for handguns, allowing the authority to remain exclusively with the FBI; and authorizes county sheriffs to conduct background searches using NICS for the purpose of approving or denying the return of firearms to individuals who are subject to a protective order for domestic violence or stalking.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the procedure for conducting firearm background checks.

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

1 1 Findings. The general court finds that:

2 I. The New Hampshire gun line, in the department of safety, permits and licensing unit,
3 currently performs all background checks in relation to the store purchase of handguns. It also
4 performs background checks regarding the transfer of firearms from law enforcement agencies back
5 to individual owners in relation to restraining order and criminal proceedings. The gun line uses the
6 National Instant Criminal Background Check System ("NICS") to perform these tasks, serving as
7 the partial "Point of Contact" system for the FBI.

8 II. The gun line's inefficiencies have created significant delays in the orderly processing of
9 firearm- related background checks. Courts and Federal Firearm Licensed Dealers have faced
10 incredible backlogs of pending background checks that are intended to be "instant." Many
11 background checks have remained pending for several months. This has come at a great cost to the
12 economic wellbeing of dealers and the constitutional rights of firearm owners and purchasers.
13 Additionally, the gun line has, on multiple occasions, failed to timely deny firearm transfers to
14 prohibited individuals.

15 III. This bill allows the FBI to conduct all National Instant Criminal Background Check
16 System ("NICS") searches concerning the purchase, sale and transfer of firearms through Federal
17 Firearm Licensed Dealers operating in the state of New Hampshire. This bill effectively repeals the
18 state's partial Point of Contact system for handguns, allowing the authority to remain exclusively
19 with the FBI. The FBI is federally funded to perform this task and has a long history of accuracy
20 and efficiency with its use of NICS. The FBI provides faster responses in regard to approving the
21 background checks of nonprohibited purchasers, while simultaneously issuing faster denials of
22 attempted purchases by prohibited individuals. This bill saves state tax dollars while producing
23 better results, protecting the rights of law-abiding citizens and protecting the safety of domestic
24 violence victims. Also, this bill provides the sheriff's office for each county with the authority and
25 obligation to conduct background searches using NICS for the purpose of approving or denying the
26 return of firearms to individuals who have been the subject of restraining order proceedings or
27 criminal proceedings

28 2 Criminal Background Checks; Sale of Firearms. RSA 159-D:1 and 159-D:2 are repealed and
29 reenacted to read as follows:

30 159-D:1 Sale of Firearms; Criminal History Record and Protective Order Check.

SB 141-FN - AS INTRODUCED

- Page 2 -

1 I.(a) The Federal Bureau of Investigation ("FBI") shall have the exclusive authority and
2 jurisdiction to conduct background checks in relation to the sale or transfer of firearms involving
3 Federal Firearms Licensed Dealers ("FFL") in New Hampshire. This provision and the FBI's
4 exclusive jurisdiction pertain to all firearms, as defined by federal law pursuant to 18 U.S.C. section
5 921(a)(3), regardless of caliber, barrel length, or firearm type.

6 (b) No state agency or political subdivision shall access the National Instant Criminal
7 Background Check System ("NICS") unless specifically authorized by this chapter.

8 (c) Nothing in this chapter shall be construed to limit, prevent, or impose background
9 check requirements on the private transfer of firearms as otherwise not prohibited by RSA 159 or
10 federal law.

11 II. For the purpose of determining whether an individual is prohibited by federal or state
12 statute from firearm possession or ownership in relation to a motion or requested return of firearms
13 in connection with a restraining order under RSA 173-B or RSA 633:3-a, or criminal proceeding in
14 any state court of competent jurisdiction, the sheriff's office for the county in which the court is
15 situated shall access NICS to perform a background check. The following conditions, process and
16 time constraints shall apply to all such background checks:

17 (a) The county sheriff's office shall initiate the NICS background check within 10
18 business days of the date of filing of the motion or other pleading requesting the return of firearms.

19 (b) Within 15 business days of the date of filing of the motion or other pleading
20 requesting the return of firearms, the county sheriff's office shall provide a conclusive decision to the
21 court stating either "proceed" or "deny." This decision will be based solely on whether or not the
22 individual is prohibited from possessing or owning a firearm according to state or federal statute.
23 Should the NICS background check fail to demonstrate that the petitioner is prohibited from firearm
24 possession within the 15-business-day time period stated in this chapter, the sheriff's office shall
25 provide a "proceed" decision to the court.

26 (c) If the county sheriff's office determines that an individual is prohibited from owning
27 or possessing a firearm, a specific citation to statute, such as one of the prohibited categories listed
28 under 18 U.S.C. section 922(g), and the specific facts relied upon for finding that the individual is a
29 prohibited person must be supplied in a narration with the "deny" response. The narration
30 supporting a deny response shall be held in a confidential record with the court and only accessible
31 to court staff, the individual seeking the return of firearms and his or her designated legal counsel.

32 (d) All records retained by any county sheriff's office or court concerning a background
33 check conducted pursuant to this chapter shall be destroyed within 24 hours of transmitting a
34 "proceed" determination to the court. Should a "deny" determination be made, all records shall be
35 destroyed by the county sheriff's office within 24 hours of the later of the following:

36 (1) The expiration of the deadline for filing a petition or notice of appeal in the trial
37 court; or

1 (2) The exhaustion or expiration of all appeal rights included in RSA 159-D:2.

2 (e) For the purpose of carrying out the requirements of this chapter, each county sheriff's
3 office shall register with NICS and obtain sufficient training so that each office is situated to begin
4 fully fulfilling its limited background check functions required by this chapter by January 1, 2022.

5 159-D:2 Appeal of Denials.

6 I. Any person who has received a denial of a motion or other pleading requesting the return
7 of firearms shall have the right to request a further hearing on the matter within 30 days of the date
8 of denial. The request may be made by written or oral motion. Any requested hearing shall occur
9 within 10 business days after the date of the request. During the hearing, the burden will be placed
10 on the county sheriff, or his or her designee, to prove by clear and convincing evidence that the
11 petitioning party is prohibited from possessing or owning a firearm pursuant to state or federal
12 statute. The court shall issue a decision on the matter within 10 business days after the hearing
13 occurs.

14 II. Should any person seeking the return of firearms be aggrieved by the ruling made by the
15 trial court regarding a motion or other request for the return of firearms, such individual shall be
16 entitled to appeal and have his or her case heard by the New Hampshire supreme court. In any such
17 case, a transcript of the proceedings and the trial court's record shall be transmitted to the supreme
18 court in full, without any fee charged to the petitioner.

19 3 New Paragraph; Protection of Persons From Domestic Violence; Notification. Amend RSA
20 173-B:8 by inserting after paragraph III the following new paragraph:

21 IV. Any temporary or final court order requiring the relinquishment of firearms or
22 prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a shall, within 24 hours of
23 issuance, be submitted by the court into the NICS system directly or, alternatively, be transmitted to
24 the New Hampshire department of safety to be added to the NICS system within 24 hours of receipt.
25 Additionally, when any of the following events occur, the court will update the NICS system directly
26 or transmit the updated information to the New Hampshire department of safety to be updated in
27 NICS within 24 hours of receipt:

28 (a) Any modification or dismissal of a firearm relinquishment

29 (b) Any modification or dismissal of an order prohibiting firearm possession.

30 (c) The dismissal of any temporary restraining order.

31 (d) The dismissal of any final restraining order.

32 4 New Paragraph; Interference With Freedom; Stalking. Amend RSA 633:3-a by inserting after
33 paragraph III-d the following new paragraph:

34 III-e. Any temporary or final court order requiring the relinquishment of firearms or
35 prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a shall, within 24 hours of
36 issuance, be submitted by the court into the NICS system directly or, alternatively, be transmitted to
37 the New Hampshire department of safety to be added to the NICS system within 24 hours of receipt.

SB 141-FN - AS INTRODUCED

- Page 4 -

1 Additionally, when any of the following events occur, the court will update the NICS system directly
2 or transmit the updated information to the New Hampshire department of safety to be updated in
3 NICS within 24 hours of receipt:

- 4 (a) Any modification or dismissal of a firearm relinquishment
- 5 (b) Any modification or dismissal of an order prohibiting firearm possession.
- 6 (c) The dismissal of any temporary restraining order.
- 7 (d) The dismissal of any final restraining order.

8 5 Department of Safety; Division of State Police; Permits and Licensing Unit; New Hampshire
9 State Gun Line Abolished. The New Hampshire state gun line, in the permits and licensing unit of
10 the division of state police, department of safety, is hereby abolished.

11 6 Effective Date. This act shall take effect January 1, 2022.

**SB 141-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the procedure for conducting firearm background checks.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
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	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill includes the following:

- Relieves the responsibility of the state for providing National Instant Criminal Background System (NICS) background checks on all commercial sales of handguns sales and return of firearms cases, in the State of New Hampshire.
- Abolishes the State Gun Line within the Department of Safety Division of State Police Permits and Licensing Unit.
- Allows County Sheriffs to utilize the NICS to conduct background checks around returning or denying individuals requesting their firearms back after being subject to a protective order.
- Provides jurisdiction to the County Sheriffs for the county in which the court is situated for the purpose of determining whether an individual is prohibited by federal or state statute from firearm possession or ownership in relation to a motion or requested return of firearms.

The Department of Safety states the abolishment of the State Gun Line would eliminate one (1) full-time program assistant II and three (3) part-time program assistant I positions. Assuming an effective date of January 1, 2022, this bill would reduce personnel related expenditures in the Permits and Licensing Unit by approximately \$85,000 in FY 2022, \$176,000 in FY 2023, and \$181,000 in FY 2023.

The Judicial Branch states it is currently working with the Department of Safety to determine whether there are records in the possession of the Department of Safety and the Judicial Branch that are not accessible through NICS system, but are searched for locally under the current arrangement. The Branch states there may be an expenditure of funds to identify older records that are not accessible through NICS that are currently searched locally through Gun Line, and to develop a process for uploading that data to NICS to be available for an FBI directed search.

The New Hampshire Association of Counties states it is unsure at this time whether the requirements of this bill would require additional training or personnel and is therefore unable to estimate if there will be an impact on county expenditures.

AGENCIES CONTACTED:

Department of Safety, Judicial Branch, and New Hampshire Association of Counties

SB 141-FN - AS AMENDED BY THE SENATE

03/18/2021 0876s

2021 SESSION

21-0955

04/10

SENATE BILL **141-FN**

AN ACT relative to the procedure for conducting firearm background checks.

SPONSORS: Sen. Giuda, Dist 2; Sen. Avard, Dist 12; Rep. Burt, Hills. 39; Rep. Edwards, Rock. 4; Rep. Rhodes, Ches. 15; Rep. Gorski, Hills. 7; Rep. Kelsey, Hills. 7

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill authorizes the FBI to conduct all National Instant Criminal Background Check System (NICS) searches concerning the purchase, sale, and transfer of firearms through Federal Firearm Licensees operating in New Hampshire; abolishes the "gun line" in the division of state police; repeals the state's partial point of contact system for handguns, allowing the authority to remain exclusively with the FBI; and authorizes county sheriffs to conduct background searches using NICS for the purpose of approving or denying the return of firearms to individuals who are subject to a protective order for domestic violence or stalking. The bill also makes an appropriation to the county sheriff's offices for hardware and software equipment purchase and training.

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 Twenty One

AN ACT relative to the procedure for conducting firearm background checks.

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

1 1 Findings. The general court finds that:

2 I. The New Hampshire gun line, in the department of safety, permits and licensing unit,
3 currently performs all background checks in relation to the store purchase of handguns. It also
4 performs background checks regarding the transfer of firearms from law enforcement agencies back
5 to individual owners in relation to restraining order and criminal proceedings. The gun line uses the
6 National Instant Criminal Background Check System ("NICS") to perform these tasks, serving as
7 the partial "Point of Contact" system for the FBI.

8 II. The gun line's inefficiencies have created significant delays in the orderly processing of
9 firearm- related background checks. Courts and Federal Firearm Licensed Dealers have faced
10 incredible backlogs of pending background checks that are intended to be "instant." Many
11 background checks have remained pending for several months. This has come at a great cost to the
12 economic wellbeing of dealers and the constitutional rights of firearm owners and purchasers.
13 Additionally, the gun line has, on multiple occasions, failed to timely deny firearm transfers to
14 prohibited individuals.

15 III. This bill allows the FBI to conduct all National Instant Criminal Background Check
16 System ("NICS") searches concerning the purchase, sale and transfer of firearms through Federal
17 Firearm Licensed Dealers operating in the state of New Hampshire. This bill effectively repeals the
18 state's partial Point of Contact system for handguns, allowing the authority to remain exclusively
19 with the FBI. The FBI is federally funded to perform this task and has a long history of accuracy
20 and efficiency with its use of NICS. The FBI provides faster responses in regard to approving the
21 background checks of nonprohibited purchasers, while simultaneously issuing faster denials of
22 attempted purchases by prohibited individuals. This bill saves state tax dollars while producing
23 better results, protecting the rights of law-abiding citizens and protecting the safety of domestic
24 violence victims. Also, this bill provides the sheriff's office for each county with the authority and
25 obligation to conduct background searches using NICS for the purpose of approving or denying the
26 return of firearms to individuals who have been the subject of restraining order proceedings or
27 criminal proceedings

28 2 Criminal Background Checks; Sale of Firearms. RSA 159-D:1 and 159-D:2 are repealed and
29 reenacted to read as follows:

30 159-D:1 Sale of Firearms; Criminal History Record and Protective Order Check.

1 I.(a) The Federal Bureau of Investigation ("FBI") shall have the exclusive authority and
2 jurisdiction to conduct background checks in relation to the sale or transfer of firearms involving
3 Federal Firearms Licensed Dealers ("FFL") in New Hampshire. This provision and the FBI's
4 exclusive jurisdiction pertain to all firearms, as defined by federal law pursuant to 18 U.S.C. section
5 921(a)(3), regardless of caliber, barrel length, or firearm type.

6 (b) No state agency or political subdivision shall access the National Instant Criminal
7 Background Check System ("NICS") unless specifically authorized by this chapter.

8 (c) Nothing in this chapter shall be construed to limit, prevent, or impose background
9 check requirements on the private transfer of firearms as otherwise not prohibited by RSA 159 or
10 federal law.

11 II. For the purpose of determining whether an individual is prohibited by federal or state
12 statute from firearm possession or ownership in relation to a motion or requested return of firearms
13 in connection with a restraining order under RSA 173-B or RSA 633:3-a, or criminal proceeding in
14 any state court of competent jurisdiction, the sheriff's office for the county in which the court is
15 situated shall access NICS to perform a background check. The following conditions, process and
16 time constraints shall apply to all such background checks:

17 (a) The county sheriff's office shall initiate the NICS background check within 10
18 business days of the date of filing of the motion or other pleading requesting the return of firearms.

19 (b) Within 15 business days of the date of filing of the motion or other pleading
20 requesting the return of firearms, the county sheriff's office shall provide a conclusive decision to the
21 court stating either "proceed" or "deny." This decision will be based solely on whether or not the
22 individual is prohibited from possessing or owning a firearm according to state or federal statute.
23 Should the NICS background check fail to demonstrate that the petitioner is prohibited from firearm
24 possession within the 15-business-day time period stated in this chapter, the sheriff's office shall
25 provide a "proceed" decision to the court.

26 (c) If the county sheriff's office determines that an individual is prohibited from owning
27 or possessing a firearm, a specific citation to statute, such as one of the prohibited categories listed
28 under 18 U.S.C. section 922(g), and the specific facts relied upon for finding that the individual is a
29 prohibited person must be supplied in a narration with the "deny" response. The narration
30 supporting a deny response shall be held in a confidential record with the court and only accessible
31 to court staff, the individual seeking the return of firearms and his or her designated legal counsel.

32 (d) All records retained by any county sheriff's office or court concerning a background
33 check conducted pursuant to this chapter shall be destroyed within 24 hours of transmitting a
34 "proceed" determination to the court. Should a "deny" determination be made, all records shall be
35 destroyed by the county sheriff's office within 24 hours of the later of the following:

36 (1) The expiration of the deadline for filing a petition or notice of appeal in the trial
37 court; or

1 (2) The exhaustion or expiration of all appeal rights included in RSA 159-D:2.

2 (e) For the purpose of carrying out the requirements of this chapter, each county sheriff's
3 office shall register with NICS and obtain sufficient training so that each office is situated to begin
4 fully fulfilling its limited background check functions required by this chapter by January 1, 2022.

5 159-D:2 Appeal of Denials.

6 I. Any person who has received a denial of a motion or other pleading requesting the return
7 of firearms shall have the right to request a further hearing on the matter within 30 days of the date
8 of denial. The request may be made by written or oral motion to the court. Any requested hearing
9 shall occur within 10 business days after the date of the request. During the hearing, the burden
10 will be placed on the county sheriff, or his or her designee, to prove by clear and convincing evidence
11 that the petitioning party is prohibited from possessing or owning a firearm pursuant to state or
12 federal statute. The court shall issue a decision on the matter within 10 business days after the
13 hearing occurs.

14 II. Should any person seeking the return of firearms be aggrieved by the ruling made by the
15 trial court regarding a motion or other request for the return of firearms, such individual shall be
16 entitled to appeal and have his or her case heard by the New Hampshire supreme court. In any such
17 case, a transcript of the proceedings and the trial court's record shall be transmitted to the supreme
18 court in full, without any fee charged to the petitioner.

19 3 New Paragraph; Protection of Persons From Domestic Violence; Notification. Amend RSA
20 173-B:8 by inserting after paragraph III the following new paragraph:

21 IV. Any temporary or final court order requiring the relinquishment of firearms or
22 prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a shall, within 24 hours of
23 issuance, be submitted by the court into the NICS system directly or, alternatively, be transmitted to
24 the New Hampshire department of safety to be added to the NICS system within 24 hours of receipt.
25 Additionally, when any of the following events occur, the court will update the NICS system directly
26 or transmit the updated information to the New Hampshire department of safety to be updated in
27 NICS within 24 hours of receipt:

- 28 (a) Any modification or dismissal of a firearm relinquishment
29 (b) Any modification or dismissal of an order prohibiting firearm possession.
30 (c) The dismissal of any temporary restraining order.
31 (d) The dismissal of any final restraining order.

32 4 New Paragraph; Interference With Freedom; Stalking. Amend RSA 633:3-a by inserting after
33 paragraph III-d the following new paragraph:

34 III-e. Any temporary or final court order requiring the relinquishment of firearms or
35 prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a shall, within 24 hours of
36 issuance, be submitted by the court into the NICS system directly or, alternatively, be transmitted to
37 the New Hampshire department of safety to be added to the NICS system within 24 hours of receipt.

1 Additionally, when any of the following events occur, the court will update the NICS system directly
2 or transmit the updated information to the New Hampshire department of safety to be updated in
3 NICS within 24 hours of receipt:

- 4 (a) Any modification or dismissal of a firearm relinquishment
- 5 (b) Any modification or dismissal of an order prohibiting firearm possession.
- 6 (c) The dismissal of any temporary restraining order.
- 7 (d) The dismissal of any final restraining order.

8 5 Department of Safety; Division of State Police; Permits and Licensing Unit; New Hampshire
9 State Gun Line Abolished. The New Hampshire state gun line, in the permits and licensing unit of
10 the division of state police, department of safety, is hereby abolished.

11 6 New Sections; Criminal Background Checks; Immunity for Sheriffs and Sheriff's Employees.
12 Amend RSA 159-D by inserting after section 3 the following new sections:

13 159-D:4 Civil or Criminal Liability of Sheriffs and Sheriff's Employees. The county sheriff and
14 county sheriff's office employees shall not be liable in a civil or criminal action for any act or
15 omission in the performance of their powers and duties under this chapter.

16 159-D:5 Use of Federal Government Information Systems. Nothing in this chapter shall
17 prohibit any law enforcement agency or its personnel from utilizing the federal National Instant
18 Criminal Background Check System, or any of its component or successor systems, or any other
19 government information system necessary to perform their duties under this chapter.

20 7 County Sheriff's Offices; Appropriation for Hardware, Software and Training. The sum of
21 \$100,000 for the fiscal year ending June 30, 2021 is hereby appropriated as follows: the sum of
22 \$10,000 shall be appropriated to each county sheriff's office for the purchase of hardware and
23 software and to defray training costs required to comply with the provisions of RSA 159-D. The sum
24 shall be a charge against the department of safety, permits and licensing account 02-23-23-234010-
25 2913, line 050.

26 8 Effective Date.

27 I. Section 7 of this act shall take effect upon its passage.

28 II. The remainder of this act shall take effect June 1, 2022.

**SB 141-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the procedure for conducting firearm background checks.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
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	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill includes the following:

- Relieves the responsibility of the state for providing National Instant Criminal Background System (NICS) background checks on all commercial sales of handguns sales and return of firearms cases, in the State of New Hampshire.
- Abolishes the State Gun Line within the Department of Safety Division of State Police Permits and Licensing Unit.
- Allows County Sheriffs to utilize the NICS to conduct background checks around returning or denying individuals requesting their firearms back after being subject to a protective order.
- Provides jurisdiction to the County Sheriffs for the county in which the court is situated for the purpose of determining whether an individual is prohibited by federal or state statute from firearm possession or ownership in relation to a motion or requested return of firearms.

The Department of Safety states the abolishment of the State Gun Line would eliminate one (1) full-time program assistant II and three (3) part-time program assistant I positions. Assuming an effective date of January 1, 2022, this bill would reduce personnel related expenditures in the Permits and Licensing Unit by approximately \$85,000 in FY 2022, \$176,000 in FY 2023, and \$181,000 in FY 2023.

The Judicial Branch states it is currently working with the Department of Safety to determine whether there are records in the possession of the Department of Safety and the Judicial Branch that are not accessible through NICS system, but are searched for locally under the current arrangement. The Branch states there may be an expenditure of funds to identify older records that are not accessible through NICS that are currently searched locally through Gun Line, and to develop a process for uploading that data to NICS to be available for an FBI directed search.

The New Hampshire Association of Counties states it is unsure at this time whether the requirements of this bill would require additional training or personnel and is therefore unable to estimate if there will be an impact on county expenditures.

AGENCIES CONTACTED:

Department of Safety, Judicial Branch, and New Hampshire Association of Counties

SB 141-FN - AS AMENDED BY THE SENATE

03/18/2021 0876s

2021 SESSION

21-0955

04/10

SENATE BILL

141-FN

AN ACT

relative to the procedure for conducting firearm background checks.

SPONSORS:

Sen. Giuda, Dist 2; Sen. Avard, Dist 12; Rep. Burt, Hills. 39; Rep. Edwards, Rock. 4; Rep. Rhodes, Ches. 15; Rep. Gorski, Hills. 7; Rep. Kelsey, Hills. 7

COMMITTEE:

Judiciary

OTP 3-2

AMENDED ANALYSIS

This bill authorizes the FBI to conduct all National Instant Criminal Background Check System (NICS) searches concerning the purchase, sale, and transfer of firearms through Federal Firearm Licensees operating in New Hampshire; abolishes the "gun line" in the division of state police; repeals the state's partial point of contact system for handguns, allowing the authority to remain exclusively with the FBI; and authorizes county sheriffs to conduct background searches using NICS for the purpose of approving or denying the return of firearms to individuals who are subject to a protective order for domestic violence or stalking. The bill also makes an appropriation to the county sheriff's offices for hardware and software equipment purchase and training.

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 Twenty One

AN ACT relative to the procedure for conducting firearm background checks.

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

1 Findings. The general court finds that:

2 I. The New Hampshire gun line, in the department of safety, permits and licensing unit,
3 currently performs all background checks in relation to the store purchase of handguns. It also
4 performs background checks regarding the transfer of firearms from law enforcement agencies back
5 to individual owners in relation to restraining order and criminal proceedings. The gun line uses the
6 National Instant Criminal Background Check System ("NICS") to perform these tasks, serving as
7 the partial "Point of Contact" system for the FBI.

8 II. The gun line's inefficiencies have created significant delays in the orderly processing of
9 firearm- related background checks. Courts and Federal Firearm Licensed Dealers have faced
10 incredible backlogs of pending background checks that are intended to be "instant." Many
11 background checks have remained pending for several months. This has come at a great cost to the
12 economic wellbeing of dealers and the constitutional rights of firearm owners and purchasers.
13 Additionally, the gun line has, on multiple occasions, failed to timely deny firearm transfers to
14 prohibited individuals.

15 III. This bill allows the FBI to conduct all National Instant Criminal Background Check
16 System ("NICS") searches concerning the purchase, sale and transfer of firearms through Federal
17 Firearm Licensed Dealers operating in the state of New Hampshire. This bill effectively repeals the
18 state's partial Point of Contact system for handguns, allowing the authority to remain exclusively
19 with the FBI. The FBI is federally funded to perform this task and has a long history of accuracy
20 and efficiency with its use of NICS. The FBI provides faster responses in regard to approving the
21 background checks of nonprohibited purchasers, while simultaneously issuing faster denials of
22 attempted purchases by prohibited individuals. This bill saves state tax dollars while producing
23 better results, protecting the rights of law-abiding citizens and protecting the safety of domestic
24 violence victims. Also, this bill provides the sheriff's office for each county with the authority and
25 obligation to conduct background searches using NICS for the purpose of approving or denying the
26 return of firearms to individuals who have been the subject of restraining order proceedings or
27 criminal proceedings

28 2 Criminal Background Checks; Sale of Firearms. RSA 159-D:1 and 159-D:2 are repealed and
29 reenacted to read as follows:

30 159-D:1 Sale of Firearms; Criminal History Record and Protective Order Check.

1 I.(a) The Federal Bureau of Investigation ("FBI") shall have the exclusive authority and
2 jurisdiction to conduct background checks in relation to the sale or transfer of firearms involving
3 Federal Firearms Licensed Dealers ("FFL") in New Hampshire. This provision and the FBI's
4 exclusive jurisdiction pertain to all firearms, as defined by federal law pursuant to 18 U.S.C. section
5 921(a)(3), regardless of caliber, barrel length, or firearm type.

6 (b) No state agency or political subdivision shall access the National Instant Criminal
7 Background Check System ("NICS") unless specifically authorized by this chapter.

8 (c) Nothing in this chapter shall be construed to limit, prevent, or impose background
9 check requirements on the private transfer of firearms as otherwise not prohibited by RSA 159 or
10 federal law.

11 II. For the purpose of determining whether an individual is prohibited by federal or state
12 statute from firearm possession or ownership in relation to a motion or requested return of firearms
13 in connection with a restraining order under RSA 173-B or RSA 633:3-a, or criminal proceeding in
14 any state court of competent jurisdiction, the sheriff's office for the county in which the court is
15 situated shall access NICS to perform a background check. The following conditions, process and
16 time constraints shall apply to all such background checks:

17 (a) The county sheriff's office shall initiate the NICS background check within 10
18 business days of the date of filing of the motion or other pleading requesting the return of firearms.

19 (b) Within 15 business days of the date of filing of the motion or other pleading
20 requesting the return of firearms, the county sheriff's office shall provide a conclusive decision to the
21 court stating either "proceed" or "deny." This decision will be based solely on whether or not the
22 individual is prohibited from possessing or owning a firearm according to state or federal statute.
23 Should the NICS background check fail to demonstrate that the petitioner is prohibited from firearm
24 possession within the 15-business-day time period stated in this chapter, the sheriff's office shall
25 provide a "proceed" decision to the court.

26 (c) If the county sheriff's office determines that an individual is prohibited from owning
27 or possessing a firearm, a specific citation to statute, such as one of the prohibited categories listed
28 under 18 U.S.C. section 922(g), and the specific facts relied upon for finding that the individual is a
29 prohibited person must be supplied in a narration with the "deny" response. The narration
30 supporting a deny response shall be held in a confidential record with the court and only accessible
31 to court staff, the individual seeking the return of firearms and his or her designated legal counsel.

32 (d) All records retained by any county sheriff's office or court concerning a background
33 check conducted pursuant to this chapter shall be destroyed within 24 hours of transmitting a
34 "proceed" determination to the court. Should a "deny" determination be made, all records shall be
35 destroyed by the county sheriff's office within 24 hours of the later of the following:

36 (1) The expiration of the deadline for filing a petition or notice of appeal in the trial
37 court; or

1 (2) The exhaustion or expiration of all appeal rights included in RSA 159-D:2.

2 (e) For the purpose of carrying out the requirements of this chapter, each county sheriff's
3 office shall register with NICS and obtain sufficient training so that each office is situated to begin
4 fully fulfilling its limited background check functions required by this chapter by January 1, 2022.

5 159-D:2 Appeal of Denials.

6 I. Any person who has received a denial of a motion or other pleading requesting the return
7 of firearms shall have the right to request a further hearing on the matter within 30 days of the date
8 of denial. The request may be made by written or oral motion to the court. Any requested hearing
9 shall occur within 10 business days after the date of the request. During the hearing, the burden
10 will be placed on the county sheriff, or his or her designee, to prove by clear and convincing evidence
11 that the petitioning party is prohibited from possessing or owning a firearm pursuant to state or
12 federal statute. The court shall issue a decision on the matter within 10 business days after the
13 hearing occurs.

14 II. Should any person seeking the return of firearms be aggrieved by the ruling made by the
15 trial court regarding a motion or other request for the return of firearms, such individual shall be
16 entitled to appeal and have his or her case heard by the New Hampshire supreme court. In any such
17 case, a transcript of the proceedings and the trial court's record shall be transmitted to the supreme
18 court in full, without any fee charged to the petitioner.

19 3 New Paragraph; Protection of Persons From Domestic Violence; Notification. Amend RSA
20 173-B:8 by inserting after paragraph III the following new paragraph:

21 IV. Any temporary or final court order requiring the relinquishment of firearms or
22 prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a shall, within 24 hours of
23 issuance, be submitted by the court into the NICS system directly or, alternatively, be transmitted to
24 the New Hampshire department of safety to be added to the NICS system within 24 hours of receipt.
25 Additionally, when any of the following events occur, the court will update the NICS system directly
26 or transmit the updated information to the New Hampshire department of safety to be updated in
27 NICS within 24 hours of receipt:

- 28 (a) Any modification or dismissal of a firearm relinquishment
29 (b) Any modification or dismissal of an order prohibiting firearm possession.
30 (c) The dismissal of any temporary restraining order.
31 (d) The dismissal of any final restraining order.

32 4 New Paragraph; Interference With Freedom; Stalking. Amend RSA 633:3-a by inserting after
33 paragraph III-d the following new paragraph:

34 III-e. Any temporary or final court order requiring the relinquishment of firearms or
35 prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a shall, within 24 hours of
36 issuance, be submitted by the court into the NICS system directly or, alternatively, be transmitted to
37 the New Hampshire department of safety to be added to the NICS system within 24 hours of receipt.

1 Additionally, when any of the following events occur, the court will update the NICS system directly
2 or transmit the updated information to the New Hampshire department of safety to be updated in
3 NICS within 24 hours of receipt:

- 4 (a) Any modification or dismissal of a firearm relinquishment
5 (b) Any modification or dismissal of an order prohibiting firearm possession.
6 (c) The dismissal of any temporary restraining order.
7 (d) The dismissal of any final restraining order.

8 5 Department of Safety; Division of State Police; Permits and Licensing Unit; New Hampshire
9 State Gun Line Abolished. The New Hampshire state gun line, in the permits and licensing unit of
10 the division of state police, department of safety, is hereby abolished.

11 6 New Sections; Criminal Background Checks; Immunity for Sheriffs and Sheriff's Employees.
12 Amend RSA 159-D by inserting after section 3 the following new sections:

13 159-D:4 Civil or Criminal Liability of Sheriffs and Sheriff's Employees. The county sheriff and
14 county sheriff's office employees shall not be liable in a civil or criminal action for any act or
15 omission in the performance of their powers and duties under this chapter.

16 159-D:5 Use of Federal Government Information Systems. Nothing in this chapter shall
17 prohibit any law enforcement agency or its personnel from utilizing the federal National Instant
18 Criminal Background Check System, or any of its component or successor systems, or any other
19 government information system necessary to perform their duties under this chapter.

20 7 County Sheriff's Offices; Appropriation for Hardware, Software and Training. The sum of
21 \$100,000 for the fiscal year ending June 30, 2021 is hereby appropriated as follows: the sum of
22 \$10,000 shall be appropriated to each county sheriff's office for the purchase of hardware and
23 software and to defray training costs required to comply with the provisions of RSA 159-D. The sum
24 shall be a charge against the department of safety, permits and licensing account 02-23-23-234010-
25 2913, line 050.

26 8 Effective Date.

27 I. Section 7 of this act shall take effect upon its passage.

28 II. The remainder of this act shall take effect June 1, 2022.

**SB 141-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the procedure for conducting firearm background checks.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
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	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill includes the following:

- Relieves the responsibility of the state for providing National Instant Criminal Background System (NICS) background checks on all commercial sales of handguns sales and return of firearms cases, in the State of New Hampshire.
- Abolishes the State Gun Line within the Department of Safety Division of State Police Permits and Licensing Unit.
- Allows County Sheriffs to utilize the NICS to conduct background checks around returning or denying individuals requesting their firearms back after being subject to a protective order.
- Provides jurisdiction to the County Sheriffs for the county in which the court is situated for the purpose of determining whether an individual is prohibited by federal or state statute from firearm possession or ownership in relation to a motion or requested return of firearms.

The Department of Safety states the abolishment of the State Gun Line would eliminate one (1) full-time program assistant II and three (3) part-time program assistant I positions. Assuming an effective date of January 1, 2022, this bill would reduce personnel related expenditures in the Permits and Licensing Unit by approximately \$85,000 in FY 2022, \$176,000 in FY 2023, and \$181,000 in FY 2023.

The Judicial Branch states it is currently working with the Department of Safety to determine whether there are records in the possession of the Department of Safety and the Judicial Branch that are not accessible through NICS system, but are searched for locally under the current arrangement. The Branch states there may be an expenditure of funds to identify older records that are not accessible through NICS that are currently searched locally through Gun Line, and to develop a process for uploading that data to NICS to be available for an FBI directed search.

The New Hampshire Association of Counties states it is unsure at this time whether the requirements of this bill would require additional training or personnel and is therefore unable to estimate if there will be an impact on county expenditures.

AGENCIES CONTACTED:

Department of Safety, Judicial Branch, and New Hampshire Association of Counties

SB 141-FN - AS AMENDED BY THE SENATE

03/18/2021 0876s

04/01/2021 1053s

2021 SESSION

21-0955

04/10

SENATE BILL

141-FN

AN ACT

relative to the procedure for conducting firearm background checks.

SPONSORS:

Sen. Giuda, Dist 2; Sen. Avar, Dist 12; Rep. Burt, Hills. 39; Rep. Edwards, Rock. 4; Rep. Rhodes, Ches. 15; Rep. Gorski, Hills. 7; Rep. Kelsey, Hills. 7

COMMITTEE:

Judiciary

AMENDED ANALYSIS

This bill authorizes the FBI to conduct all National Instant Criminal Background Check System (NICS) searches concerning the purchase, sale, and transfer of firearms through Federal Firearm Licensees operating in New Hampshire; abolishes the "gun line" in the division of state police; repeals the state's partial point of contact system for handguns, allowing the authority to remain exclusively with the FBI; and authorizes county sheriffs to conduct background searches using NICS for the purpose of approving or denying the return of firearms to individuals who are subject to a protective order for domestic violence or stalking. The bill also makes an appropriation to the county sheriff's offices for hardware and software equipment purchase and training.

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.

SB 141-FN - AS AMENDED BY THE SENATE

03/18/2021 0876s

04/01/2021 1053s

21-0955

04/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the procedure for conducting firearm background checks.

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

1 Findings. The general court finds that:

2 I. The New Hampshire gun line, in the department of safety, permits and licensing unit,
3 currently performs all background checks in relation to the store purchase of handguns. It also
4 performs background checks regarding the transfer of firearms from law enforcement agencies back
5 to individual owners in relation to restraining order and criminal proceedings. The gun line uses the
6 National Instant Criminal Background Check System ("NICS") to perform these tasks, serving as
7 the partial "Point of Contact" system for the FBI.

8 II. The gun line's inefficiencies have created significant delays in the orderly processing of
9 firearm- related background checks. Courts and Federal Firearm Licensed Dealers have faced
10 incredible backlogs of pending background checks that are intended to be "instant." Many
11 background checks have remained pending for several months. This has come at a great cost to the
12 economic wellbeing of dealers and the constitutional rights of firearm owners and purchasers.
13 Additionally, the gun line has, on multiple occasions, failed to timely deny firearm transfers to
14 prohibited individuals.

15 III. This bill allows the FBI to conduct all National Instant Criminal Background Check
16 System ("NICS") searches concerning the purchase, sale and transfer of firearms through Federal
17 Firearm Licensed Dealers operating in the state of New Hampshire. This bill effectively repeals the
18 state's partial Point of Contact system for handguns, allowing the authority to remain exclusively
19 with the FBI. The FBI is federally funded to perform this task and has a long history of accuracy
20 and efficiency with its use of NICS. The FBI provides faster responses in regard to approving the
21 background checks of nonprohibited purchasers, while simultaneously issuing faster denials of
22 attempted purchases by prohibited individuals. This bill saves state tax dollars while producing
23 better results, protecting the rights of law-abiding citizens and protecting the safety of domestic
24 violence victims. Also, this bill provides the sheriff's office for each county with the authority and
25 obligation to conduct background searches using NICS for the purpose of approving or denying the
26 return of firearms to individuals who have been the subject of restraining order proceedings or
27 criminal proceedings

28 2 Criminal Background Checks; Sale of Firearms. RSA 159-D:1 and 159-D:2 are repealed and
29 reenacted to read as follows:

30 159-D:1 Sale of Firearms; Criminal History Record and Protective Order Check.

1 I.(a) The Federal Bureau of Investigation ("FBI") shall have the exclusive authority and
2 jurisdiction to conduct background checks in relation to the sale or transfer of firearms involving
3 Federal Firearms Licensed Dealers ("FFL") in New Hampshire. This provision and the FBI's
4 exclusive jurisdiction pertain to all firearms, as defined by federal law pursuant to 18 U.S.C. section
5 921(a)(3), regardless of caliber, barrel length, or firearm type.

6 (b) No state agency or political subdivision shall access the National Instant Criminal
7 Background Check System ("NICS") unless specifically authorized by this chapter.

8 (c) Nothing in this chapter shall be construed to limit, prevent, or impose background
9 check requirements on the private transfer of firearms as otherwise not prohibited by RSA 159 or
10 federal law.

11 II. For the purpose of determining whether an individual is prohibited by federal or state
12 statute from firearm possession or ownership in relation to a motion or requested return of firearms
13 in connection with a restraining order under RSA 173-B or RSA 633:3-a, or criminal proceeding in
14 any state court of competent jurisdiction, the sheriff's office for the county in which the court is
15 situated shall access NICS to perform a background check. The following conditions, process and
16 time constraints shall apply to all such background checks:

17 (a) The county sheriff's office shall initiate the NICS background check within 10
18 business days of the date of filing of the motion or other pleading requesting the return of firearms.

19 (b) Within 15 business days of the date of filing of the motion or other pleading
20 requesting the return of firearms, the county sheriff's office shall provide a conclusive decision to the
21 court stating either "proceed" or "deny." This decision will be based solely on whether or not the
22 individual is prohibited from possessing or owning a firearm according to state or federal statute.
23 Should the NICS background check fail to demonstrate that the petitioner is prohibited from firearm
24 possession within the 15-business-day time period stated in this chapter, the sheriff's office shall
25 provide a "proceed" decision to the court.

26 (c) If the county sheriff's office determines that an individual is prohibited from owning
27 or possessing a firearm, a specific citation to statute, such as one of the prohibited categories listed
28 under 18 U.S.C. section 922(g), and the specific facts relied upon for finding that the individual is a
29 prohibited person must be supplied in a narration with the "deny" response. The narration
30 supporting a deny response shall be held in a confidential record with the court and only accessible
31 to court staff, the individual seeking the return of firearms and his or her designated legal counsel.

32 (d) All records retained by any county sheriff's office or court concerning a background
33 check conducted pursuant to this chapter shall be destroyed within one business day of transmitting
34 a "proceed" determination to the court. Should a "deny" determination be made, all records shall be
35 destroyed by the county sheriff's office within 30 days of the later of the following:

36 (1) The expiration of the deadline for filing a petition or notice of appeal in the trial
37 court; or

1 (2) The exhaustion or expiration of all appeal rights included in RSA 159-D:2.

2 (e) For the purpose of carrying out the requirements of this chapter, each county sheriff's
3 office shall register with NICS and obtain sufficient training so that each office is situated to begin
4 fully fulfilling its limited background check functions required by this chapter by January 1, 2022.

5 159-D:2 Appeal of Denials.

6 I. Any person who has received a denial of a motion or other pleading requesting the return
7 of firearms shall have the right to request a further hearing on the matter within 30 days of the date
8 of denial. The request may be made by written or oral motion to the court. Any requested hearing
9 shall occur within 10 business days after the date of the request. During the hearing, the burden
10 will be placed on the county sheriff, or his or her designee, to prove by clear and convincing evidence
11 that the petitioning party is prohibited from possessing or owning a firearm pursuant to state or
12 federal statute. The court shall issue a decision on the matter within 10 business days after the
13 hearing occurs.

14 II. Should any person seeking the return of firearms be aggrieved by the ruling made by the
15 trial court regarding a motion or other request for the return of firearms, such individual shall be
16 entitled to appeal and have his or her case heard by the New Hampshire supreme court. In any such
17 case, a transcript of the proceedings and the trial court's record shall be transmitted to the supreme
18 court in full, without any fee charged to the petitioner.

19 3 New Paragraph; Protection of Persons From Domestic Violence; Notification. Amend RSA
20 173-B:8 by inserting after paragraph III the following new paragraph:

21 IV. Any temporary or final court order requiring the relinquishment of firearms or
22 prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a shall, within 24 hours of
23 issuance, be submitted by the court into the NICS system directly or, alternatively, be transmitted to
24 the New Hampshire department of safety to be added to the NICS system within 24 hours of receipt.
25 Additionally, when any of the following events occur, the court will update the NICS system directly
26 or transmit the updated information to the New Hampshire department of safety to be updated in
27 NICS within 24 hours of receipt:

- 28 (a) Any modification or dismissal of a firearm relinquishment
29 (b) Any modification or dismissal of an order prohibiting firearm possession.
30 (c) The dismissal of any temporary restraining order.
31 (d) The dismissal of any final restraining order.

32 4 New Paragraph; Interference With Freedom; Stalking. Amend RSA 633:3-a by inserting after
33 paragraph III-d the following new paragraph:

34 III-e. Any temporary or final court order requiring the relinquishment of firearms or
35 prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a shall, within 24 hours of
36 issuance, be submitted by the court into the NICS system directly or, alternatively, be transmitted to
37 the New Hampshire department of safety to be added to the NICS system within 24 hours of receipt.

1 Additionally, when any of the following events occur, the court will update the NICS system directly
2 or transmit the updated information to the New Hampshire department of safety to be updated in
3 NICS within 24 hours of receipt:

- 4 (a) Any modification or dismissal of a firearm relinquishment
- 5 (b) Any modification or dismissal of an order prohibiting firearm possession.
- 6 (c) The dismissal of any temporary restraining order.
- 7 (d) The dismissal of any final restraining order.

8 5 Department of Safety; Division of State Police; Permits and Licensing Unit; New Hampshire
9 State Gun Line Abolished. The New Hampshire state gun line, in the permits and licensing unit of
10 the division of state police, department of safety, is hereby abolished.

11 6 New Sections; Criminal Background Checks; Immunity for Sheriffs and Sheriff's Employees.
12 Amend RSA 159-D by inserting after section 3 the following new sections:

13 159-D:4 Civil or Criminal Liability of Sheriffs and Sheriff's Employees. The county sheriff and
14 county sheriff's office employees shall not be liable in a civil or criminal action for any act or
15 omission in the performance of their powers and duties under this chapter.

16 159-D:5 Use of Federal Government Information Systems. Nothing in this chapter shall
17 prohibit any law enforcement agency or its personnel from utilizing the federal National Instant
18 Criminal Background Check System, or any of its component or successor systems, or any other
19 government information system necessary to perform their duties as permitted by New Hampshire
20 statute.

21 7 County Sheriffs Offices; Appropriation for Hardware, Software and Training. The sum of
22 \$100,000 for the fiscal year ending June 30, 2021 is hereby appropriated as follows: the sum of
23 \$10,000 shall be appropriated to each county sheriff's office for the purchase of hardware and
24 software and to defray training costs required to comply with the provisions of RSA 159-D. The sum
25 shall be a charge against the department of safety, permits and licensing account 02-23-23-234010-
26 2913, line 050.

27 8 Effective Date.

28 I. Section 7 of this act shall take effect upon its passage.

29 II. The remainder of this act shall take effect June 1, 2022.

SB 141-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENTS #2021-0876s and #2021-1053s)

AN ACT relative to the procedure for conducting firearm background checks.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	See Methodology	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	See Methodology	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other Permits and Licensing Accounting Unit			

COUNTY:

Revenue	See Methodology	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill includes the following:

- Abolishes the State Gun Line within the Department of Safety Division of State Police Permits and Licensing Unit.
- Authorizes the Federal Bureau of Investigations (FBI) to exclusive conduct background checks for the purchase, sale, and transfer of Federal Firearms Licensees (FFL) in New Hampshire.
- Relieves the responsibility of the state for providing National Instant Criminal Background System (NICS) background checks on all commercial sales of handguns sales and return of firearms cases, in the State of New Hampshire.
- Allows County Sheriffs to utilize the NICS to conduct background checks around returning or denying individuals requesting their firearms back after being subject to a protective order.

The Judicial Branch states the total fiscal impact is indeterminable due to the following:

- The bill would require the Judicial Branch to enter data into the NICS Index which it does not currently do resulting in an expenditure to make the NICS Index accessible to Judicial Branch personnel.

- In approximately 6% of cases where a protection order has been issued they do not have the name of the defendant requiring these cases be entered into the NICS Index. New Hampshire law enforcement does not have access to the NICS Index while in the field and the same data will need to be entered into the National Crime Information Center (NCIC). The Judicial Branch states the need to enter data into two databases will result in 50 additional hours per year of court staff time as there are approximately 1,500 files impacted per year.
- The Judicial Branch states it has been told by the Department of Safety that the Gun Line does a search of its entire case database which is approximately 5 million cases, 170,000 of which the Department has no disposition data on. If Gun Line is abolished the Judicial Branch estimates these 170,000 files will need to be researched by a Court Assistant II. The Judicial Branch estimates this would require approximately 42,500 hours in staff time based on a rate of researching four files per hour and result in a cost of approximately \$1.2 million. The impact does not include research time associated with court personnel searching the entire database for an unknown number of cases with a disposition but an inconclusive record.
- The bill provides any person seeking the return of firearms who is aggrieved by the ruling is entitled to an appeal and transcript of the proceedings without charge to the petitioner. The fiscal impact of transmitting records and creating transcripts is indeterminable; however, the cost associated with producing a transcription is approximately \$137.50 per .5 hours of hearing time.

The Department of Safety states the completing of returns of firearms background checks for the courts was supported by an additional duty shared amongst staff and therefore an elimination of this duty will not impact staffing levels. However, the bill makes a charge to the Department's Permit and Licensing Unit, budget line 02-23-23-234010-2913-050, in the amount of \$100,000 and appropriates the money in \$10,000 increments to each county sheriff's office for the fiscal year ending June 30, 2021. It should be noted this class line's authorized budget was only \$80,000 to begin this fiscal year and the Department has already utilized much of it. Therefore, \$100,000 from this class line would not be available for the purpose of this bill as written.

The New Hampshire Association of Counties states it is unsure at this time whether the requirements of this bill would require additional training or personnel and is therefore unable to estimate if there will be an impact on county expenditures.

AGENCIES CONTACTED:

Department of Safety, Judicial Branch, and New Hampshire Association of Counties

SB 141-FN - FINAL VERSION

03/18/2021 0876s
04/01/2021 1053s

2021 SESSION

21-0955
04/10

SENATE BILL **141-FN**

AN ACT relative to the procedure for conducting firearm background checks.

SPONSORS: Sen. Giuda, Dist 2; Sen. Avar, Dist 12; Rep. Burt, Hills. 39; Rep. Edwards, Rock. 4; Rep. Rhodes, Ches. 15; Rep. Gorski, Hills. 7; Rep. Kelsey, Hills. 7

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill authorizes the FBI to conduct all National Instant Criminal Background Check System (NICS) searches concerning the purchase, sale, and transfer of firearms through Federal Firearm Licensees operating in New Hampshire; abolishes the "gun line" in the division of state police; repeals the state's partial point of contact system for handguns, allowing the authority to remain exclusively with the FBI; and authorizes county sheriffs to conduct background searches using NICS for the purpose of approving or denying the return of firearms to individuals who are subject to a protective order for domestic violence or stalking. The bill also makes an appropriation to the county sheriff's offices for hardware and software equipment purchase and training.

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 Twenty One

AN ACT relative to the procedure for conducting firearm background checks.

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

1 1 Findings. The general court finds that:

2 I. The New Hampshire gun line, in the department of safety, permits and licensing unit,
3 currently performs all background checks in relation to the store purchase of handguns. It also
4 performs background checks regarding the transfer of firearms from law enforcement agencies back
5 to individual owners in relation to restraining order and criminal proceedings. The gun line uses the
6 National Instant Criminal Background Check System ("NICS") to perform these tasks, serving as
7 the partial "Point of Contact" system for the FBI.

8 II. The gun line's inefficiencies have created significant delays in the orderly processing of
9 firearm- related background checks. Courts and Federal Firearm Licensed Dealers have faced
10 incredible backlogs of pending background checks that are intended to be "instant." Many
11 background checks have remained pending for several months. This has come at a great cost to the
12 economic wellbeing of dealers and the constitutional rights of firearm owners and purchasers.
13 Additionally, the gun line has, on multiple occasions, failed to timely deny firearm transfers to
14 prohibited individuals.

15 III. This bill allows the FBI to conduct all National Instant Criminal Background Check
16 System ("NICS") searches concerning the purchase, sale and transfer of firearms through Federal
17 Firearm Licensed Dealers operating in the state of New Hampshire. This bill effectively repeals the
18 state's partial Point of Contact system for handguns, allowing the authority to remain exclusively
19 with the FBI. The FBI is federally funded to perform this task and has a long history of accuracy
20 and efficiency with its use of NICS. The FBI provides faster responses in regard to approving the
21 background checks of nonprohibited purchasers, while simultaneously issuing faster denials of
22 attempted purchases by prohibited individuals. This bill saves state tax dollars while producing
23 better results, protecting the rights of law-abiding citizens and protecting the safety of domestic
24 violence victims. Also, this bill provides the sheriff's office for each county with the authority and
25 obligation to conduct background searches using NICS for the purpose of approving or denying the
26 return of firearms to individuals who have been the subject of restraining order proceedings or
27 criminal proceedings.

28 2 Criminal Background Checks; Sale of Firearms. RSA 159-D:1 and 159-D:2 are repealed and
29 reenacted to read as follows:

30 159-D:1 Sale of Firearms; Criminal History Record and Protective Order Check.

1 I.(a) The Federal Bureau of Investigation ("FBI") shall have the exclusive authority and
2 jurisdiction to conduct background checks in relation to the sale or transfer of firearms involving
3 Federal Firearms Licensed Dealers ("FFL") in New Hampshire. This provision and the FBI's
4 exclusive jurisdiction pertain to all firearms, as defined by federal law pursuant to 18 U.S.C. section
5 921(a)(3), regardless of caliber, barrel length, or firearm type.

6 (b) No state agency or political subdivision shall access the National Instant Criminal
7 Background Check System ("NICS") unless specifically authorized by this chapter.

8 (c) Nothing in this chapter shall be construed to limit, prevent, or impose background
9 check requirements on the private transfer of firearms as otherwise not prohibited by RSA 159 or
10 federal law.

11 II. For the purpose of determining whether an individual is prohibited by federal or state
12 statute from firearm possession or ownership in relation to a motion or requested return of firearms
13 in connection with a restraining order under RSA 173-B or RSA 633:3-a, or criminal proceeding in
14 any state court of competent jurisdiction, the sheriff's office for the county in which the court is
15 situated shall access NICS to perform a background check. The following conditions, process and
16 time constraints shall apply to all such background checks:

17 (a) The county sheriff's office shall initiate the NICS background check within 10
18 business days of the date of filing of the motion or other pleading requesting the return of firearms.

19 (b) Within 15 business days of the date of filing of the motion or other pleading
20 requesting the return of firearms, the county sheriff's office shall provide a conclusive decision to the
21 court stating either "proceed" or "deny." This decision will be based solely on whether or not the
22 individual is prohibited from possessing or owning a firearm according to state or federal statute.
23 Should the NICS background check fail to demonstrate that the petitioner is prohibited from firearm
24 possession within the 15-business-day time period stated in this chapter, the sheriff's office shall
25 provide a "proceed" decision to the court.

26 (c) If the county sheriff's office determines that an individual is prohibited from owning
27 or possessing a firearm, a specific citation to statute, such as one of the prohibited categories listed
28 under 18 U.S.C. section 922(g), and the specific facts relied upon for finding that the individual is a
29 prohibited person must be supplied in a narration with the "deny" response. The narration
30 supporting a deny response shall be held in a confidential record with the court and only accessible
31 to court staff, the individual seeking the return of firearms, and his or her designated legal counsel.

32 (d) All records retained by any county sheriff's office or court concerning a background
33 check conducted pursuant to this chapter shall be destroyed within one business day of transmitting
34 a "proceed" determination to the court. Should a "deny" determination be made, all records shall be
35 destroyed by the county sheriff's office within 30 days of the later of the following:

36 (1) The expiration of the deadline for filing a petition or notice of appeal in the trial
37 court; or

1 (2) The exhaustion or expiration of all appeal rights included in RSA 159-D:2.

2 (e) For the purpose of carrying out the requirements of this chapter, each county sheriff's
3 office shall register with NICS and obtain sufficient training so that each office is situated to begin
4 fully fulfilling its limited background check functions required by this chapter by January 1, 2022.

5 159-D:2 Appeal of Denials.

6 I. Any person who has received a denial of a motion or other pleading requesting the return
7 of firearms shall have the right to request a further hearing on the matter within 30 days of the date
8 of denial. The request may be made by written or oral motion to the court. Any requested hearing
9 shall occur within 10 business days after the date of the request. During the hearing, the burden
10 will be placed on the county sheriff, or his or her designee, to prove by clear and convincing evidence
11 that the petitioning party is prohibited from possessing or owning a firearm pursuant to state or
12 federal statute. The court shall issue a decision on the matter within 10 business days after the
13 hearing occurs.

14 II. Should any person seeking the return of firearms be aggrieved by the ruling made by the
15 trial court regarding a motion or other request for the return of firearms, such individual shall be
16 entitled to appeal and have his or her case heard by the New Hampshire supreme court. In any such
17 case, a transcript of the proceedings and the trial court's record shall be transmitted to the supreme
18 court in full, without any fee charged to the petitioner.

19 3 New Paragraph; Protection of Persons From Domestic Violence; Notification. Amend RSA
20 173-B:8 by inserting after paragraph III the following new paragraph:

21 IV. Any temporary or final court order requiring the relinquishment of firearms or
22 prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a shall, within 24 hours of
23 issuance, be submitted by the court into the NICS system directly or, alternatively, be transmitted to
24 the New Hampshire department of safety to be added to the NICS system within 24 hours of receipt.
25 Additionally, when any of the following events occur, the court will update the NICS system directly
26 or transmit the updated information to the New Hampshire department of safety to be updated in
27 NICS within 24 hours of receipt:

28 (a) Any modification or dismissal of a firearm relinquishment.

29 (b) Any modification or dismissal of an order prohibiting firearm possession.

30 (c) The dismissal of any temporary restraining order.

31 (d) The dismissal of any final restraining order.

32 4 New Paragraph; Interference With Freedom; Stalking. Amend RSA 633:3-a by inserting after
33 paragraph III-d the following new paragraph:

34 III-e. Any temporary or final court order requiring the relinquishment of firearms or
35 prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a shall, within 24 hours of
36 issuance, be submitted by the court into the NICS system directly or, alternatively, be transmitted to
37 the New Hampshire department of safety to be added to the NICS system within 24 hours of receipt.

1 Additionally, when any of the following events occur, the court will update the NICS system directly
2 or transmit the updated information to the New Hampshire department of safety to be updated in
3 NICS within 24 hours of receipt:

- 4 (a) Any modification or dismissal of a firearm relinquishment.
5 (b) Any modification or dismissal of an order prohibiting firearm possession.
6 (c) The dismissal of any temporary restraining order.
7 (d) The dismissal of any final restraining order.

8 5 Department of Safety; Division of State Police; Permits and Licensing Unit; New Hampshire
9 State Gun Line Abolished. The New Hampshire state gun line, in the permits and licensing unit of
10 the division of state police, department of safety, is hereby abolished.

11 6 New Sections; Criminal Background Checks; Immunity for Sheriffs and Sheriff's Employees.
12 Amend RSA 159-D by inserting after section 3 the following new sections:

13 159-D:4 Civil or Criminal Liability of Sheriffs and Sheriff's Employees. The county sheriff and
14 county sheriff's office employees shall not be liable in a civil or criminal action for any act or
15 omission in the performance of their powers and duties under this chapter.

16 159-D:5 Use of Federal Government Information Systems. Nothing in this chapter shall
17 prohibit any law enforcement agency or its personnel from utilizing the federal National Instant
18 Criminal Background Check System, or any of its component or successor systems, or any other
19 government information system necessary to perform their duties as permitted by New Hampshire
20 statute.

21 7 County Sheriff's Offices; Appropriation for Hardware, Software and Training. The sum of
22 \$100,000 for the fiscal year ending June 30, 2021 is hereby appropriated as follows: the sum of
23 \$10,000 shall be appropriated to each county sheriff's office for the purchase of hardware and
24 software and to defray training costs required to comply with the provisions of RSA 159-D. The sum
25 shall be a charge against the department of safety, permits and licensing account 02-23-23-234010-
26 2913, line 050.

27 8 Effective Date.

28 I. Section 7 of this act shall take effect upon its passage.

29 II. The remainder of this act shall take effect June 1, 2022.

30 VETOED 8/10/21

31

SB 141-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENTS #2021-0876s and #2021-1053s)

AN ACT relative to the procedure for conducting firearm background checks.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	See Methodology	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	See Methodology	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General Permits and Licensing Accounting Unit	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

COUNTY:

Revenue	See Methodology	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill includes the following:

- Abolishes the State Gun Line within the Department of Safety Division of State Police Permits and Licensing Unit.
- Authorizes the Federal Bureau of Investigations (FBI) to exclusive conduct background checks for the purchase, sale, and transfer of Federal Firearms Licensees (FFL) in New Hampshire.
- Relieves the responsibility of the state for providing National Instant Criminal Background System (NICS) background checks on all commercial sales of handguns sales and return of firearms cases, in the State of New Hampshire.
- Allows County Sheriffs to utilize the NICS to conduct background checks around returning or denying individuals requesting their firearms back after being subject to a protective order.

The Judicial Branch states the total fiscal impact is indeterminable due to the following:

- The bill would require the Judicial Branch to enter data into the NICS Index which it does not currently do resulting in an expenditure to make the NICS Index accessible to Judicial Branch personnel.

- In approximately 6% of cases where a protection order has been issued they do not have the name of the defendant requiring these cases be entered into the NICS Index. New Hampshire law enforcement does not have access to the NICS Index while in the field and the same data will need to be entered into the National Crime Information Center (NCIC). The Judicial Branch states the need to enter data into two databases will result in 50 additional hours per year of court staff time as there are approximately 1,500 files impacted per year.
- The Judicial Branch states it has been told by the Department of Safety that the Gun Line does a search of its entire case database which is approximately 5 million cases, 170,000 of which the Department has no disposition data on. If Gun Line is abolished the Judicial Branch estimates these 170,000 files will need to be researched by a Court Assistant II. The Judicial Branch estimates this would require approximately 42,500 hours in staff time based on a rate of researching four files per hour and result in a cost of approximately \$1.2 million. The impact does not include research time associated with court personnel searching the entire database for an unknown number of cases with a disposition but an inconclusive record.
- The bill provides any person seeking the return of firearms who is aggrieved by the ruling is entitled to an appeal and transcript of the proceedings without charge to the petitioner. The fiscal impact of transmitting records and creating transcripts is indeterminable; however, the cost associated with producing a transcription is approximately \$137.50 per .5 hours of hearing time.

The Department of Safety states the completing of returns of firearms background checks for the courts was supported by an additional duty shared amongst staff and therefore an elimination of this duty will not impact staffing levels. However, the bill makes a charge to the Department's Permit and Licensing Unit, budget line 02-23-23-234010-2913-050, in the amount of \$100,000 and appropriates the money in \$10,000 increments to each county sheriff's office for the fiscal year ending June 30, 2021. It should be noted this class line's authorized budget was only \$80,000 to begin this fiscal year and the Department has already utilized much of it. Therefore, \$100,000 from this class line would not be available for the purpose of this bill as written.

The New Hampshire Association of Counties states it is unsure at this time whether the requirements of this bill would require additional training or personnel and is therefore unable to estimate if there will be an impact on county expenditures.

AGENCIES CONTACTED:

Department of Safety, Judicial Branch, and New Hampshire Association of Counties

Amendments

Sen. Giuda, Dist 2
March 17, 2021
2021-0876s
04/10

Floor Amendment to SB 141-FN

1 Amend RSA 159-D:2, I as inserted by section 2 of the bill by replacing it with the following:

2

3 I. Any person who has received a denial of a motion or other pleading requesting the return
4 of firearms shall have the right to request a further hearing on the matter within 30 days of the date
5 of denial. The request may be made by written or oral motion to the court. Any requested hearing
6 shall occur within 10 business days after the date of the request. During the hearing, the burden
7 will be placed on the county sheriff, or his or her designee, to prove by clear and convincing evidence
8 that the petitioning party is prohibited from possessing or owning a firearm pursuant to state or
9 federal statute. The court shall issue a decision on the matter within 10 business days after the
10 hearing occurs.

11

12 Amend the bill by replacing all after section 5 with the following:

13

14 6 New Sections; Criminal Background Checks; Immunity for Sheriffs and Sheriff's Employees.

15 Amend RSA 159-D by inserting after section 3 the following new sections:

16 159-D:4 Civil or Criminal Liability of Sheriffs and Sheriff's Employees. The county sheriff and
17 county sheriff's office employees shall not be liable in a civil or criminal action for any act or
18 omission in the performance of their powers and duties under this chapter.

19 159-D:5 Use of Federal Government Information Systems. Nothing in this chapter shall
20 prohibit any law enforcement agency or its personnel from utilizing the federal National Instant
21 Criminal Background Check System, or any of its component or successor systems, or any other
22 government information system necessary to perform their duties under this chapter.

23 7 County Sheriff's Offices; Appropriation for Hardware, Software and Training. The sum of
24 \$100,000 for the fiscal year ending June 30, 2021 is hereby appropriated as follows: the sum of
25 \$10,000 shall be appropriated to each county sheriff's office for the purchase of hardware and
26 software and to defray training costs required to comply with the provisions of RSA 159-D. The sum
27 shall be a charge against the department of safety, permits and licensing account 02-23-23-234010-
28 2913, line 050.

29 8 Effective Date.

30 I. Section 7 of this act shall take effect upon its passage.

31 II. The remainder of this act shall take effect June 1, 2022.

2021-0876s

AMENDED ANALYSIS

This bill authorizes the FBI to conduct all National Instant Criminal Background Check System (NICS) searches concerning the purchase, sale, and transfer of firearms through Federal Firearm Licensees operating in New Hampshire; abolishes the "gun line" in the division of state police; repeals the state's partial point of contact system for handguns, allowing the authority to remain exclusively with the FBI; and authorizes county sheriffs to conduct background searches using NICS for the purpose of approving or denying the return of firearms to individuals who are subject to a protective order for domestic violence or stalking. The bill also makes an appropriation to the county sheriff's offices for hardware and software equipment purchase and training.

Amendment to SB 141-FN

1 Amend RSA 159-D:1, II(d) as inserted by section 2 of the bill by replacing it with the following:

2

3 (d) All records retained by any county sheriff's office or court concerning a background
4 check conducted pursuant to this chapter shall be destroyed within one business day of transmitting
5 a "proceed" determination to the court. Should a "deny" determination be made, all records shall be
6 destroyed by the county sheriff's office within 30 days of the later of the following:

7 (1) The expiration of the deadline for filing a petition or notice of appeal in the trial
8 court; or

9 (2) The exhaustion or expiration of all appeal rights included in RSA 159-D:2.

10

11 Amend RSA 159-D:5 as inserted by section 6 of the bill by replacing it with the following:

12

13 159-D:5 Use of Federal Government Information Systems. Nothing in this chapter shall
14 prohibit any law enforcement agency or its personnel from utilizing the federal National Instant
15 Criminal Background Check System, or any of its component or successor systems, or any other
16 government information system necessary to perform their duties as permitted by New Hampshire
17 statute.

Amendment to SB 141-FN

1 Amend RSA 159-D:1, II(d) as inserted by section 2 of the bill by replacing it with the following:

2
3 (d) All records retained by any county sheriff's office or court concerning a background
4 check conducted pursuant to this chapter shall be destroyed within one business day of transmitting
5 a "proceed" determination to the court. Should a "deny" determination be made, all records shall be
6 destroyed by the county sheriff's office within 30 days of the later of the following:

7 (1) The expiration of the deadline for filing a petition or notice of appeal in the trial
8 court; or

9 (2) The exhaustion or expiration of all appeal rights included in RSA 159-D:2.

10
11 Amend RSA 159-D:5 as inserted by section 6 of the bill by replacing it with the following:

12
13 159-D:5 Use of Federal Government Information Systems. Nothing in this chapter shall
14 prohibit any law enforcement agency or its personnel from utilizing the federal National Instant
15 Criminal Background Check System, or any of its component or successor systems, or any other
16 government information system necessary to perform their duties as permitted by New Hampshire
17 statute.

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Harold French, Member
Sen Rebecca Whitley, Member
Sen Jay Kahn, Member

Date: February 10, 2021

HEARINGS

Tuesday	02/16/2021	
(Day)	(Date)	
Judiciary	REMOTE	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. SB 141-FN	relative to the procedure for conducting firearm background checks.	
1:30 p.m. SB 134-FN	adopting omnibus legislation relative to civil actions and criminal liability.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/98630768042>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +13126266799,,98630768042# or +16465588656,,98630768042#
4. Webinar ID: **986 3076 8042**
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWtA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 141-FN

Sen. Giuda

Rep. Rhodes

SB 134-FN

Sen. Carson

Sen. Avard

Rep. Gorski

Rep. Burt

Rep. Kelsey

Rep. Edwards

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

SB 141-FN, relative to the procedure for conducting firearm background checks.

Hearing Date: February 16, 2021

Time Opened: 1:08 p.m.

Time Closed: 3:15 p.m.

Members of the Committee Present: Senators Carson, Gannon, French, Whitley and Kahn

Members of the Committee Absent : None

Bill Analysis: This bill authorizes the FBI to conduct all National Instant Criminal Background Check System (NICS) searches concerning the purchase, sale, and transfer of firearms through Federal Firearm Licensees operating in New Hampshire; abolishes the "gun line" in the division of state police; repeals the state's partial point of contact system for handguns, allowing the authority to remain exclusively with the FBI; and authorizes county sheriffs to conduct background searches using NICS for the purpose of approving or denying the return of firearms to individuals who are subject to a protective order for domestic violence or stalking.

Sponsors:

Sen. Giuda

Sen. Avarad

Rep. Burt

Rep. Edwards

Rep. Rhodes

Rep. Gorski

Rep. Kelsey

Who supports the bill: Please See Sign In Sheet

Who opposes the bill: Please See Sign In Sheet

Who is neutral on the bill: Please See Sign In Sheet

Summary of testimony presented in support:

Senator Giuda

- This is a result of a large public outcry concerning the Second Amendment.
- The NH State Police Gun Line is an intermediary for the FBI Background Check System, and anyone who purchases a handgun in NH has to go through the Gun Line.
- Background checks for rifles and shotguns go directly through the FBI System.
- The bill also deals with the return of firearms in court proceedings.

- For the last few years, the Gun Line has been horribly ineffective and inefficient, and is no longer necessary.
- The Gun Line was established when the Brady Bill was passed, and the FBI NICS system was not yet in place. The intention was to have the Gun Line go away once the NICS system was up and running.
- The Gun Line is delaying the transfer of firearms to law abiding citizens, denying the right of individuals to receive their property back at the end of court proceedings, denying the right to appeal, denying basic due process, and it is also the cause of prohibited persons being able to obtain firearms.
- The Gun Line has created a system where a law-abiding citizen has waited in many cases 6-10 months to be cleared to buy a handgun that they have the constitutional right to own.
- The FBI is paid through taxes to run firearm related background checks pursuant to federal law. Therefore, why is NH using state funds to add an extra layer of government bureaucracy?
- The FBI has a very efficient and effective system.
- All gun checks ultimately end up going through the FBI.
- Senator Carson asked if NH has instituted the Gun Line because the NICS system was not online at the time, but now that the NICS system is online we no longer need the Gun Line.
 - That is true and that is the premise of this bill.
- Senator Kahn asked if there is any impact to taking the State Police out of this chain.
 - Thinks the Department would be better able to address that.

Sean List (submitted written testimony)

- Authored this bill based on his comprehensive understanding of both the background check system and of the domestic violence restraining order system.
- Those 50-70 names contained in an excel spreadsheet that the Gun Line uses is useless.
- If the name Aaron Smith is on that list, and there are two Aaron Smiths in the state, and the bad guy Aaron calls into the Gun Line they don't know if that is him and they delay him, but the good guy Aaron also gets delayed.
- The NICS system was set up to take state prohibitors, like domestic violence orders issued on the temporary basis.
- Provided a graph that shows that state prohibitors are one type of file that is actually held by the NICS system that NH does not contribute to.
- The Gun Line only handles handguns, while the FBI is handling all rifle and shotgun checks.
- If NH is not sharing this information with the FBI, then individuals that have prohibitors are able to buy an AR-15.
- This bill gives an opportunity to the legislature to save hundreds of thousands of dollars and make the background check system better.

- When the Brady Bill was enacted the NICS system was not in effect and therefore a five-day waiting period was imposed.
- The way to get around the waiting period was to set up a state level background check system, NH's Gun Line.
- The Gun Line does not have agency rules, they are unchecked, and they are not subject to any public disclosure.
- They are audited by ATF and the FBI, but otherwise they are basically a fiefdom.
- The Gun Line is causing delays of 5-11 months and dealers do not have any sort of confidence in these checks.
- NH is voluntarily providing funds to run federal background checks, as the federal government has exclusive jurisdiction over this area.
- There are three databases the NICS system checks: III, NCIC, and the NICS Indices.
- The NICS Indices holds the temporary orders. It is housed in West Virginia and overseen by the FBI; they do a bang-up job with it.
- For some reason NH is paying for this extra layer of bureaucracy, that is not only denying gun purchasers the ability to exercise their Second Amendment rights, but it is also failing to share the information necessary to protect victims.
- This bill reverts the checks back to the FBI, like the vast majority of states already do.
- MA and NY are ahead of NH on protecting this right.
- NH is on the same plain as CA, as far as dishing out money for no reason other than to get the state involved in a federal process.
- People have to hire him to try to appeal to the Gun Line, even though federal law says the system has to provide a reason for denial within five days, they simply do not do that.
- The system the Gun Line is currently using is one they have created themselves just based on whatever the bureaucratic agenda is at the time they are doing these checks.
- MA and NY have tons of state level prohibitors. The MA licensure process is totally different than the background check process when buying a firearm.
- The FBI already does this check for long guns and long guns are not an issue.
- No gun dealer or purchaser wants to keep the Gun Line in place.
- The Gun Line does not protect victims.
- Took input to from all kinds of stakeholders on this bill, including the FBI and Sarah Freeman.
- The FBI confirmed that they would take the information.
- Senator Whitley asked if the FBI thinks this legislation could be fully implemented by them and how the FBI would handle the domestic violence cases that do not have a date of birth.
 - Spoke with the FBI Legal Analysis Unit and they confirmed that NH is already set up for them to receive temporary orders of domestic violence.

The system does require the name and date of birth of an individual or the name and social security number. It should not be hard to get that information as these individuals are being served by the police. That information is required because that is how you identify who a person is. Does not think you could identify someone without any information beyond their name. The FBI is able to take this information and the bill requires that they be updated within 24hrs of an addition, modification, or removal. The NICS system is virtual portal, so once there is an authorized user, they would be able to enter or remove information based off an order.

- Senator Whitely asked if he worked with the FBI on the issue of these order.
 - Spoke with the FBI specifically on this. Has seen the system and therefore is able to say that is how it works.
- Senator Kahn pointed out the recent changes to the Gun Line. Asked about recent experience with it.
 - Represents many gun dealers in the state. The 4473 form is the background check form that is filled out by a purchaser and then the information is then transmitted to the FBI NICS system or the Gun Line. Those forms show when the Gun Line check is initiated and when it is resolved. Has one from about 10 days ago resolved on February 6, 2021, when it was initiated in March of 2020. The FBI knows how to use their own system better with strict procedures and protocols. This is a current and ongoing issue. There are gun dealers around the state that have a backlog of inventory that has cleared out a little, but it is still costing them hundreds of thousands of dollars. The fix to this issue has taken eight state troopers off the road temporarily, in addition to the current seven staff members. Understands that there are 30 vacancies, so it is pretty strange to have eight state troopers off the road doing these checks. This fix is very temporary based off the fact that this issue is currently be discussed.
- Senator Carson asked how this bill will deal with emergency orders of protection where there is no date of birth attached to the order.
 - As of right now that list is not going to be enough to deny someone a firearm. The fix is if the date of birth is not included in the petition, then law enforcement needs to obtain the date of birth when they serve the order to the person. Those orders do not go into effect until a person is noticed of them, when law enforcement serves the order. If they are locating that person, they certainly can supply the date of birth, and in those circumstances having that date of birth and putting it in the system will ensure handgun and rifle transactions will be blocked. The system is set up currently where it may block a handgun, but it definitely won't block a rifle or shotgun.

- Senator Carson asked if this will not effect an individual getting an order of protection and how will the order information get to the FBI.
 - At the time that a domestic violence order goes into effect the bill language requires that it be directly entered into the NICS system within 24 hours. An order without a date of birth will not be in effect until they get that information. Currently that order does not have an effect on a person's ability to get a firearm other than delaying them and delaying anyone that shares the same name. The current court procedure for entering that information is not statutory. The court comes up with procedures all of the time. Would leave it to the sound discretion of the courts to determine what is the best way to make sure that information is transmitted back as quickly as possible. Even the background checks for the return of firearms is not a creature of statute, it is court procedure. Having these names without dates of birth is doing nothing to protect victims, you have to have that information to make sure even the Gun Line is blocking a prohibited person.
- Senator Carson asked how the law enforcement officer will report the date of birth they collect back to the court.
 - The law enforcement officer would be the last assurance of getting the date of birth. At the time of submission in court these petitions mostly all have a date of birth. If an officer notices a petition doesn't contain a date of birth and they have located the person, then at that time the law enforcement officer could contact the clerk's office with the date of birth. It really is the responsibility of the court and the filer for the petition if they want an order to go into effect, they need to make sure to supply that information at the window. This is not information that is difficult to find. If he files a lawsuit against someone and doesn't include the address of the defendant that lawsuit doesn't get docketed. These are really docketed by mistake.
- Senator Carson asked about ex parte hearings where it can happen very quickly.
 - The ex parte orders are the temporary orders that we have been discussing. As soon as a defendant has due process, and it becomes a one-year order. When those orders are issued on an ex parte basis, frankly it is based most of the time on the urging of law enforcement that the person should go file those orders. If that is the case, when the petition is being filled out a date of birth should be included. If a petitioner does not know that date of birth that is something law enforcement can obtain very easily.
- Senator Carson raised concerns about delays in a domestic violence situation and ensuring this legislation covers all of the bases of that.
 - Agrees. Wants to make sure domestic violence victims get relief as soon as possible, but there is certain information needed in order to accomplish that. Having a list that has been thrown together, rushed, and does not

accomplish its purpose of denying a person a firearm does not serve the ultimate objective. It would be better to take the additional 20 minutes to get the date of birth and share this information with NICS.

Evan Nappen

- NH pays with taxpayer money for the Gun Line to do what the FBI will do for free.
- The federal government does this so much better than the state does.
- When contacting NICS, 93% of the time that instant check will either be approved or denied instantly.
- When contacting the Gun Line, has never heard of a single instance where the approval or denial was instant.
- The delays with the Gun Line go on for days but its whole purpose was to not have delays.
- The NICS participation map shows that there are 36 states that only have checks done by the FBI. There are 13 states that do the checks all themselves.
- NH is a partial point of contact, doing checks for handguns, but having long guns checked by the FBI.
- There are four states that are partial points of contact for handguns, like NH.
- There are three states are partial for state issued handgun permits.
- Some folks have argued that being a partial point of contact is good for states rights.
- The Brady bill itself is landmarked in states rights in the cases of Prince v US and Mack v US.
- Prince and Mack were sheriffs who sued the government over the Brady bill's imposition of forcing sheriffs to do background checks. They argued that you cannot make a state do what the federal law has enacted for what the federal law is supposed to do.
- Prince and Mack won their case based off of the 10th Amendment, and the US Supreme Court ruled that a state cannot be forced to pay for background checks via a federal law.

Lauren LePage (NRA) (submitted written testimony)

- This bill is incredibly important.
- It will reduce delays, streamline the process and save the taxpayers money.
- According to the ATF website 32 states and the District of Columbia allow the FBI to conduct these checks for them, including ME, VT, MA, and NY.

Jim McLoud

- Has been a gun dealer for many years and has a lot of customers who walk in the door and want to purchase a firearm and they are delayed time and time again by the State of NH.
- Those same people have gone down the street and bought a shotgun right away.
- The delays were so bad on the Gun Line that at one point he had over 150 guns waiting.
- Wants those state troopers to be on the road, not doing background checks.

- The Gun Line has gotten a little better, but it is still not instant like it is supposed to be.
- Sometimes it takes hours, sometimes it takes days, and sometimes they wouldn't even answer the phone.
- No gun dealer wants guns to be in the hands of bad people, and all gun dealers care.
- Gun dealers have the right to release firearms on the delay after three days. Very few gun dealers do that.
- Sometimes a person will come to purchase a gun and then be delayed. The dealer will call the purchaser a few days later and the purchaser will say they changed their mind. This eats up dealers' time and effort.

Jason Major

- There is a 27% error rate on information entered into the Gun Line.
- Delays on the Gun Line can be months.
- Knows there is an effort to fix the Gun Line, but how politically motivated is that?
- There is a lack of due process for people denied.
- There are some dealers that cannot afford holding stock, and they will release the gun after three days to the purchaser.
- If it ends up that the purchaser should not have the gun, then the dealer is told to go and get the gun back. If he doesn't get it back, what are the consequences? A crime? That's unacceptable.
- The Gun Line only asks for a name and date of birth for domestic violence orders, while the NICS system asks for more identifiers with a more thorough system of information gathering. Law enforcement officers are instructed to gather that information and provide it to the system.
- The federal government is involved in every firearms transaction conducted by dealers in the state and having NH have a partial point of contact or not does not change that.
- The Gun Line is more government and an un-need complication.
- At one point Shooter's Outpost had six figures worth of delayed guns.
- Believes the domestic violence concerns have been addressed.

Honorable Jason Janvrin

- On January 17th went to Kittery Trading Post to purchase a pistol.
- On January 18th had to go back to the NH location and fill out a 4473.
- On January 20th called and determined that the State Police had delayed the transaction.
- On January 22nd emailed Permits and Licensing and got no reply.
- On February 1st called Kittery Trading Post and was told he was still in a delay status. Called and emailed the Gun Line and left a message asking for a return call.

- On February 16th called the Kittery Trading Post and was told he is still in a delay status. Emailed the Department of Safety and still have not received any responses from them.
- Pistol permits require a decision within 15 days.
- RSA 541-A; 29(a) states that the State Police have 60 days to make a determination. Is not willing to wait 60 days to exercise his constitutional right.

Lawrence Keane

- This bill will allow Granite Staters to exercise their fundamental civil liberties without undue delay.
- There is no degradation of public safety by having NICS do these checks.
- This would benefit small businesses who would be able to make transactions lawfully and not lose the opportunity to make a sale because of the lengthy delays.
- Does not believe it is accurate that the state cannot submit temporary orders of protection to NICS without a date of birth.
- The 4473 has a lot of information like age, weight, and height and social security number, which is a better differentiator than a date of birth.
- If a name in the system matches in the system without a date of birth, that would cause a delay and an investigation by NICS to sort out whether a person was prohibited or not.
- The state ought to be reporting the disqualifying mental health records to NICS, which NH currently does not do.

Trevor Santos (National Shooting Sports Foundation) (submitted written testimony)

- Echoes Mr. Keane's statements.

Richard Feldman (Independent Firearms Owners Association)

- Echoes the statements in support.

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

- When the Brady Law authorized the permanent provisions of the Gun Line in 1999, the public was overwhelmingly opposed to making the Gun Line permanent.
- The public has been consistent on being opposed to the Gun Line for years.

Honorable Bob Clegg (Pro Gun NH)

- When ever there are issues with the Gun Line, there is always a resolution to the problem, but it only lasts a short period of time.
- It is time to move on from the Gun Line, as this is the ninth or tenth attempt to make the Gun Line work.
- The federal government does take all state domestic filings.
- A person does not always get a number when they get denied a firearm purchase.
- The Gun Line's website says to not come to the counter.
- The Gun Line cannot help people attempting to get a long gun.
- Understands that for some groups, resolution of this is bad for their financial line.

- It is always easier to say kill the solution, so a person can continue to ask people for \$25 to fix their problem.
- NICS does everything it is supposed to do.
- Has friends who have served this country in special forces units and not one of them has ever been denied by NICS.
- The Gun Line cannot be fixed.
- One time a gentleman with serious mental illness applied for a gun. He showed no signs of mental illness when he went to purchase the gun. 13 days later he went back to the gun store to ask if he was denied and he had not been, so they gave him a gun. That gun was then used to shoot a Manchester cop. The Gun Line system does not work, and NICS would have responded a lot sooner than 13 days.

Honorable JR Hoell (NH Firearms Coalition)

- The Gun Line was not performing well, and it has had numerous issues.
- The Gun Line has gotten better, but would not call it fixed yet.
- Fixed would mean that individuals would have an instant response without being on hold for 20 minutes waiting to talk to an operator before it is processed in a 2-3 minute timeframe.
- The fax line clearly needs improvement.

Summary of testimony presented in opposition:

Jay Simkin (submitted written testimony)

- There is an assumption that if a person is properly denied, they will not get a firearm.
- At the end of 2018 there were about 423 million firearms in the US, excluding military items.
- With that number of firearms available, the small number of those denied who are truly committed to getting a firearm will get a firearm regardless.
- Personally, conducts background checks.
- A Government Accountability Office Report stated that of 12,000 denials in 2018 only 12 federal prosecutions resulted.
- The idea that background checks are a magic preventative is not so.
- The core problem with these long delays is that for a period of years there has been a rouge Department of Safety employee who has reshaped the background check process to be proper as she defined it, and therefore did things that the NICS center did not do and does not do.
- Believes the Department at last has curbed this rogue employee.
- Now background checks on the Gun Line take about the same amount of time as the NICS system. About 5 minutes from start to finish.
- There are statements made today by attorneys that if made before a court would put their law license on the line as a result of not being entirely honest.
- The FBI NICS center requires dealers to see documentary proof of a buyer's full legal name. Most NH issued state IDs only have a middle initial. Therefore,

- when he submits to NICS screener the customer has to sometimes dig up a birth certificate to prove their full name.
- The NH Department of Safety does not impose that and asks only for the applicant's middle initial.
 - Those who support this bill apparently do not know that the FBI NICS center often delays those that hold or have held certain security clearances, such as members of special operations units.
 - Most of the NICS agents are contracted employees and cannot view the records of those who have high level security clearances, causing delays.
 - Those folks get processed the same as anyone else in the NH Gun Line.
 - Has been told that the Department of Safety is quick to give the precise reason as to why a person is delayed or denied, making it easier for a person to find records that are relevant like a court docket number.
 - The FBI NICS center is far less helpful and requires all contacts to be by letter.
 - The Department of Safety accepts some documents by email, fax, or hand delivery.
 - The NICS 2019 Operation Report states that 70% of applicants to the NICS system got instant approval, while 30% did not. Most of those delayed get a resolution within three days.
 - The 2019 NICS Report states that for the 30+ states that are full points of contact, out of millions of checks 2,989 instances required law enforcement to retrieve firearms from those to whom it was transferred to when it was later determined that they were prohibited.
 - The idea that gun dealers are often going out to retrieve firearms is not true.
 - A dealer who cannot afford to get a firearm back probably should not be a dealer. There is no requirement that that dealer even give the individual a refund when they have lied on their 4473.
 - 2-3 years ago, the NICS center slashed the number of agents resulting in long hold times.
 - Suspects that reduction in phone agents was to push dealers to use E-Check, which operates around the clock.
 - There is now in Washington an administration that can be described as militantly anti-gun, which means they could slow down all inquires to the NICS center.
 - The Gun Line can still access those databases.
 - E-Check requires information to be sent over the internet.
 - There has recently been a huge hack of major corporations and government agency databases; Solar Winds Orion.
 - Anyone that claims databases are secure is delusional.
 - NICS wants this all to be done online.
 - Phone access is more secure, and we should maintain it for as long as we can.
 - The Department of Safety has come to terms with the issues the Gun Line has faced.

- Clarified that military members are delayed by NICS if there is not someone with the appropriate security clearance in the NICS office, and not that they are getting denied.

Penny Dean

- Has a comprehensive understanding of this system.
- Going to the NICS system only would be a detriment to NH taxpayers.
- Does not believe the federal government will enforce state law when it comes to temporary domestic orders.
- In order for the federal government to bar someone there has to have been a order that was issued after a hearing that they person had the opportunity to participate under 18 U.S. Code § 922 (g)(8)(A).
- Constitutional rights do not always have price tags.
- What other states do is interesting, but not material to what NH does.
- If this bill passed, would make a whole lot more money.
- If you look at the data, approximately 25% of Americans have criminal records.
- Not all of those records disqualify someone from owning a gun.
- If a person goes to a gun store to buy a handgun and they are put on delay or deny status, the store will give them a reference number. That person can then go to Concord with their ID to the Gun Line and get an answer on the spot as to the reason.
- That allows the person to point out if there is a mistake in the record and present data.
- Experiences that when emailing the Gun Line, usually gets a response the same day. Does not recall waiting more than 24 hours for a response.
- If that same person tries to buy a long gun and they are delayed or denied, they have to mail a letter to NICS with fingerprints. Rarely will that person get a response until weeks later. Usually, the first letter states that a person is suspected of having a conviction but not any information regarding the actual alleged conviction. It then becomes a cycle of letters.
- The Gun Line has an answering machine and they do return calls.
- NH citizens need people that are responsive and responsible to them.
- Doesn't want to look at a family of a dead woman who was trying to protect herself from a stalker and there was a snafu with her record and NICS would not tell her why.
- The Gun Line's new system is responsive.
- Senator Gannon asked why the advocates of this bill are arguing in support of NICS if there are all these problems with it.
 - The 25% of people with records are embarrassed and she cannot get them to call the Committee members. Those people are the silent majority.

Brian Blackden

- As an FFL, has never waited months for any delay.
- Military members do get delayed.

- Has concerns about the NICS system being removed by the current federal administration.
- Without the Gun Line then, there would be no one to call to buy a handgun.
- Whenever calling the Gun Line has always gotten a response within minutes.
- Thinks it would be a disservice to the people of NH to get rid of the Gun Line.
- The Gun Line has even improved lately.

Neutral Information Presented:

Sarah Freeman (Domestic Violence Program Manager, NH Judicial Branch)

- Supervises the court staff who enter, modify, and remove orders of protection from the NH State Police Online Telecommunications System, which in turn transmits orders of protection into either the State database or into the NCIC protection order file.
- The Judicial Branch does not enter orders directly into NICS, instead NICS pulls from NCIC.
- These orders are entered into pursuant to RSA 173-B, RSA 633-A, RSA 169-C, and RSA 597.
- RSA 169-C, and RSA 597 orders are not mentioned on this bill and it is unclear what effect it would have on the Judicial Branch's ability to process those orders.
- NICS can only determine if an order of protection with a firearms prohibitor is issued against someone if the order includes both that person's name and date of birth.
- On any given day there are between 50-70 active NH orders of protection with firearm prohibitors that do not have a date of birth.
- This list is transmitted to the Gun Line unit who uses it to ensure that a prohibited person is not able to purchase a handgun.
- NICS cannot access these records and possibly other records during an automatic search.
- RSA 173-B:5, IX(a) requires the immediate notification of a person under an active domestic violence protection order of any attempt by a defendant to purchase a handgun.
- With the abolishment of the Gun Line Unit, this section would effectively be nullified.
- Senator Kahn asked for clarification on what NICS is unable to access.
 - There are 40-70 orders of protections every day that do not have a date of birth associated with them. These are typically temporary orders of protection where the plaintiff doesn't know the defendant's date of birth; some of these orders will eventually get a date of birth, but others never will. NICS searches by a name and date of birth. Since there is no date of birth in some of these cases, there is no way for NICS to pull that information. Right now, the Gun Line manually checks the list of 40-70 names to make sure a name is not on the list.

- Senator Kahn asked if that 40-70 name list has some people on for a short period of time, while other names stay on the list for the duration of a protective order.
 - Correct.
- Senator Kahn asked if the list is maintained at any type of central level.
 - The list is maintained at the Trial Court Center.
- Senator Kahn asked how the names on the list are collected.
 - Each circuit court submits the names daily to the Protection Order Registry.
- Senator Carson pointed out that Section IV states that 'within 24 hours of issuance be submitted by the Court in to the NICS system or alternatively transmitted to the NH Department of Safety to be added to the NICS system within 24 hours of receipt.' Asked if that addresses her concern.
 - The Judicial Branch transmits orders of protection into the State Database, which is for orders that do not qualify for NCIC, and then into NCIC's protection order file. NICS pulls from a number of systems, including NCIC. This bill addresses 173-B orders and 633-A orders but does not address 169-C orders or 597 orders.
- Senator Whitley asked about the feasibility of implementing this.
 - With respect to the other state disqualifier indexes that Attorney List was speaking to, has no understanding as to what that process looks like. There doesn't appear to be legislation that would set that up. Is not sure how that transition would work to put in some of those state prohibitors. Has not seen the FBI database process, so cannot speak to that. The domestic violence and stalking orders that do not include a date of birth are usually accompanied by other identifies. The Gun Line therefore does have the ability to make a decision to delay or deny a purchase as they might have identifiers like height, weight, and address that may match a purchaser's application. The Judicial Branch does occasionally get dates of birth back from law enforcement through a return of service that is faxed from officers to the courts after an order is served. There can be delays of days or weeks to get that, especially if those orders are served out of state or if it is served by a small part time police department.

Lt. McQuade (State Police)

- Senator Carson asked him to walk the Committee through the procedures for the Gun Line.
 - All commercial sales of handguns or other components go through a Federal Firearms Licensee (FFL). The FFL submits the request for a criminal background check, which is done utilizing the three federal databases and a direct state query. The Gun Line then responds back with either approval, delay, or denial. The problem is if a person has a simple assault case, the Gun Line has to manually research through the court or the PD of record to determine whether the victim in that assault

case meets the definition of domestic violence. If it does meet that threshold the person is disqualified under § 922(g).

- Senator Kahn asked if the sheriffs play any role in this.
 - The sheriffs do not play a role in the firearm purchase. They do play a role in concealed pistol permit issuance and in the return of firearms that are not seized pursuant to a criminal restraining order. If a firearm was seized pursuant to a criminal arrest, prior to a firearm being released back to the owner, a background check would be done on the county level not the Gun Line. The Gun Line only conducts backgrounds that are received pursuant to court orders for domestic violence or stalking.
- Senator Kahn asked about the staffing of the Gun Line.
 - Has seven full time and three part time staffers to maintain the permits and licensing mission: Gun Line, concealed pistol permits for non-resident issuance, return firearms through domestic violence petitions, and counter licenses for all security guards, private investigators, bail recovery agents, or any one that deals with explosives.
- Senator Kahn asked how the Gun Line is defined.
 - Under RSA159-D the Commissioner has the authority to conduct background checks. There is no mandate to do that, but there is a memorandum of understanding (1998) with the FBI for NH to be a partial point of contact for commercial handgun purchases.
- Senator Kahn asked what the current time period is for a check.
 - In December the office added additional staffing, adding troopers and civilian personnel. Retrained those staff and re-designed the office's concept of the Gun Line and workload process. As a result, for the last 30 days, calls average is 2-3minutes per check and during peak hours a max of 15 minutes. Requests are also submitted by fax, which take a little longer. For the last couple weeks the processing of those has been consistent with the calls. The delay occurs when something requires additional research, such as a felony arrest with an open disposition. That has to be researched with the courts to determine if that case was found guilty or not guilty. Some of the research has to extend beyond the NH borders. The office has a requirement to try and make requests within 24hours of the initial delay. Once that request is made, the Office is limited to waiting on the response from a particular agency. Once that information comes back, it gets assessed and it is determined whether it is a state or federal prohibitor or not.
- Senator Kahn asked if it common for a state to have a Gun Line.
 - That is a difficult question to answer due to differing state laws and how they are applied. Connecticut is a full point of contact, so they do all background checks for the FBI. NH is partial point of contact. MA has an internal state check that requires a permit for purchasing, therefore when someone purchases a firearm in MA, the background check is being done

by the FBI, but that individual must already be in possession of a state permit which requires a state background check. CT has a mandatory waiting period.

- Senator Whitley asked if this legislation would provide the same number of protections for victims of domestic violence and stalking or is the current system a better way to ensure that.
 - Not in a position to provide an opinion. The checks that are being done now are the gatekeeper of deficiencies. Cannot comment as to whether it would be safer or not. Procedurally, Sarah Freeman testified to the logistics of how the Judicial Branch would operate if the Gun Line was eliminated. If the Gun Line was eliminated, believes there would have to be additional considerations to make sure public safety was addressed.
- Senator Whitley asked what those additional provisions would be.
 - There would have to be a way of sharing the information available for some sort of review at the state level for the return of firearms and for domestic violence orders of protection that do not have a date of birth, or a legislative requirement for a date of birth to be required to get a restraining order.

jch
Date Hearing Report completed: February 25, 2021

SENATE CALENDAR NOTICE
Finance

Sen Gary Daniels, Chair
Sen John Reagan, Vice Chair
Sen Bob Giuda, Member
Sen Erin Hennessey, Member
Sen Chuck Morse, Member
Sen Lou D'Allesandro, Member
Sen Cindy Rosenwald, Member

Date: March 25, 2021

EXECUTIVE SESSION

Tuesday	03/30/2021
(Day)	(Date)
Finance	REMOTE 000
(Name of Committee)	(Place)
	1:00 p.m.
	(Time)

1:00 p.m. ~~EXECUTIVE SESSION ON PENDING LEGISLATION~~

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. To join the webinar: <https://www.zoom.us/j/92066815028>
2. Or Telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 13126266799,,92066815028# or 19292056099,,92066815028#
4. Webinar ID: 920 6681 5028
5. To view on YouTube, click here: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

Deb Martone 271-4980

Gary L. Daniels
Chairman

Speakers

Judiciary Committee Testify List for Bill SB141 on 2021-02-16

Support: 404 Oppose: 39 Neutral: 3 Total to Testify: 20

Name	Title	Representing	Position	Testifing	Signed Up
Giuda Bob	An Elected Official	NH Senate District 2 - PRIME	Support	Yes	2/10/2021 20:33
McCloud Jim	A Member of the Public	Myself	Support	Yes	2/11/2021 9:36
List Sean	A Member of the Public	Myself as the bill's drafter	Support	Yes	2/11/2021 9:24
Major Jason	A Member of the Public	Myself	Support	Yes	2/11/2021 10:41
McCarthy Patrick	A Member of the Public	Myself	Support	Yes	2/11/2021 12:00
Freeman Sarah	State Agency Staff	NH Judicial Branch	Neutral	Yes	2/12/2021 16:38
Simkin Jay	A Member of the Public	Myself	Oppose	Yes	2/12/2021 9:24
Janvrin Jason	A Member of the Public	Myself	Support	Yes	2/12/2021 0:33
Wylie Kevin	A Member of the Public	Myself Kevin Wylie	Support	Yes	2/13/2021 19:17
Rice Alan	A Lobbyist	Gun Owners of America	Support	Yes	2/13/2021 9:37
Meyette Brian	A Member of the Public	Myself	Support	Yes	2/13/2021 12:00
richard feldman	A Lobbyist	independent firearm owners association	Support	Yes	2/14/2021 17:59
Santos Trevor	A Member of the Public	National Shooting Sports Foundation	Support	Yes	2/15/2021 14:57
Keane Lawrence	A Member of the Public	Myself	Support	Yes	2/15/2021 14:58
Nappen Evan	A Member of the Public	Myself	Support	Yes	2/14/2021 21:04
Dean Penny	A Member of the Public	Myself	Oppose	Yes	2/16/2021 11:16
LePage Lauren	A Lobbyist	NRA	Support	Yes	2/15/2021 22:53
Blackden Brian	A Member of the Public	Myself	Oppose	Yes	2/16/2021 13:05
Hoell JR	A Member of the Public	Myself and New Hampshire Firearms Coalition	Oppose	Yes	2/16/2021 13:19
Clegg Robert	A Member of the Public	ProGun NH	Support	Yes	2/16/2021 12:58
Fox Brian	A Member of the Public	Myself	Support	No	2/16/2021 13:57
Porter Julie	A Member of the Public	Myself	Support	No	2/20/2021 12:01
Acevedo Arllen	A Member of the Public	Myself	Support	No	2/16/2021 12:26
Burt Rep. John	An Elected Official	Hillsborough 39	Support	No	2/16/2021 12:28
Edwards Rep Jess	An Elected Official	Rockingham District 4 (Auburn Chester Sandown)	Support	No	2/16/2021 12:47

Hannon Joe	A Member of the Public	Myself	Neutral	No	2/16/2021 13:07
ARONSON LAURA	A Member of the Public	Myself	Oppose	No	2/15/2021 23:02
FRIEDRICH ED	A Member of the Public	Myself	Oppose	No	2/16/2021 7:49
Polonsky David	A Member of the Public	Myself	Support	No	2/16/2021 8:25
McQuade Michael	State Agency Staff	Division of State Police	Neutral	No	2/16/2021 8:34
Delaney James	A Member of the Public	Myself	Support	No	2/16/2021 8:44
Pelletier Bruce	A Member of the Public	Myself	Support	No	2/16/2021 9:46
Sargent Elizabeth	A Lobbyist	NH Association of Chiefs of Police	Oppose	No	2/16/2021 10:18
Calcaterra Anthony	A Member of the Public	Myself	Support	No	2/14/2021 21:07
King James	A Member of the Public	Myself	Support	No	2/14/2021 23:21
Rhodes Patrick	A Member of the Public	Myself	Support	No	2/14/2021 13:34
Nason Noel	A Member of the Public	Myself	Support	No	2/14/2021 16:41
Westlake Jane	A Member of the Public	Myself	Oppose	No	2/15/2021 15:02
Hayward Marcia	A Member of the Public	Myself	Oppose	No	2/15/2021 15:11
Shawver Steven	A Member of the Public	Sig Sauer	Support	No	2/15/2021 15:19
Hope Lucinda	A Member of the Public	Myself	Oppose	No	2/15/2021 15:30
Connolly Brenna	A Member of the Public	Myself	Oppose	No	2/15/2021 18:19
Keleher Dan	A Member of the Public	Myself	Support	No	2/15/2021 16:29
Blankenship Danielle	A Member of the Public	Myself	Support	No	2/15/2021 20:33
Covey Matthew	A Member of the Public	Myself	Support	No	2/15/2021 20:37
Kelsey Niki	An Elected Official	Myself	Support	No	2/15/2021 19:42
Mennella Alexandra	A Member of the Public	Myself	Oppose	No	2/15/2021 18:51
St. Peter Holly	A Member of the Public	Myself	Support	No	2/15/2021 20:14
See Alvin	A Member of the Public	Myself	Support	No	2/15/2021 21:10
DeMark Richard	A Member of the Public	Myself	Oppose	No	2/15/2021 21:22
Gagnon Paul	A Member of the Public	Myself	Support	No	2/14/2021 18:47
Porter Anthony	A Member of the Public	Myself	Support	No	2/14/2021 19:22
Babb Paul	State Agency Staff	Myself	Oppose	No	2/14/2021 20:43
Lindner Alfredo	A Member of the Public	Myself	Support	No	2/14/2021 21:42
Amlaw Susan	A Member of the Public	Myself	Support	No	2/14/2021 21:44
Frechette II Stephen	A Member of the Public	Myself	Support	No	2/14/2021 23:38
Redmond Scott	A Member of the Public	Myself	Support	No	2/14/2021 18:57
duguay scott	A Member of the Public	Myself	Support	No	2/14/2021 19:47

Clark Shawn	A Member of the Public	Myself	Support	No	2/15/2021 9:21
Berling Mark	A Member of the Public	Myself	Support	No	2/15/2021 9:29
Tantillo James	A Member of the Public	Myself	Support	No	2/15/2021 9:30
Dubois Stephen	A Member of the Public	Myself	Support	No	2/15/2021 10:41
Tymula Matthew	A Member of the Public	Myself	Support	No	2/15/2021 10:51
Larson Ruth	A Member of the Public	Myself	Oppose	No	2/15/2021 10:57
Mandarino Joseph	A Member of the Public	Myself	Support	No	2/15/2021 12:21
Bruce Susan	A Member of the Public	Myself	Oppose	No	2/15/2021 12:53
Zywusko Matthew	A Member of the Public	Myself	Support	No	2/15/2021 11:51
McCue Dara	A Member of the Public	Myself	Oppose	No	2/15/2021 13:15
Rainey Matt	A Member of the Public	Myself	Support	No	2/15/2021 14:15
Fedorchak Gaye	A Member of the Public	Myself	Oppose	No	2/15/2021 14:42
Notkin Rick	A Member of the Public	Myself	Support	No	2/13/2021 12:12
Franklin Steven	A Member of the Public	Myself	Support	No	2/13/2021 14:29
Caplanson Ernest	A Member of the Public	Myself	Support	No	2/13/2021 15:56
Fordey Nicole	A Member of the Public	Myself	Oppose	No	2/13/2021 20:32
Falardeau Janet	A Member of the Public	Myself	Support	No	2/14/2021 3:54
Binford David	An Elected Official	Myself and Constituents	Support	No	2/14/2021 6:32
Poire Christine	A Member of the Public	Myself	Support	No	2/14/2021 7:15
Bender Jon	A Member of the Public	Myself	Support	No	2/14/2021 8:21
Magliaro Mike	A Member of the Public	Myself	Support	No	2/14/2021 8:44
Abood Jason	A Member of the Public	Jason Abood	Support	No	2/14/2021 9:25
Anderson Robert	A Member of the Public	Myself	Support	No	2/14/2021 9:48
Zboya Patrice	A Member of the Public	Myself	Support	No	2/14/2021 11:09
Holden Brendan	A Member of the Public	Myself	Support	No	2/14/2021 11:18
Waldron Richard	A Member of the Public	Myself	Support	No	2/14/2021 10:34
Brady Dave	A Member of the Public	Myself	Support	No	2/14/2021 11:56
Cady Ryan	A Member of the Public	Myself	Support	No	2/14/2021 12:11
GUZAS SR ROBERT	A Member of the Public	Myself	Support	No	2/14/2021 12:41
Hook Tony	A Member of the Public	Myself	Support	No	2/14/2021 14:02
Jones Mark	A Member of the Public	Myself	Support	No	2/14/2021 14:13
Piparo Jason	A Member of the Public	Myself	Support	No	2/14/2021 14:15
Abruzzese Cathleen	A Member of the Public	Myself	Oppose	No	2/14/2021 17:43
Konoske Shawn	A Member of the Public	Myself	Support	No	2/13/2021 10:05

Richard Hickey	A Member of the Public	Myself	Support	No	2/13/2021 11:09
Diehl Bruce	A Member of the Public	Myself	Support	No	2/13/2021 11:18
Giannelli Taylor	A Member of the Public	Myself	Support	No	2/12/2021 11:43
McCooole Daniel	A Member of the Public	Myself	Support	No	2/12/2021 16:05
irwin robert	A Member of the Public	Myself	Support	No	2/12/2021 16:09
Schofield Tommie	A Member of the Public	Myself	Support	No	2/12/2021 16:21
Barton Kurt	A Member of the Public	Myself	Support	No	2/12/2021 16:30
Seidelmann Peter	A Member of the Public	Myself	Support	No	2/12/2021 16:34
adams ed	A Member of the Public	Myself	Support	No	2/12/2021 5:22
Moakley Kevin	A Member of the Public	Myself	Support	No	2/12/2021 5:29
Lackey Aaron	A Member of the Public	Myself	Support	No	2/12/2021 5:45
Sutherland Lee	A Member of the Public	Myself	Support	No	2/12/2021 7:00
Lariviere Raymond	A Member of the Public	Myself	Support	No	2/12/2021 7:06
Daury Keith	A Member of the Public	Myself	Support	No	2/12/2021 8:10
santoro adam	A Member of the Public	Myself	Support	No	2/12/2021 8:14
Smith Aaron	A Member of the Public	Myself	Support	No	2/12/2021 8:34
Bisson Joshua	A Member of the Public	Myself	Support	No	2/12/2021 10:38
Coyne John	A Member of the Public	Myself	Support	No	2/12/2021 10:41
Billings Zach	A Member of the Public	Myself	Oppose	No	2/11/2021 16:45
McLaughlin Matthew	A Member of the Public	Myself	Support	No	2/11/2021 16:51
Mcallister Rick	A Member of the Public	Myself	Support	No	2/11/2021 20:17
Schoenfeld Michael	A Member of the Public	Myself	Support	No	2/11/2021 20:20
Ducharme Michael	A Member of the Public	Myself	Support	No	2/11/2021 20:26
Russell Thomas	A Member of the Public	Myself	Support	No	2/11/2021 20:30
Randlett Richard	A Member of the Public	Myself	Support	No	2/12/2021 7:19
ALVAREZ WILLIAM	A Member of the Public	Myself	Support	No	2/12/2021 9:06
Holmes Justin	A Member of the Public	2nd Amendment community	Support	No	2/12/2021 9:11
Wyatt Ron	A Member of the Public	Myself	Support	No	2/12/2021 12:50
Macdonald Leonard	A Member of the Public	Myself	Support	No	2/12/2021 12:53
Gardner Robert	A Member of the Public	Myself	Support	No	2/12/2021 12:53
LOZITO PATRICK	A Member of the Public	Myself	Support	No	2/12/2021 12:57
Lozito Marie	A Member of the Public	Myself	Support	No	2/12/2021 12:59
Boilard Robert	A Member of the Public	Robert Boilard	Support	No	2/12/2021 13:09

LeBlanc John	A Member of the Public	Myself	Support	No	2/11/2021 11:53
Rollins David	A Member of the Public	Myself	Support	No	2/11/2021 11:55
Kling Adam	A Member of the Public	Myself	Support	No	2/11/2021 11:57
Huntoon Scott	A Member of the Public	Myself	Support	No	2/11/2021 11:57
Levell Michelle	A Member of the Public	Myself	Support	No	2/12/2021 16:40
Sacco Robert	A Member of the Public	Myself	Support	No	2/12/2021 16:45
Gabrielson Anthony	A Member of the Public	Myself	Support	No	2/12/2021 16:50
Gehly Darryl	A Member of the Public	Myself	Support	No	2/12/2021 18:19
Velez Jonathan	A Member of the Public	Myself	Support	No	2/12/2021 22:48
Naso Jason	A Member of the Public	Myself	Support	No	2/13/2021 7:02
Whipple Dana	A Member of the Public	Myself	Support	No	2/13/2021 7:05
Stafford Fredrick	A Member of the Public	Myself	Support	No	2/13/2021 7:10
Ledoux Daniel	A Member of the Public	Myself	Support	No	2/13/2021 11:37
Sorrentino Christopher	A Member of the Public	Myself	Support	No	2/13/2021 20:08
Rosen Walyer	A Member of the Public	Myself	Support	No	2/13/2021 21:31
Avital Raphael	A Member of the Public	Myself	Support	No	2/13/2021 23:47
Poire Jeremy	A Member of the Public	My self	Support	No	2/14/2021 0:13
Rickey David	A Member of the Public	Myself	Support	No	2/14/2021 9:04
Brooks Steve	A Member of the Public	Myself	Support	No	2/14/2021 9:05
Lincoln David	A Member of the Public	Myself	Support	No	2/12/2021 15:26
STRANIERO JOHN	A Member of the Public	Myself	Support	No	2/12/2021 15:32
Garnier Thomas	A Member of the Public	Myself	Support	No	2/12/2021 15:34
Berwick Bruce	A Member of the Public	Myself	Support	No	2/12/2021 15:41
Tanner William	A Member of the Public	Myself	Support	No	2/12/2021 15:48
Stefanik Steven	A Member of the Public	Myself and all free men	Support	No	2/12/2021 15:50
Ford Sue	A Member of the Public	Myself	Oppose	No	2/12/2021 15:51
Rand Bradford	A Member of the Public	Myself	Support	No	2/12/2021 15:52
Roach Matt	A Member of the Public	Myself	Support	No	2/12/2021 16:57
McKenna Dennis	A Member of the Public	Myself	Support	No	2/12/2021 17:30
Wester Jessica	A Member of the Public	Myself	Support	No	2/12/2021 17:39
Wester Jeff	A Member of the Public	Myself	Support	No	2/12/2021 17:40
Rossi Paul	A Member of the Public	Myself	Support	No	2/12/2021 18:31
Ciano Alan	A Member of the Public	Myself	Support	No	2/12/2021 18:34
Goguen Joe	A Member of the Public	Myself	Support	No	2/12/2021 19:31

Paolone Jr John	A Member of the Public	Myself	Support	No	2/12/2021 23:56
Jean Jessica	A Member of the Public	Myself	Support	No	2/13/2021 5:49
Schroth Harold	A Member of the Public	Myself	Support	No	2/13/2021 6:31
Fusco Michael	A Member of the Public	Myself	Support	No	2/13/2021 7:18
haire tom	A Member of the Public	Myself	Support	No	2/13/2021 8:04
Poirier Jack	A Member of the Public	Myself	Support	No	2/13/2021 9:16
Mello Jacob	A Member of the Public	Myself	Oppose	No	2/13/2021 9:28
Carberry Sean	A Member of the Public	Myself	Support	No	2/11/2021 12:01
Carberry Jessica	A Member of the Public	Myself	Support	No	2/11/2021 12:02
Belnap Chad	A Member of the Public	Myself	Support	No	2/11/2021 12:03
Darrone David	A Member of the Public	Myself	Support	No	2/11/2021 12:06
LOMONACO james	A Member of the Public	Myself	Oppose	No	2/11/2021 12:06
Pirelli Richard	A Member of the Public	Myself	Support	No	2/11/2021 12:07
Clarke Gareth	A Member of the Public	Myself	Support	No	2/11/2021 12:12
patterson Bryan	A Member of the Public	Myself	Support	No	2/11/2021 12:13
Rick Bartlett	A Member of the Public	Myself	Support	No	2/11/2021 12:16
Fulton Richard	A Member of the Public	Myself	Support	No	2/11/2021 12:16
Graziola David	A Member of the Public	Myself	Support	No	2/11/2021 14:57
Thayer Patrick	A Member of the Public	Myself	Support	No	2/11/2021 15:00
Oriani Alison	A Member of the Public	Myself	Support	No	2/11/2021 16:12
Fanny Donald	A Member of the Public	Myself	Support	No	2/12/2021 8:18
Harvey Elizabeth	A Member of the Public	Myself	Oppose	No	2/12/2021 12:44
Jette Michael	A Member of the Public	Myself	Support	No	2/12/2021 13:37
Haines Glen	A Member of the Public	Myself	Oppose	No	2/12/2021 13:48
Flanagan Joshua	A Member of the Public	Joshua flanagan	Support	No	2/11/2021 10:21
Gallant Scott	A Member of the Public	Myself	Support	No	2/11/2021 10:22
Boilard Rober	A Member of the Public	Robert Boilard	Support	No	2/11/2021 10:23
Lavallee Patricia	A Member of the Public	Myself	Support	No	2/11/2021 10:24
Eisan Paul	A Member of the Public	Myself	Support	No	2/11/2021 10:24
Therrien Gary	A Member of the Public	Myself	Support	No	2/11/2021 10:25
Rainville Nicholas	A Member of the Public	Myself	Support	No	2/11/2021 10:25
richardson cliff	A Member of the Public	Myself	Support	No	2/11/2021 10:26
Harris Jennifer	A Member of the Public	Myself	Support	No	2/11/2021 10:27
Fendelander John	A Member of the Public	Myself	Support	No	2/11/2021 10:28

Ziegler Mark	A Member of the Public	Myself	Support	No	2/11/2021 10:28
Raymond Gary	A Member of the Public	Myself	Support	No	2/11/2021 10:28
Gee George	A Member of the Public	Myself	Oppose	No	2/11/2021 10:28
Magri Carl	A Member of the Public	Myself	Support	No	2/11/2021 10:28
Damaso Eric	A Member of the Public	Myself	Support	No	2/11/2021 10:29
Goguen Jonathan	A Member of the Public	Myself	Support	No	2/11/2021 10:30
Damaso Melissa	A Member of the Public	Myself	Support	No	2/11/2021 10:32
LAURENDEAU AMY	A Member of the Public	Myself	Support	No	2/11/2021 10:32
Crandall Eric	A Member of the Public	Myself	Oppose	No	2/11/2021 10:33
Henderson David	A Member of the Public	Myself	Support	No	2/11/2021 10:33
Coletti Justin	A Member of the Public	Myself	Oppose	No	2/11/2021 10:34
Miller Paul	A Member of the Public	Myself	Oppose	No	2/11/2021 10:35
Cote Thomas	A Member of the Public	Myself	Support	No	2/11/2021 10:35
COLAIZZI BRANDON	A Member of the Public	Myself	Support	No	2/11/2021 10:35
Dubois Richard	A Member of the Public	Myself	Support	No	2/11/2021 10:36
gray thomas	A Member of the Public	Myself	Support	No	2/11/2021 10:37
Smith Alexander	A Member of the Public	Myself	Support	No	2/11/2021 10:38
Navarro Jaime	A Member of the Public	Myself	Support	No	2/11/2021 10:39
Burr Carl	A Member of the Public	Myself	Support	No	2/11/2021 10:39
Irish Russell	A Member of the Public	Myself	Support	No	2/11/2021 10:40
Baranowski III Thomas	A Member of the Public	Myself	Support	No	2/11/2021 10:40
Anderson Paige	A Member of the Public	Myself	Support	No	2/11/2021 10:40
Parkins Timothy	A Member of the Public	Myself	Support	No	2/11/2021 10:41
Witt Karl	A Member of the Public	Myself	Support	No	2/11/2021 10:41
Forbes Michael	A Member of the Public	Myself	Support	No	2/11/2021 10:42
Hale Kevin	A Member of the Public	Myself	Support	No	2/11/2021 10:44
Snyder Mitchell	A Member of the Public	Myself	Support	No	2/11/2021 10:44
Cronin Dani	A Member of the Public	Myself	Support	No	2/11/2021 10:45
Fairaizl Andrew	A Member of the Public	Myself	Support	No	2/11/2021 10:46
SNYDER CHRISTINE	A Member of the Public	Myself	Support	No	2/11/2021 10:48
Crabtree Steven	A Member of the Public	Myself	Support	No	2/11/2021 10:48
Brown James	A Member of the Public	Myself	Support	No	2/11/2021 10:49
Aldrich Glen	An Elected Official	Myself	Support	No	2/11/2021 10:50
McGranahan Kyle	A Member of the Public	Myself	Support	No	2/11/2021 10:53

Cole Scott	A Member of the Public	Myself	Support	No	2/11/2021 10:55
LeBlanc Brandon	A Member of the Public	Myself	Support	No	2/11/2021 10:55
Cassavaugh Josh	A Member of the Public	Myself	Support	No	2/11/2021 10:55
Rogers Loren	A Member of the Public	Myself	Support	No	2/11/2021 10:55
Coar Evan	A Member of the Public	Myself	Support	No	2/11/2021 10:56
Deschenes Brian	A Member of the Public	Myself	Support	No	2/11/2021 10:57
Lander William	A Member of the Public	Myself	Support	No	2/11/2021 10:59
Beebe Christopher	A Member of the Public	Myself	Support	No	2/11/2021 10:59
Miller Kevin	A Member of the Public	Myself	Support	No	2/11/2021 11:00
McKeogh Conor	A Member of the Public	Myself	Support	No	2/11/2021 11:00
Ingoldsby Karl	A Member of the Public	Myself	Support	No	2/11/2021 11:03
Lee Jacob	A Member of the Public	Myself	Support	No	2/11/2021 11:06
Paquette Christian	A Member of the Public	Myself	Oppose	No	2/11/2021 11:07
Loranger John	A Member of the Public	Myself	Support	No	2/11/2021 11:07
Devine Shawn	A Member of the Public	Myself	Support	No	2/11/2021 11:09
Webster James	A Member of the Public	Myself	Support	No	2/11/2021 11:10
Durand Thomas	A Member of the Public	Myself	Support	No	2/11/2021 11:10
Marsh Daniel	A Member of the Public	Myself	Support	No	2/11/2021 11:11
Tobin Taylor	A Member of the Public	Myself	Oppose	No	2/11/2021 11:14
Pepin Brian	A Member of the Public	myself	Support	No	2/11/2021 11:15
Bunce John	A Member of the Public	Myself	Support	No	2/11/2021 11:16
Hamilton Matthew	A Member of the Public	Myself	Support	No	2/11/2021 11:17
PAQUETTE GERID	A Member of the Public	Myself	Support	No	2/11/2021 11:18
Botticelli David	A Member of the Public	Myself	Support	No	2/11/2021 11:22
Leclerc James	A Member of the Public	Myself	Support	No	2/11/2021 11:23
Moran Averil	A Member of the Public	Myself	Oppose	No	2/11/2021 11:24
Burnham Howard	A Member of the Public	Myself	Support	No	2/11/2021 11:25
Rosser Bill	A Member of the Public	Myself	Support	No	2/11/2021 11:25
Moran Averil	A Member of the Public	Myself	Support	No	2/11/2021 11:27
Kirkpatrick Karen	A Member of the Public	Myself	Support	No	2/11/2021 11:30
Bourdon Joshua	A Member of the Public	Myself	Support	No	2/11/2021 11:34
McKenzie Eric	A Member of the Public	Myself	Support	No	2/11/2021 11:36
Fecteau Eric	A Member of the Public	Myself	Support	No	2/11/2021 11:38
McPartlin James	A Member of the Public	Myself	Support	No	2/11/2021 11:38

Bond Rick	A Member of the Public	Myself	Support	No	2/11/2021 11:39
Jelley Ryan	A Member of the Public	Myself	Support	No	2/11/2021 12:26
Patterson James	A Member of the Public	Myself	Support	No	2/11/2021 12:28
garnett ron	A Member of the Public	Myself	Support	No	2/11/2021 12:28
Paris John	A Member of the Public	Myself	Support	No	2/11/2021 12:29
Sylvain Steve	A Member of the Public	Myself	Support	No	2/11/2021 13:55
Thibault Bradford	A Member of the Public	Myself	Oppose	No	2/11/2021 13:58
Narbonne Robert	A Member of the Public	Myself	Support	No	2/11/2021 14:01
Kawonczyk Robert	A Member of the Public	Myself	Support	No	2/11/2021 14:04
Shepard Joseph	A Member of the Public	Myself	Support	No	2/11/2021 18:50
Triehy Lara	A Member of the Public	Myself	Support	No	2/11/2021 21:09
Triehy Andy	A Member of the Public	Myself	Support	No	2/11/2021 21:11
Bordenave Frank	A Member of the Public	Myself	Support	No	2/12/2021 0:19
Cochran Bob	A Member of the Public	Myself	Support	No	2/12/2021 0:28
GILSON JOHN	A Member of the Public	Myself	Support	No	2/12/2021 9:41
Thorell Dennis	A Member of the Public	Myself	Support	No	2/12/2021 9:48
Tuthill Mark	A Member of the Public	Myself	Support	No	2/12/2021 9:49
Neal Thomas	A Member of the Public	Myself	Support	No	2/12/2021 9:51
Michael Daniel	A Member of the Public	Myself	Support	No	2/12/2021 11:44
Smith Jere	A Member of the Public	Myself	Support	No	2/12/2021 11:44
Mailloux Andrew	A Member of the Public	Myself	Support	No	2/12/2021 12:14
DeSalvo Andrew	A Member of the Public	Myself	Support	No	2/11/2021 17:31
Salvalzo Joe	A Member of the Public	Myself	Support	No	2/11/2021 17:32
Kelley Robert	A Member of the Public	Myself	Support	No	2/11/2021 19:55
Peterson Jason	A Member of the Public	Myself	Support	No	2/11/2021 23:25
Sawyer Christopher	A Member of the Public	Myself	Support	No	2/12/2021 7:11
Trexler Ryan	A Member of the Public	Myself	Support	No	2/12/2021 8:55
Payton Mark	A Member of the Public	Myself	Support	No	2/12/2021 9:58
Brooks Roland	A Member of the Public	Myself	Support	No	2/12/2021 10:00
Carvalho Jonathan	A Member of the Public	Myself	Support	No	2/12/2021 11:12
Jones Larry	A Member of the Public	Myself	Support	No	2/12/2021 14:46
Whittingham Kurt	A Member of the Public	Myself	Support	No	2/12/2021 14:49
Hudson Randall	A Member of the Public	Myself	Support	No	2/11/2021 18:35
Bertolami Jr David	A Member of the Public	Myself	Support	No	2/11/2021 18:38

Nadeau Lynn	A Member of the Public	Myself	Support	No	2/11/2021 18:40
Ramos Joseph	A Member of the Public	Myself	Support	No	2/11/2021 18:40
Cochrane Nicholas	A Member of the Public	Myself	Support	No	2/12/2021 14:53
Savary Devan	A Member of the Public	Myself	Support	No	2/12/2021 15:14
Vail Suzanne	An Elected Official	Hillsborough County 30	Oppose	No	2/12/2021 17:18
Wierman Josh	A Member of the Public	Myself	Support	No	2/12/2021 17:22
Cavaretta John	A Member of the Public	Myself	Support	No	2/12/2021 18:45
Cavaretta Lena	A Member of the Public	Myself	Support	No	2/12/2021 18:48
Cavaretta Eric	A Member of the Public	Myself	Support	No	2/12/2021 18:50
Cavaretta Jennifer	A Member of the Public	Myself	Support	No	2/12/2021 18:51
Cavaretta Alex	A Member of the Public	Myself	Support	No	2/12/2021 18:53
LANDERS JOSEPH	A Member of the Public	Myself	Support	No	2/12/2021 18:53
Bermudez Zalamar	A Member of the Public	Myself	Support	No	2/12/2021 18:57
Nienhouse Robert	A Member of the Public	Myself	Support	No	2/12/2021 19:11
Connor Michael	A Member of the Public	Myself	Support	No	2/12/2021 19:18
Garthwaite Dan	A Member of the Public	Myself	Support	No	2/12/2021 19:20
Stenquist Barry	A Member of the Public	Myself	Support	No	2/12/2021 19:21
Myers James	A Member of the Public	Myself	Support	No	2/12/2021 19:22
MacLean Jared	A Member of the Public	Myself	Support	No	2/12/2021 19:25
Dowling Arthur	A Member of the Public	Myself. Arthur Dowling sanbornton nh	Support	No	2/12/2021 19:50
Sorensen William	A Member of the Public	Myself	Support	No	2/12/2021 19:51
Riordan Andrew	A Member of the Public	Myself	Support	No	2/12/2021 10:47
Kaminski Chris	A Member of the Public	Myself	Support	No	2/12/2021 20:28
Boyd Howard	A Member of the Public	Myself	Support	No	2/12/2021 23:09
LAGRANGE JEFFREY	A Member of the Public	Myself	Support	No	2/13/2021 1:57
Wasklewicz Erik	A Member of the Public	Myself	Support	No	2/13/2021 2:47
Hendrickson Philip	A Member of the Public	Myself	Support	No	2/13/2021 6:25
Smith Scott	A Member of the Public	Myself	Support	No	2/13/2021 7:54
Stanley Dysten	A Member of the Public	Myself	Support	No	2/13/2021 10:00
CURRIER Glenda	A Member of the Public	Myself	Oppose	No	2/13/2021 10:21
Palfy Bob	A Member of the Public	Myself	Support	No	2/13/2021 10:33
Hemmah Christopher	A Member of the Public	Myself	Support	No	2/13/2021 10:53
Clifford Jacob	A Member of the Public	Myself	Support	No	2/13/2021 10:58

Nass Stephen	A Member of the Public	Myself	Support	No	2/13/2021 12:26
Clendenen Faith	A Member of the Public	Myself	Support	No	2/13/2021 13:10
Gingues Gaston	A Member of the Public	Myself	Support	No	2/13/2021 13:41
Dunlap Laura	A Member of the Public	Myself	Support	No	2/13/2021 14:14
Procidano John	A Member of the Public	Myself	Support	No	2/13/2021 14:34
Tucker Juan	A Member of the Public	Myself	Support	No	2/13/2021 15:03
Callan Jeffrey	A Member of the Public	Myself	Support	No	2/13/2021 15:35
Small Tyler	A Member of the Public	Myself	Support	No	2/11/2021 12:58
Morasse Amanda	A Member of the Public	Myself	Support	No	2/11/2021 13:06
Handley Greg	A Member of the Public	Myself	Support	No	2/11/2021 13:07
Samuels Wayne	A Member of the Public	Myself	Support	No	2/11/2021 13:08
Gardner Derrick	A Member of the Public	Myself	Support	No	2/11/2021 13:11
Defeo Almando	A Member of the Public	Myself	Support	No	2/11/2021 13:15
Fitts Randy	A Member of the Public	Myself	Support	No	2/11/2021 13:15
Eggers Matt	A Member of the Public	Myself	Support	No	2/11/2021 13:17
Hawkins John	A Member of the Public	Myself	Support	No	2/11/2021 13:17
Bethuy Donald	A Member of the Public	Myself	Support	No	2/11/2021 13:18
Gauthier Jonathan	A Member of the Public	Myself	Support	No	2/11/2021 13:18
Bono Rich	A Member of the Public	Myself	Support	No	2/11/2021 13:20
Weigler Scott	A Member of the Public	Myself	Support	No	2/11/2021 15:49
Glover Michael	A Member of the Public	Myself	Support	No	2/11/2021 15:50
Drehobl Heidi	A Member of the Public	Myself	Support	No	2/11/2021 15:52
Mullen Dana	A Member of the Public	Myself	Support	No	2/11/2021 16:23
Smith Josiah	A Member of the Public	Myself	Support	No	2/11/2021 16:35
Diaz Chester	A Member of the Public	Myself	Support	No	2/11/2021 16:35
Dumont Jacob	A Member of the Public	Myself	Support	No	2/11/2021 16:39
Cook Laurence	A Member of the Public	Myself	Support	No	2/11/2021 17:52
Guy Leo	A Member of the Public	Myself	Oppose	No	2/11/2021 17:53
Odiorne Christopher	A Member of the Public	Myself	Support	No	2/11/2021 17:55
Johnson Kevin	A Member of the Public	Myself	Support	No	2/11/2021 17:56
Beaudet Daniel	A Member of the Public	Myself	Support	No	2/11/2021 17:58
Gilson Dave	A Member of the Public	Myself	Support	No	2/11/2021 18:01
Dodge Dustin	An Elected Official	Myself	Support	No	2/11/2021 18:15
Faucher Kyle	A Member of the Public	Myself	Support	No	2/11/2021 18:16

Masse Addison	A Member of the Public	Myself	Support	No	2/11/2021 18:27
Guillemette Richard	A Member of the Public	Myself	Support	No	2/11/2021 18:30
McGraw Kevin	A Member of the Public	Myself	Support	No	2/11/2021 19:04
Loso Jeremy	A Member of the Public	Myself	Support	No	2/11/2021 11:43
Fiorentino Nicholas	A Member of the Public	Myself	Support	No	2/11/2021 11:46
Smith Richard	A Member of the Public	Myself	Support	No	2/11/2021 11:46
Currier John	A Member of the Public	Myself	Support	No	2/11/2021 11:47
Ricciotti Joseph	A Member of the Public	Myself	Support	No	2/11/2021 11:49
Furtado John	A Member of the Public	Myself	Support	No	2/11/2021 11:49
Towne Steven	A Member of the Public	Myself	Support	No	2/11/2021 14:38
Cole Joshua	A Member of the Public	Myself	Support	No	2/11/2021 14:38
Scobie Harvey	A Member of the Public	Myself	Support	No	2/11/2021 18:07
Hall William	A Member of the Public	Myself	Support	No	2/11/2021 19:16
Andrade Phillip	A Member of the Public	Myself	Support	No	2/11/2021 19:18
Bodington Justin	A Member of the Public	Myself	Support	No	2/11/2021 19:22
Ferraro Gregory	A Member of the Public	Myself	Support	No	2/11/2021 19:25
Ferraro Eileen	A Member of the Public	Myself	Support	No	2/11/2021 19:30
Kennedy Patrick	A Member of the Public	Myself	Support	No	2/11/2021 19:33
Gilson James	A Member of the Public	Myself	Support	No	2/11/2021 19:36
Gray Jennifer	A Member of the Public	Myself	Support	No	2/11/2021 19:37
Harrison Chris	A Member of the Public	Myself	Support	No	2/11/2021 19:44
Blais jr Ronald	A Member of the Public	Myself	Support	No	2/11/2021 20:41
Powers Steve	A Member of the Public	Myself	Support	No	2/11/2021 20:46
MacDonald Bruce	A Member of the Public	Myself	Support	No	2/11/2021 20:51
Odiorne Eric	A Member of the Public	Myself	Support	No	2/11/2021 20:57
St. Pierre Michael	A Member of the Public	Myself	Support	No	2/11/2021 21:00
Conrad Darlene	A Member of the Public	Myself	Support	No	2/11/2021 21:00
Devits Chris	A Member of the Public	Myself	Support	No	2/11/2021 21:26
Crumb Ty	A Member of the Public	Myself	Oppose	No	2/11/2021 21:28
Boutwell Scott	A Member of the Public	Myself	Support	No	2/11/2021 21:30
McGowan Nicholas	A Member of the Public	Myself	Support	No	2/11/2021 21:36
Ferreira Matthew	A Member of the Public	Myself	Support	No	2/11/2021 22:07
McAloon Aaron	A Member of the Public	Myself	Support	No	2/11/2021 22:46
Bowman Thomas	A Member of the Public	Myself	Support	No	2/11/2021 22:50

Furdyna George	A Member of the Public	Myself	Support	No	2/11/2021 10:09
Collins Jeffrey	A Member of the Public	Myself	Support	No	2/11/2021 10:09
Gabel Chandler	A Member of the Public	Myself	Support	No	2/11/2021 10:10
Chase Philip	A Member of the Public	Myself	Support	No	2/11/2021 10:11
Nutile Richard	A Member of the Public	Myself	Support	No	2/11/2021 10:11
Hudon Richard	A Member of the Public	Myself	Support	No	2/11/2021 10:12
Young Mike	A Member of the Public	Myself	Support	No	2/11/2021 10:13
Behr Rebecca	A Member of the Public	Myself	Support	No	2/11/2021 10:13
Bergstrom Martha	A Member of the Public	Myself	Support	No	2/11/2021 10:13
Soterakopoulos Stephen	A Member of the Public	Myself	Support	No	2/11/2021 10:14
Augst Clifford	A Member of the Public	Myself	Support	No	2/11/2021 10:15
Donovan David	A Member of the Public	Myself	Support	No	2/11/2021 10:15
Smith Renee	A Member of the Public	Myself	Support	No	2/11/2021 10:16
Logiudice Joel	A Member of the Public	Myself	Support	No	2/11/2021 10:18
Schultz Scott	A Member of the Public	Myself	Support	No	2/11/2021 10:19
Marshall Mike	A Member of the Public	Myself	Support	No	2/11/2021 10:20
Auditore Dan	A Member of the Public	Myself	Oppose	No	2/11/2021 10:20
O'Hearne Tim	A Member of the Public	Myself	Support	No	2/11/2021 10:20
Arnesman Brian	A Member of the Public	Myself	Support	No	2/11/2021 10:20
Nafranowicz Darrel	A Member of the Public	Myself	Support	No	2/11/2021 10:21
Johnson Jennifer	A Member of the Public	Myself	Support	No	2/11/2021 12:33
SCHNEIDER DAVID	A Member of the Public	Myself	Support	No	2/11/2021 12:34
Joslyn Brandon	A Member of the Public	Myself	Support	No	2/11/2021 12:39
Hayes Scot	A Member of the Public	Myself	Support	No	2/11/2021 12:41
vinovich nathanial	A Member of the Public	Myself	Support	No	2/11/2021 12:41
Ford Tom	A Member of the Public	Myself	Support	No	2/11/2021 12:46
Murphy Dennis	A Member of the Public	Myself	Support	No	2/11/2021 12:47
Chappell Geoffrey	A Member of the Public	Myself	Support	No	2/11/2021 12:48
Konon Mike	A Member of the Public	Myself	Support	No	2/11/2021 12:50
Manney Rich	A Member of the Public	Myself	Support	No	2/11/2021 12:52
McCauley James	A Member of the Public	Myself	Support	No	2/11/2021 13:27
Livingston Robert	A Member of the Public	Myself	Support	No	2/11/2021 13:29
Vo John	A Member of the Public	Myself	Support	No	2/11/2021 13:36
Bethuy Kimberly	A Member of the Public	Myself	Support	No	2/11/2021 13:43

Newman Joe	A Member of the Public	Myself	Support	No	2/11/2021 13:47
Byrnes Roy	A Member of the Public	Myself	Support	No	2/11/2021 13:51
Resendes Nuno	A Member of the Public	Myself	Support	No	2/11/2021 14:10
Gullage John	A Member of the Public	Myself	Support	No	2/11/2021 14:27
Gullage Roberta	A Member of the Public	Myself	Support	No	2/11/2021 14:29
Woodman Ethan	A Member of the Public	Myself	Support	No	2/11/2021 14:21
Olson Devvin	A Member of the Public	Myself	Support	No	2/11/2021 15:10
Vigeant Matthew	A Member of the Public	Myself	Support	No	2/11/2021 15:10
LITTLEFIELD SHANNON	A Member of the Public	Myself	Support	No	2/11/2021 15:11
Stimpert Scott	A Member of the Public	Myself	Support	No	2/11/2021 15:11
Stiles Jason	A Member of the Public	Myself	Support	No	2/11/2021 15:13
Muldoon Kevin	A Member of the Public	Myself	Support	No	2/11/2021 15:20
Goodwin Nicholas	A Member of the Public	Myself	Support	No	2/11/2021 15:26
Goodwin Michelle	A Member of the Public	Myself	Support	No	2/11/2021 15:28
Bureau Robert	A Member of the Public	Myself	Support	No	2/11/2021 15:29
Marion Eric	A Member of the Public	Myself	Support	No	2/11/2021 15:41

Testimony

Jennifer Horgan

From: Bob Boilard - Defensive Strategies <bboilard@defensivestrategies.org>
Sent: Friday, February 12, 2021 1:14 PM
To: Jennifer Horgan
Subject: Support SB 141

Jen,

I am a NH FFL dealer, and I fully Support SB 141 dismantling the NH Gun Line, which is just another layer of bureaucracy that NH doesn't need. There is no circumventing the Federal NICS check and the NH DOS is paying multiple full time employees for something the Feds will do for FREE. Why are we wasting tax payer money. Also, the NICS is suppose to be an instant check, not delays of days and weeks – these delays are hurting NH businesses like mine.

Bob



Bob Boilard / NRA TC / RC / SAFTD Master Instructor
712 Mast Road (2nd Floor)
Manchester, NH 03102
www.defensivestrategies.org

FOLLOW US ON FACEBOOK or on **TWITTER**

CONFIDENTIALITY NOTICE TO RECIPIENT: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. The information contained in this message may be CONFIDENTIAL and is for the intended addressee only. Any unauthorized use, dissemination of the information, or copying of this message is prohibited. If you are not the intended addressee, please notify the sender immediately and delete this message.



Virus-free. www.avg.com



GUN OWNERS OF AMERICA

8001 Forbes Pl, Suite 202 | Springfield, VA 22151
703-321-8585 | www.gunowners.org

Alan M. Rice, New Hampshire State Director
alaurice@gunowners.org

February 15, 2021

The Honorable Sharon Carson
Chair
Senate Judiciary Committee

Sent via email to: Sharon.Carson@leg.state.nh.us, William.Gannon@leg.state.nh.us,
Harold.French@leg.state.nh.us, Becky.Whitley@leg.state.nh.us, Jay.Kahn@leg.state.nh.us,
jennifer.horgan@leg.state.nh.us

RE: Support of SB 141

Dear Senator Carson and Members of the Judiciary Committee:

May this find you all well. I am sending this letter of support for SB 141, as both a resident of Bedford, NH and in my role as the New Hampshire State Director for Gun Owners of America – an organization with over 2 million members and supporters nationwide, several thousand of whom reside in New Hampshire.

As you have likely read, SB 141 will abolish the New Hampshire “gun line” and replace it with a better system -- a system that is already operated by the Federal Bureau of Investigation, is paid for with federal, instead of state funds; and has, for the majority of transactions, been able to approve the gun sale in fewer than five minutes. This is in sharp contrast to the weeks and months-long delays by the New Hampshire “gun line” – which is operated by the Department of Safety and paid for with state funds.

The purpose of this letter is to help the committee to better understand the history of firearms background checks in New Hampshire, when and why they were instituted, and how we arrived at the current problem.

In late 1993, the US Congress passed, and President Clinton signed, the “Brady Act” which required handgun buyers to wait seven days, after purchasing a handgun, before being allowed to bring the newly purchased handgun home from the licensed gun dealer. The law contained an exception for states which had any type of a permit, license or background check system. In response, the General Court enacted, and Governor Merrill signed, HB 438 which created the New Hampshire “gun line” and freed handgun sellers and buyers from the seven day “Brady

Page 2 of 3
The Honorable Sharon Carson
Chair
Senate Judiciary Committee

Wait.” The provisions of HB 438 took effect on January 1, 1995 and became R.S.A. 159-C. It contained a sunset provision, which read as follows:

“Contingent Prospective Repeal. Sections 1, 3 and 4 of this act are repealed on the date that any federal law is effective that requires federally licensed firearms dealers to contact a federal or state government agency or official to determine whether receipt of a firearm by a prospective purchaser would violate federal or state law. If such federal law becomes effective, the commissioner of safety shall certify to the secretary of state the date that such federal law took effect.”

The date described in HB 438 / R.S.A. 159-C was November 30, 1998. Unfortunately, even though an automatic repeal provision was part of the law, the New Hampshire Department of Safety continued to conduct these checks for close to a year -- without legislative authority!
That was a clear violation of the law!

In 1999, the General Court approved, and Governor Shaheen signed into law, HB 537, which took effect on November 3, 1999. HB 537 repealed R.S.A. 159-C and replaced it with R.S.A. 159-D -- which is the law that SB 141 will repeal.

Federal law allows states to volunteer to be a “point of contact” for some or all firearms sales. November 30, 1998 was the date that Federal law began to require a check for all firearms sales, instead of just handgun sales. New Hampshire has never checked the buyers of rifles or shotguns and when HB 537 was enacted (after November 30, 1998) it limited the state’s role to that of only checking handgun buyers. Therefore, the FBI performs checks on the buyers of rifles and shotguns.

The problem of handgun buyers being subjected to long waits by the state police is not new. Since the “gun line’s” inception in 1995, checks have rarely if ever been processed instantly. But last year, the delays jumped from hours to days -- and then to weeks and months.

Many gun dealers have told us that when they contact the “gun line,” one of two things happens. Either they are told “we will call you back,” and then at some later time, the dealer is asked for the customer’s information (name, date of birth, etc.).

Sometimes, the person who answers the phone takes the buyers information on the initial call and just says “we will call you back.” When gun sales are not hitting record high volumes, the call back comes anywhere from 15 minutes to a few hours.

However, last year, as gun sales increased during the COVID-19 pandemic, the hours turned into days and the days are now turning into weeks and sometimes months. This is far from instant and completely unacceptable -- especially when compared to the FBI NICS system which typically gives a much quicker response than does the NHSP.

Page 3 of 3
The Honorable Sharon Carson
Chair
Senate Judiciary Committee

The membership of Gun Owners of America includes many licensed dealers and manufacturers. Most dealers have told me that for the past two and a half decades the New Hampshire "gun line" has been operated in this grossly inefficient manner -- especially when compared to the FBI NICS system which, again, typically gives a response in less than five minutes.

For a gun buyer, a delay means the difference between being able to access a needed self-defense tool quickly. For a gun dealer, these long delays result in increased costs and lost business. The owner of Shooters Outpost told me that he has over \$100,000 in inventory waiting for the state "gun line" to approve for transfer to customers.

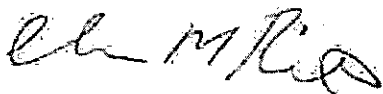
Attached to this letter is a small sampling of the many comments we have received from gun buyers and dealers who have given us permission to publish their concerns. These comments clearly show that even though New Hampshire law does not impose a waiting period on gun buyers, many are being forced to wait -- sometimes days or weeks between purchase and delivery of a handgun. This is particularly concerning because in 2019, Governor Sununu vetoed HB 514 which would have imposed a waiting period, and the General Court upheld that veto.

A careful review of the 1999 legislative history of HB 537 clearly shows that the overwhelming majority of citizens and legislators who spoke to and wrote to the House Criminal Justice and Public Safety Committee were strongly opposed to HB 537. Unfortunately, the committee passed it anyway. Now, 22 years later, through SB 141, the General Court has the opportunity to right that wrong. Please vote SB 141 "ought to pass" without any amendments or changes.

I respectfully request that this letter as well as the attached comments be included in the official records of SB 141.

Thank you for your kind consideration.

Very truly yours,



Alan M. Rice
New Hampshire State Director

Attachment: Comments from gun buyers and dealers.

Cc: Sen. Bob Giuda, Sen. Kevin Avar, Rep. Niki Kelsey, Rep. Ted Gorski, Rep. John Burt, Rep. Jennifer Rhodes, Rep. Jess Edwards

The following comments and complaints about the New Hampshire "gun line" were received by Gun Owners of America between December 22, 2020 and February 12, 2021.

December 22, 2020 -- Comment from Jason, from Litchfield who was forced to wait 3 days to purchase a handgun from Shooters Outpost in Hooksett

Completely unacceptable de-facto wait period being extra-legally imposed by leftists within state organizations. Governor Sununu has many times vetoed bills for wait period in this state, so instead of legally requiring these wait periods, left leaning individuals are using the Covid pandemic as an "excuse" to prolong the background check period and impose illegal wait periods! It MUST STOP!

December 22, 2020 -- Comment from Stephen, from Lisbon who was forced to wait 4 days to purchase a handgun from Corey's Sport Shop

This is now the 2nd time in the last 2 months I have had to wait 4 days to get my "Instant Check" approved for my Handgun Purchase. This has been going on now for over 2 years. Waiting days to get approved. What we have here is a de-facto Waiting period. I have had an FFL C&R (Expires 08/01/23) for last 20 years, and a NH Pistol License (Expires 12/06/24) for 20 years as well. yet I am forced to wait days for my handgun purchases. We need the same "Instant Check" system for Handguns as we have for Long Guns. Instant, as in Right then and there.

December 22, 2020 -- Leigh from Merrimack reported that it took 2 days for a simple transfer to be approved

I purchased my Shield in October from an FFL in VT and the transfer was done by Merrimack Firearms. I was quite surprised when they told me to call back in a couple of days.

December 23, 2020 -- Jeffrey from Bedford said:

This is a situation whereby all of the requirements for the return of firearms, including a Hearing have been completed successfully and the Merrimack Family Court issued an Interim Order pending response from the "gun line." A Final Order cannot be issued by the Court until a response is received, this process began in September 2020. Been waiting months.

December 26, 2020 -- Steven from Manchester said:

Purchased gun on 12/5. Told the next day I am delayed and could give me no reason (I am 66 and have done nothing wrong - I have no record) I have purchased a gun before, approved in 15 minutes walked out of store with gun. This used to be America!

December 30, 2020 -- Jason from Groveton said:

2 to 3 days all year long

December 30, 2020 -- Amanda from Antrim attempted to buy a gun Bass Pro Shop in Hookset and she said:

I have been trying since November to get a handgun. I bought it but can't have it. Bass pro shop in Hooksett submitted a background check in November and another one on December 15th. Both background checks came back delayed!! I was given the phone number to the NH state police gun line I left a message for them on December 21st and have heard nothing back. I've been trying to call but it says the mailbox is full.

December 30, 2020 -- Jere had to wait 9 days and make 2 trips from Claremont to Manchester to pick up his new gun

Check a few weeks before took 24 hours (and a long drive up and back again). The one after took 5 days. A later one took 3 days. (regardless if trading anything in, that has already had a check done)

Jason from South Hampton had to wait 2 days to buy a gun from State Line Guns

This was one of several purchases this year, and all have been delayed at least one day (most being delayed two days).

January 5, 2021 -- Roland who is a small gun dealer in Meredith told us:

I'm a really small FFL holder. My store is attached to the house so I really don't do a lot of transactions especially during COVID. I do the occasional online purchase transfer, I'm a bit out of the way and it is extremely embarrassing to tell a customer it might take 3 days before they can pick up their firearm after they have just filled out the paperwork since typically one would expect to be able to take one's property home. Also during the current pandemic it is rather concerning to have to go through more than one interaction with the same customer just because it is taking days to get an answer from the gun line.

January 5, 2021 -- Bryan a gun dealer from Cornish said:

I so glad that GOA is taking on a pet peeve of mine, one that goes back many years, before I had a FFL. NH Gun Line has NEVER completed a b/g check in 15 minutes or less for me. Pre-COVID, the best they ever did was maybe 30 minutes, with about an hour or two being the average. Since COVID began, NHSP has operated a de facto, unlegislated handgun waiting period of up to several weeks.

In April, 2020 I transferred a handgun from my FFL to myself. Even for someone who is a RP on a FFL, it took 2 full weeks to get a response. All my 4473s for 2020 show one date for

calling in the b/g check, then another date for a tracking number and a result. So every buyer after COVID has had to come back to my shop another day, days or weeks later, to get their handgun.

The NH Gun Line is especially irritating because we are already paying for a much better system (NICS). The NH Gun Line is just the NHSP bureaucrats clinging desperately to their little kingdom, while the state always pleads poverty.

I have one case where a person wanted to buy a handgun from us back in March or April. I have called NHSP several times to ask why they are not working on that case. They always lie and claim they are working on it, but obviously they are not. The last time I inquired about it, months ago, I asked to speak to the manager and was connected to a quite hostile woman who did not give her name, but claimed she was the manager. I think she was really a NHSP officer working in that office, and she was quite testy about being questioned, made all sorts of COVID-related excuses, and told me to quit bothering them and to just keep waiting.

Nearly a YEAR later, they still have not responded to that background check.

While the NHSP Gun Line is not now as bad as it was last spring and early summer, up until very recently, it was still 2-3 days to get a response. My last 2 NHSP b/g checks have been unusually fast (for them in 2020) and took 3 hours.

The whole NHSP GunLine should be abolished and we should be using the NICS that we're already paying for anyway. Thank you so much for taking on this issue!

January 6, 2021 -- Jeremy from Goffstown reported that:

This is my first experience purchasing a handgun in the State of NH through a FFL dealer. When I saw that the electronic 4473 was being used, I was excited because I assumed that meant the check would be completed much faster than with paper documents. I paid for the handgun on Sunday afternoon and was informed on Monday that I had been put into "delay" status. It is now ten days later and I am still on "delay". In the age of fully-digital form submissions, communications, and conviction records, I see zero reason why the results of a 4473-related NICS check can't be nearly instantaneous. I fully support keeping firearms out of the wrong hands but, for the rest of the eligible population, the Constitution of The United States, Amendment 2 specifically states that this right "...shall not be infringed." Waiting on the government to "allow" an individual the "right" to exercise what is already a clear Constitutional right is the very epitome of anti-Constitutional government overreach. Finally, I will close with this: I wanted to see my NH Criminal History Record for my self so, this past Monday, I went into the NHSP office in Concord, paid \$25, and received a copy of my record within minutes - MINUTES. Zero issues on my record and nothing to cause anything other than an immediate "Proceed" on the 4473 check.

January 8, 2021 -- Leon from Tilton said:

First off, I have been a FFL dealer, FFL Collector, a Class 3 MG owner and a current Concealed Pistol license holder. Up until about 3 years ago never had a problem with my

hobby. Then I ordered a handgun sent to Average Joe's and initially was approved and took my new pistol home. Two weeks later Joe called me and said I had to bring it back because I had suddenly been denied. So I did and Gunline eventually told me I was potentially prohibited because of a problem I had in Mass, 1974. That had been vacated and dismissed by the court. I freaked out and hired a high profile attorney Penny Dean to fix it which she never was able to do. She told me that if I wasn't allowed to own a handgun, I wasn't allowed to own ANY gun! She did explain my situation to the local Police, Belmont, and I never heard any more about it. So early January 2020 I bought a pistol at Shooter's Outpost, and got denied. Then 5 days later Shooter's called and I had been APPROVED! So I got my new gun and thought that the problem had been settled and fixed. But in June, I tried to buy an AR receiver, and got denied again! I called the Gun Line but never got a reply back. I'm not giving up. In October I bought a new rifle and it was approved in less than 2 minutes! So that's where I am with them after 3 years and \$5000 to the lawyer I still don't know what their problem is.

February 12, 2021 -- Maurice from Derry reported that he attempted to purchase a gun from Shooters Outpost in Hooksett and it took 3 weeks to get an approval.

Jennifer Horgan

From: Sharon Carson
Sent: Friday, February 12, 2021 9:01 PM
To: Jennifer Horgan
Cc: Deborah Chroniak
Subject: FW: testimony for SB 141 relative to the procedure for conducting firearm background checks

Jen,

Not sure you received this for SB 141.

Deb

From: M Levell <mlevell@hotmail.com>
Sent: Friday, February 12, 2021 4:47 PM
To: Sharon Carson <Sharon.Carson@leg.state.nh.us>; William Gannon <William.Gannon@leg.state.nh.us>; Harold French <Harold.French@leg.state.nh.us>; Becky Whitley <Becky.Whitley@leg.state.nh.us>; Jay Kahn <Jay.Kahn@leg.state.nh.us>
Subject: testimony for SB 141 relative to the procedure for conducting firearm background checks

To: Senate Judiciary Committee

From: Michelle Levell, Auburn NH resident

Re: SB 141 relative to the procedure for conducting firearm background checks

My name is Michelle Levell and I am a resident of Auburn, NH. Please accept this for the bill's record as my testimony.

I am in support of SB 141 because New Hampshire's "gun line" operated by the state police is inefficient and ineffective. According to two audits by the FBI's Bureau of Alcohol, Tobacco, and Firearms, the NH Department of Safety's gun line was found to have wrong information over 27% of the time. The threshold of Integrity of NICS Index Records Policy is 10%. Perhaps worse is the ATF finding that NH Gun Line personnel were discovered to have actually misused their access to NICS information for non-gun related purposes.

That is unacceptable, particularly so when it concerns the ability to exercise a constitutional right and may involve a person's ability to protect him or herself and loved ones.

The gun line may take up to 88 days to run a background check on an individual. That is nearly three months. That is not a suitable alternative to the NICS background checks by the FBI which can provide the information in minutes, not months.

I urge the committee to pass SB 141 and have firearm background checks completed by an agency that gets the job done correctly and in a timely manner.

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



NRA

February 16, 2021

Senate Judiciary Committee
107 N Main Street
SH Room 103
Concord, NH 03303

Dear Chairman Carson and distinguished members of the Senate Judiciary Committee:

I am writing to you regarding Senate Bill 141 (SB 141), an act relative to the procedure for conducting firearm background checks. On behalf of the National Rifle Association, I would like to express our strong support for this important piece of legislation. SB 141 is one of NRA's top legislative priorities in New Hampshire this legislative session.

New Hampshire currently acts as a partial point of contact state for the National Instant Criminal Background Check System (NICS). Under state law, when an individual purchases a long gun from a Federal Firearms Licensee (FFL), the state utilizes the FBI's NICS system to conduct the background check. However, when an individual purchases a handgun through an FFL, they are forced to use the New Hampshire Gun Line, operated by the New Hampshire Department of Public Safety. The New Hampshire Gun Line has resulted in burdensome delays for law-abiding citizens who are wishing to express their Second Amendment rights. An individual's right to self-defense should not be jeopardized because of a lack of government resources, when the NICS system is available.

SB 141 seeks to repeal the New Hampshire Gun Line, and authorizes the FBI to conduct all NICS searches concerning the purchase, sale, and transfer of firearms through FFL's in New Hampshire. This would streamline the background check process, reduce delays, and save taxpayer money by relying on a single background check system.

New Hampshire citizens, gun owners and sportsmen hope that you will support this important piece of legislation which reduces the redundancy that currently exists under current law. 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren E. LePage".

Lauren E. LePage, Esq.
State Director
NRA-ILA



TREVOR W. SANTOS

Director, Government Relations - State Affairs

tsantos@nssf.org | 202-220-1340 x205 | nssf.org

February 16, 2021

The Honorable Sharon Carson
Chair, Senate Judiciary Committee
State House, Room 106
107 North Main Street
Concord, NH 03301

Position: **SUPPORT**

Re: Senate Bill 141 - AN ACT relative to the procedure for conducting firearm background checks.

Dear Chair Carson and Members of the Judiciary Committee:

On behalf of the National Shooting Sports Foundation, and our industry members located throughout New Hampshire, I submit these comments in support of Senate Bill 141 ("SB 141") by Senator Bob Giuda. SB 141 would replace the New Hampshire gun line, which under the Department of Safety, performs all background checks related to the store purchase of handguns, with the Federal Bureau of Investigation's National Instant Criminal Background Check System.

As the trade association for America's firearm industry, the National Shooting Sports Foundation ("NSSF") seeks to promote, protect, and preserve hunting and the shooting sports. NSSF's membership includes thousands of firearm and ammunition manufacturers, distributors, retailers, and shooting ranges, including more than 50 industry members in New Hampshire. Our manufacturer members make the firearms used by law-abiding New Hampshire sportsmen and women, the U.S. military, and law enforcement agencies throughout the state.

Due to overwhelming demand for firearms, the New Hampshire State Police have become overloaded, causing major delays for background checks on handguns, which has significantly burdened federal firearm licensed dealers ("FFLs"), as well as potential buyers. Under SB 141, the gun line, which is currently used by the Department of Safety to conduct background checks on handguns, would be replaced by the same background check system utilized for those purchasing long guns (i.e. rifles and shotguns), the FBI's National Instant Criminal Background Check System ("NICS"). Moving handguns to a NICS check should provide a seamless transition and will likely do away with the long delays currently being experienced. NICS is set up to handle high volume of checks efficiently and typically completes a background check within a matter of minutes.

Shifting from a state-run background check system to a federally conducted background check will certainly free-up much needed State Police resources, as well as the funding that goes along with it. NICS searches the exact same federal criminal information databases that the State Police access to search currently. Switching to the FBI-NICS from the gun line for conducting background checks on handguns will not degrade public safety in New Hampshire.

The federal NICS system includes the most comprehensive background check information available. Much of this is due in part to the efforts of the National Shooting Sports Foundation and our FixNICS® campaign. The FixNICS campaign encourages states to report to NICS all records that establish someone is prohibited from owning a firearm under current law. Through a multi-state effort focused on forming coalitions in the states with the fewest submitted records, the industry has dedicated substantial resources to helping states overcome the legal, technological, and intrastate coordination challenges preventing effective record sharing.

It is for these reasons the National Shooting Sports Foundation strongly supports replacing the “gun line” background check system with a FBI NICS check for handgun purchases, the same system utilized when someone purchases a rifle or a shotgun. Thank you for your time and consideration.

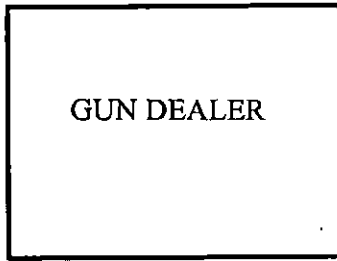
Sincerely,

A handwritten signature in black ink, appearing to read "Trevor W. Santos". The signature is fluid and cursive, with the first name being the most prominent.

Trevor W. Santos

OUR CURRENT FIREARMS BACKGROUND CHECK PROCESS

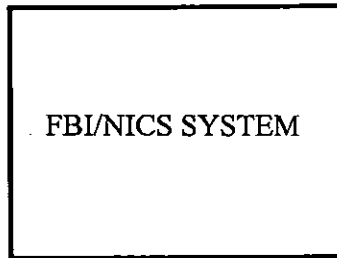
RIFLES/SHOTGUNS



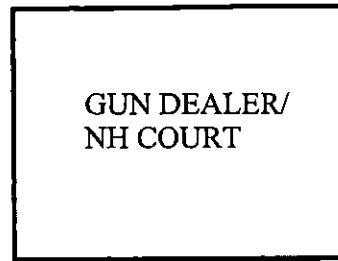
Request for Background Check



Instant Response Averaging Seconds



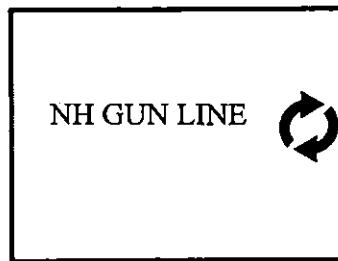
HANDGUN/ COURT RETURN OF FIREARMS



Request for Background Check



Response Time Ranging from 1 day to 11 months+

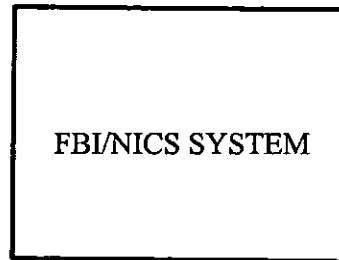


NH Gun Line Runs Its Own Checks not authorized by law.

NICS System Query When Gun Line Finds Time to Make it



Response



Costs to NH Taxpayers: No state costs
Funded Through Federal Taxes

Accountability: Annual reporting on response time to DOJ

Costs to NH Taxpayers: more than \$500,000.00 per year not including the eight State Troopers temporarily assigned. Federal Taxes already fund these checks through FBI/NICS but we pay extra for a terrible system.

Accountability: None other than ATF/FBI Audits. Gun Line does not even have agency rules.

To: Senator Sharon Carson, Chair, and Members of the Senate Judiciary Committee

From: Sean R. List, Esq., Author of SB 141

Date: February 15, 2021

Re: Written Testimony in Support of SB 141

As the author of SB 141, I am providing you with this written testimony, in addition to my oral testimony, to assist you with your understanding of what the Gun Line currently does, why the Gun Line is a failure, and how SB 141 is the solution that will restore the rights of gun owners while simultaneously providing more effective and efficient background checks.

By way of background, I am an attorney specializing in firearms law and justifiable use of force/self-defense matters. I represent federal firearm licensed dealers in a variety of compliance, liability, employment and general business issues. I also represent individuals who have been criminally charged in cases related to firearms, deadly weapons and self-defense. I am regularly consulted regarding federal and state firearm regulation, National Firearms Act compliance, the classification of firearms according to ATF definitions, private and over-the-counter firearm transfers, the effect of convictions/mental health admissions on firearm ownership eligibility, the mechanics of firearms, justifiable use of force and firearm display issues. I have taught multiple firearms legal courses for lawyers and regularly teach seminars at various shooting ranges, training facilities and businesses throughout the State. I have authored firearms law training materials published by the National Business Institute. I am an NRA-certified pistol and rifle instructor. I shoot competitively. I am a member of Londonderry Fish & Game Club and Pelham Fish & Game Club. I also volunteer with the Domestic Violence Emergency Project representing victims at restraining order hearings.

What the New Hampshire Gun Line Is:

The New Hampshire Gun Line is simply the “Point of Contact” for the FBI’s National Instant Criminal Background Check System known as “NICS.” The Gun Line is only involved in handgun purchases and the return of firearms related to Court proceedings, such as the expiration of restraining orders.

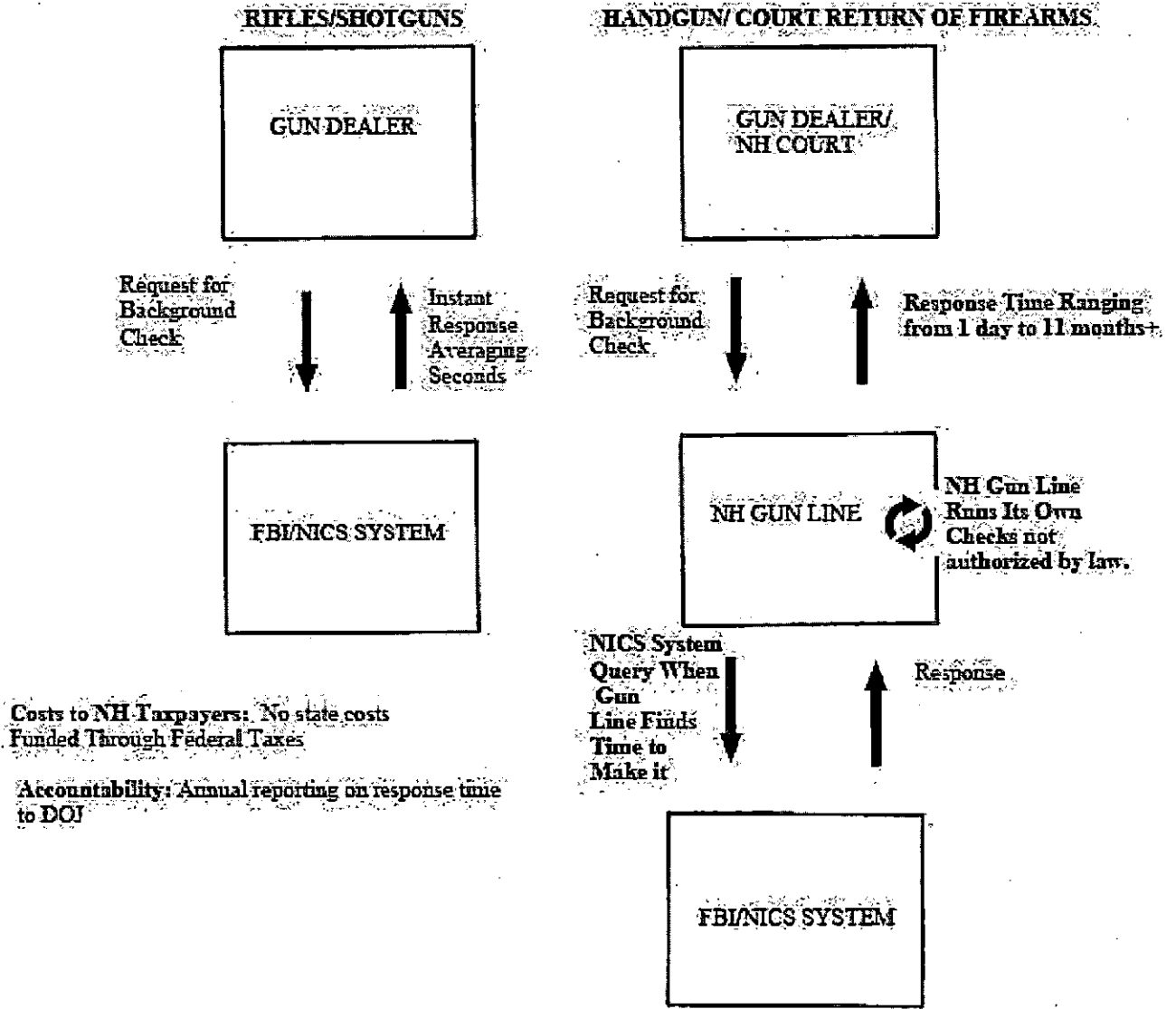
The FBI directly runs the background checks for shotguns and rifles in New Hampshire. It does so very efficiently.

The Gun Line is an unnecessary, additional layer of government and state expenditure added to the firearm purchase process. It is not an alternative to the FBI. It is just the middleman for the FBI. As defined by federal law:

“POC (Point of Contact) means a state or local law enforcement agency serving as an intermediary between an FFL and the federal databases checked by the NICS.”

All background checks must go through the FBI NICS System. See 27 CFR § 478.102. The FBI maintains exclusive jurisdiction regarding background checks. See 28 CFR §25.1 et seq. The FBI oversees, audits and regularly communicates with the Gun Line.

OUR CURRENT FIREARMS BACKGROUND CHECK PROCESS



Costs to NH Taxpayers: No state costs Funded Through Federal Taxes

Accountability: Annual reporting on response time to DOJ

Costs to NH Taxpayers: more than \$500,000.00 per year not including the eight State Troopers temporarily assigned. Federal Taxes already fund these checks through FBI/NICS but we pay extra for a terrible system.

Accountability: None other than ATF/FBI Audits. Gun Line does not even have agency rules.

Why the State Gun Line is a Failure:

1. Outrageous Delays of Purchases

The Gun Line has become the choke point for legal handgun transfers and the return of firearm property in New Hampshire. Background checks are being delayed for months- often more than six- which is denying the 2nd Amendment rights of citizens and stealing bread from the tables of gun dealers. These delays are caused by the Gun Line's lack of knowledge regarding who is prohibited, ineffective data entry, lack of manpower, and its own method of doing record searches far outside the FBI's scope, despite having no authority to do that under state or federal law. The Gun Line was audited by ATF in 2015 and ATF found that 27.25% of the sample records entered by the Gun Line were inaccurate. See <https://www.ammoland.com/2019/04/atf-audits-reveal-1-in-4-nh-gun-line-background-checks-are-wrong/#axzz6mIloJtPq>

By comparison, the FBI executes background checks with a high degree of accuracy with an average response time that is measured in seconds rather than days, weeks or months:

Month	Average Answer Speed (Time In Seconds)			
	2016	2017	2018	2019
January	471.26	196.44	36.77	119.10
February	655.76	626.86	191.18	70.14
March	465.23	719.71	173.16	128.94
April	329.13	108.77	162.37	123.00
May	149.00	17.94	72.35	70.13
June	239.80	35.63	25.33	44.70
July	165.97	19.10	56.90	27.81
August	962.74	27.42	64.68	39.90
September	539.83	42.63	174.77	32.87
October	544.63	51.45	266.23	27.35
November	354.65	84.20	208.43	17.87
December	502.91	137.10	207.43	16.97
Yearly Average	449.18	169.47	185.92	59.99

FBI NICS Annual Operations Report (2019) (Most Recent Published)

2. Withholding of Firearm Property

When a temporary restraining order is rejected after a hearing with the Court, or a one-year restraining order expires, the individual must file a motion with the Court for the return of firearms seized by the police. The Court has established its own rules requiring that the Gun Line be contacted and conduct a background check before the firearms are transferred back to their owner.

Within the last year, the Gun Line unlawfully and systematically withheld the rightfully-owned firearm property of countless New Hampshire citizens for many months. This includes withholding firearm property from people who were subjected to restraining order petitions, granted on an *ex parte* basis, that were subsequently rejected by judges within a matter of days.

People are having their rights taken away by the Gun Line for months, based upon unfounded and ultimately rejected allegations. A right delayed is a right denied.

The Gun Line's unlawful withholding of property is in violation of the 2nd, 4th, 5th and 14th Amendments to the US Constitution. The Gun Line's actions will almost certainly result in federal court litigation if SB 141 does not pass.

3. No Due Process/Appeals

Federal law requires that people denied firearms transactions be given the opportunity to appeal in a timely manner. More specifically, the Gun Line is required by federal law to provide the reasons for its denial within five business days of written inquiry and then provide a timely appeal process. See 28 CFR § 25.10(b). The Gun Line simply does not do this. People have been forced to hire lawyers and spend thousands of dollars to be afforded the most basic due process by the Gun Line.

4. Failing to Block Prohibited Individuals

Rather than enter state court orders and prohibitor information directly into the NICS system as permitted by federal law, the Gun Line maintains its own shotty records that often fail to provide the accurate basis to block prohibited people from obtaining firearms. For example, the Gun Line maintains an Excel spreadsheet containing an average of 50-70 names of people subjected to restraining orders but who have unknown birthdates. The Gun Line checks this list each time that a background check is requested. These are people who were located and served with restraining orders so there is no excuse for not having a birthdate. A name alone is not enough to block a prohibited person from obtaining a firearm. Additionally, if a law-abiding person attempts to buy a gun but shares a name with someone on the Gun Line's list, he or she will be unlawfully delayed while the Gun Line tries to sort out its own paperwork mess.

Federal law specifically permits states to enter state law prohibitors into the NICS system, even if they are not prohibitors under federal law. By not entering state prohibitor information into the NICS and instead using its own unchecked and unauthorized process, the Gun Line is not only reeking havoc on handgun purchases, it is also failing to provide the necessary information for the FBI to run accurate checks. A person prohibited by a state court order can currently buy a rifle due to the Gun Line's ineffectiveness and failure in this regard.

As depicted in the FBI table on the next page, the Gun Line does not regularly enter state prohibitor information into the NICS:

**Active Records in the NICS Indices
As of December 31, 2019**

State/Territory	Felony	Under indictment/information	Fugitive from justice	Unlawful use/hold local to a controlled substance	Adjudicated mental health	Illegal/unlawful alien	Disdomestic discharges	Renounced U.S. Citizenship	Protections/remaining orders for domestic violence	At least one crime of domestic violence conviction	State prohibitor	Totals
Alabama	1	1	0	0	10,490	0	0	0	0	1	0	10,493
Alaska	4,453	0	0	0	674	0	0	0	1,932	2	23	7,984
American Samoa	0	0	0	0	0	0	0	0	0	0	0	0
Arizona	1,145	0	0	1	41,842	0	0	0	0	3	2	42,994
Arkansas	13,471	0	0	10	4,691	0	0	0	5	3,766	0	21,948
California	7,594	0	0	1	167,371	20	2	0	10	12,484	552,849	1,540,331
Colorado	20	1	0	2	97,456	1	0	0	330	310	2	98,233
Connecticut	391,632	75	0	5,640	14,662	3	0	0	233	31,619	155,563	669,427
Delaware	0	0	0	0	17,372	0	0	0	0	0	23	17,395
Florida	69,347	15	0	162	179,443	1	0	0	5	248	12,277	261,501
Georgia	0	0	0	2	14,496	2	0	0	0	1	1	14,496
Guam	0	0	0	0	0	0	0	0	0	0	0	0
Hawaii	1	0	0	8	8,775	0	0	0	0	10	25	8,821
Idaho	0	0	0	0	38,404	0	0	0	0	1	0	38,405
Illinois	20,980	3,590	25	1,569	59,758	810	42	35	434	3,565	27,079	118,187
Indiana	485,594	2	0	5	12,964	0	0	0	2	10,652	2,311	511,520
Iowa	152	32	1	166	54,996	3	3	0	77	183	24	55,637
Kansas	0	0	0	5,623	7,669	0	0	0	2	7,954	78	21,326
Kentucky	4,517	66	0	29	45,513	0	0	0	0	743	0	50,809
Louisiana	530,212	99,495	0	15,564	8,874	1	0	0	1,569	34,373	8,678	701,078
Maine	47,253	1,162	0	569	3,169	0	0	0	0	3,203	2,796	60,252
Mariana Islands	0	0	0	0	0	0	0	0	0	0	0	0
Maryland	16	0	0	9	17,011	0	0	0	1	0	6,793	25,930
Massachusetts	244,352	0	1	12	42,417	0	0	0	0	2,442	475,364	764,588
Michigan	169	3	2	1,076	165,840	1	2	0	22	71	765	167,953
Minnesota	81	6	1	914	72,452	0	0	0	36	82	3,496	77,068
Mississippi	0	0	0	1	21,150	0	0	0	0	0	0	21,151
Missouri	1	0	0	23	53,635	0	0	0	0	0	0	53,659
Montana	1	0	0	0	36	0	0	0	0	1	0	38
Nebraska	7	1	1	3	32,374	1	0	0	0	1,053	1,175	34,615
Nevada	1,915	0	0	74	9,347	0	0	0	911	3,220	544	16,011
New Hampshire	150,991	0	0	1,172	600	0	0	0	0	15,037	1	167,801

The Cost of the Gun Line to NH Taxpayers:

Our federal tax dollars already provide funding for the FBI to perform the task of firearm background checks. The FBI oversees the NICS system and its usage by the Gun Line pursuant to federal law. Rather than allow the FBI to conduct the background checks mandated by federal law at no additional cost, we are paying a state agency to serve as the bureaucratic middleman. We are specifically paying state employees to enforce federal gun law and provide administrative work that we already pay the FBI to do. This is antifederalist at its core. Not to mention, the Gun Line is terrible at it.

Expenditures charged to New Hampshire taxpayers are expected to exceed \$700,000.00 by 2023, without the inclusion of the eight state troopers taken off of the road to do clerical work at the Gun Line in accordance with Commissioner Quinn's January 21, 2021, Policy Memo:

STATE OF NEW HAMPSHIRE
ACCOUNTING UNIT SUMMARY

CATEGORY 02 ADMIN OF JUSTICE AND PUBLIC PRTN
DEPARTMENT 00023 SAFETY DEPT
AGENCY 023 SAFETY DEPT
ACTIVITY DSP234010 DIVISION OF STATE POLICE
ORGANIZATION 2913PAL PERMITS AND LICENSING

FUND 010 AGENCY 023 ACCOUNTING UNIT 29130000

	FY 2020	FY 2021	FY 2022			FY 2023		
	ACTUAL EXPENSE	ADJUSTED AUTHORIZED	EFFICIENCY BUDGET	ADDL PRIORITIZED NEEDS	REQUEST	EFFICIENCY BUDGET	ADDL PRIORITIZED NEEDS	REQUEST
Expenditures								
010 Personal Services-Perm. Classi	244,768	245,491	276,236	0	276,236	295,619	0	295,619
018 Overtime	47,441	30,000	60,000	0	60,000	60,000	0	60,000
019 Holiday Pay	5,945	5,000	6,000	0	6,000	6,000	0	6,000
020 Current Expenses	23,799	46,742	52,810	0	52,810	50,310	0	50,310
022 Rents-Leases Other Than State	3,092	2,600	2,800	0	2,800	2,500	0	2,500
027 Transfers To Or	0	0	15,538	816	16,354	15,529	774	16,300
030 Equipment New/Replacement	409	2,000	2,000	0	2,000	2,000	0	2,000
037 Technology - Hardware	0	1,500	2,000	0	2,000	0	0	0
039 Telecommunications	1,530	1,000	1,600	0	1,600	1,500	0	1,500
049 Transfer to Other State Agency	0	0	295	0	295	316	0	316
050 Personal Service-Temp/Appointe	17,788	80,000	100,000	0	100,000	100,000	0	100,000
060 Benefits	134,440	137,855	173,977	0	173,977	182,700	0	182,700
211 Property and Casualty Insuranc	0	42	55	0	55	59	0	59
Expenditure Total	479,232	552,430	693,311	816	694,127	716,830	774	717,704
Estimated Source of Funds								
General Fund	479,232	552,430	693,311	816	694,127	716,830	774	717,704
Total	479,232	552,430	693,311	816	694,127	716,830	774	717,704
Number of Positions								
Permanent Classified	7.00	7.00	7.00	0.00	7.00	7.00	0.00	7.00
Total Number of Positions	7.00	7.00	7.00	0.00	7.00	7.00	0.00	7.00

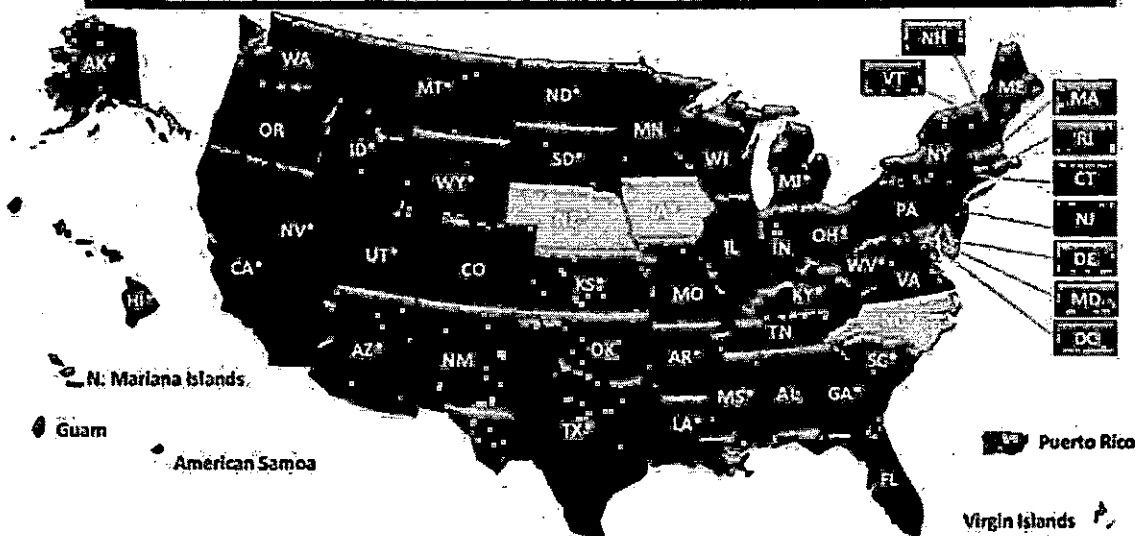
How SB 141 Fixes the Problems Created by the Gun Line:

A. Removing the Costly and Unnecessary State Involvement in Background Checks

SB 141 abolishes the Gun Line and reverts all administrative responsibility for background checks related to firearms purchases back to the FBI. The bill treats handguns equally to shotguns and rifles. This will put a stop to the unlawful delay of firearms transactions by the Gun Line and provide people wrongfully denied with the timely appeal process provided by the FBI. Dealers will no longer take economic losses while they wait months for the Gun Line to process a simple check, which is supposed to be "instant." This will put a stop to the unlawful bureaucrat infringement of 2nd Amendment rights and allow NH to join the vast majority of States that have all firearm sale background checks performed directly by the FBI:



NICS Participation Map



35 Non Point-of-Contact (POC) States
Federal Firearms Licensees (FFL) contact FBI for all firearm background checks

13 Full POC States
FFLs contact state for all firearm background checks

8 Partial POC States
FFLs contact state for handguns, and contact FBI for long gun background checks

State-issued handgun permit is used for handguns, and FFLs contact FBI for long gun background checks

25 Bureau of Alcohol, Tobacco, Firearms and Explosives Qualified Alternate Permits issued by state or local agencies

Please refer to the latest Permanent Brady Permit Chart for specific permit details.
www.atf.gov/permits-and-qualifications/permits-and-qualified-alternate-permits-chart

7/2020

B. Sheriff's Offices Will Perform Checks for the Return of Firearms related to Court Proceedings

In regard to the return of firearms related to court proceedings, most notably restraining order cases, the Sheriff's Offices for the ten counties will be tasked with performing these checks using the NICS Disposition of Firearms System that was created by federal regulation in 2015. Upon a motion being filed in court for the return of firearms, the Sheriff's Offices will simply log into NICS and provide the Court with either a "proceed" or "deny" response. This decision will be based solely on whether or not the individual is prohibited from possessing or owning a firearm according to state or federal law. SB 141 requires that a response be provided within 15 days, removing the indefinite delays of these checks currently conducted by the Gun Line. If a denial response is sent to the Court by the Sheriff's Office running the check, that denial must include a specific citation to statute, such as one of the prohibited categories listed under 18 U.S.C. §922(g), and the specific facts relied upon for finding that the individual is a prohibited person.

SB 141 provides clearly defined due process to individuals who believe they were wrongfully denied the return of their firearms property. If an individual wants to appeal a denial decision, they will have the right to do that at no cost with the trial court first and then the NH

Supreme Court. If an individual requests an appeal hearing at the trial court, the court must schedule the hearing within ten business days. At any such hearing, the Sheriff's Office that denied the transfer will hold the burden to prove the individual is prohibited from firearm ownership by clear and convincing evidence.

The Sheriffs' Offices are the natural choice to perform these functions. They are already immersed in the Court system and have demonstrated a persistent ability to effectively perform tasks not taught in the police academy, such as the service of civil process. Additionally, Sheriff's Offices are the only law enforcement agencies created by the New Hampshire Constitution and headed by elected officials.

C. Providing Accurate Records to FBI NICS

SB 141 requires that restraining orders prohibiting firearm possession issued by New Hampshire courts be entered into the NICS System within 24 hours of such orders going into effect. Additionally, the records must be updated within 24 hours of the expiration or modification of an order requiring the relinquishment of firearms or prohibiting firearms possession. This task can be quickly accomplished through digital access to the NICS.

The reporting requirement of SB 141 will ensure that individuals who have their right to possess a firearm restored will be able to exercise that right immediately. It also closes the gap caused by the state's current failure to enter such information into NICS. This measure protects victims while simultaneously protecting firearms dealers from inadvertently transferring a rifle to a prohibited person because of the state's failure to report that information into the federal system.

Conclusion:

I urge the Committee to vote in favor of SB 141. The Granite State is proud of its stature as a champion of the Second Amendment and protector of victims. This is your opportunity to put a stop to the expenditure of hundreds of thousands of taxpayer dollars being used to infringe on the liberty and constitutional rights of your constituents.

Thank you for your thoughtful consideration.

Sincerely,



Sean R. List, Esq.
Lehmann Major List, PLLC
6 Garvins Falls Road
Concord, NH 03301



February 12, 2021

The Honorable Sharon Carson
Chairwoman, Senate Committee on Judiciary
State House, Room 106
107 North Main Street
Concord, NH 03301

Dear Senator Carson:

Sig Sauer supports SB 141, relative to the procedure for conducting firearm background checks.

The company views SB 141 from its position as both a firearms manufacturer, but also as a retailer. As you know, Sig Sauer employs roughly 2000 people in New Hampshire. This includes our global headquarters and major manufacturing facility at Pease, and facilities in Exeter, Dover, and, within a year, Rochester. Moreover, Epping is home to the world-renowned Sig Sauer Academy, which features an on-site a Pro Shop, from which most Sig Sauer firearms and other company products can be purchased. A company overview is attached.

We become concerned when law abiding, responsible citizens are subjected to unreasonable delays in the lawful purchase of our products. We are always concerned when those who should not be able to purchase a firearm are able to do so. As has been widely acknowledged by all stakeholders, both untenable circumstances are present in New Hampshire today with the purchase of handguns because of persistent issues with the state Gun Line.

Eliminating the Gun Line and having all state firearms checks go through the very quick and efficient FBI NICS system will remove the unreasonable, sometimes months-long delay lawful handgun purchasers endure in the state today. Equally important, this will all but eliminate the possibility that someone otherwise prohibited from purchasing a handgun could be allowed to legally take ownership of a handgun because of these same delays. Moreover, it will allow the State Police to reallocate funding and personnel to better serve the citizens of New Hampshire.

Thank you for your consideration of Sig Sauer's support of SB 141. Please do not hesitate to contact me or our Concord representative, David Cuzzi of Prospect Hill Strategies (603-716-0569) with any questions.

Sincerely,

Steven Shawver
Executive Vice President
and Chief Legal Officer

SIG SAUER

NEVER SETTLE

COMPANY PROFILE | U.S.A.



NEWINGTON, NH
WORLD HEADQUARTERS

- Corporate Offices
- Manufacturing
- Since 2013
- 230K Square Feet

PORTSMOUTH, NH

- Fulfillment
- Since 2017
- 26K Square Feet

EXETER, NH
2 FACILITIES

- Research & Development
- Engineering
- Manufacturing
- Since 1991
- 110K Square Feet

DOVER, NH
WAREHOUSE

- Manufacturing
- Raw metal preparation
- Since 2014
- 92K Square Feet

EPPING, NH
ACADEMY

- Training
- Proshop
- Since 1992
- 138 Acres

JACKSONVILLE, AR
AMMUNITION

- Manufacturing
- Research, Development & Engineering
- Since 2017
- 103K Square Feet

WILSONVILLE, OR
ELECTRO-OPTICS

- Manufacturing
- Research, Development & Engineering
- Since 2015
- 35K Square Feet



About SIG SAUER:

In our state-of-the-art facilities across eight locations SIG SAUER® manufactures the finest firearms, electro-optics, ammunition, suppressors, and airguns, while also offering world-class firearms and tactical training at the SIG SAUER Academy™.

At SIG SAUER we are driven by our relentless pursuit to manufacture products of unparalleled quality, an unwillingness to compromise, and an absolute refusal to settle. We are emboldened by our love of freedom and share the same passion and pride for our country as those who choose the SIG SAUER brand.

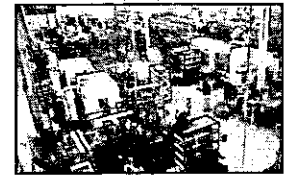
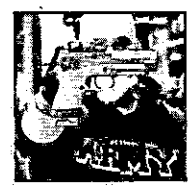
Regardless of whether a SIG SAUER product is being deployed on the battlefield by a soldier, protecting law enforcement as an official duty sidearm, or simply the product of choice of a private citizen, you can trust that if it carries the SIG SAUER name it is built to our precise exacting standards, and undergoes the same rigorous quality controls to ensure that it performs when it matters most.

Our U.S.A. Profile:

- 8 locations in 3 States
- Over 2,200 employees
- 200,000+ sq. ft. of American manufacturing
- Veteran employer
- ISO9001 Certified

Our Business:

- The Official Handgun of all branches of the U.S. Military
- Manufacturer of the P365 - The Top Selling Handgun, and Most Awarded, Handgun in America
- Defense contracts across the globe - Designed, engineered, and manufactured in the U.S.A.



FIREARMS • OPTICS • AMMUNITION • SUPPRESSORS • AIRGUNS • TRAINING

SIG SAUER, INC. CORPORATE OFFICES, 72 PEASE BLVD. NEWINGTON, NH 03801

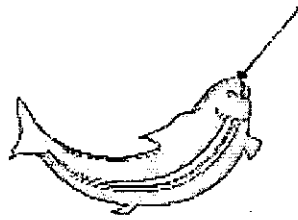
Copyright 2020 SIG SAUER, Inc.

Jennifer Horgan

From: hruskarindge <hruskarindge@aol.com>
Sent: Sunday, February 14, 2021 8:25 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: second amendment rights

please support our rights to bear arms as is guaranteed in the constitutions second amendment. the right to bear arms is critical to protect citizens from tyranny and government overreach. LIVE FREE OR DIE

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone



**JAY EDWARD SIMKIN
SPORTING GOODS & POLICE SUPPLIES
FEDERALLY-LICENSED FIREARMS DEALER**

Testimony

Senate Bill HB 141-FN

Senate Judiciary Committee

Remote Session

16 February 2021 / 1:00 p.m.

SB 141-FN – will damage law-abiding New Hampshire firearm-owners. It – and any variant(s) – should be deemed “inexpedient to legislate”.

I’ve held a Federal Firearms license (FFL) since mid-1983 and since mid-1993 have been domiciled in New Hampshire. I personally handle background checks.

SB 141 – as published – is a “cure” far nastier than the problem it purports to address. The problem: for long prior to 2020’s record surge in firearm sales, a **rogue Department of Safety (DoS) employee had re-shaped the background check process as she saw fit. She turned a minutes-long process into one that often took days or weeks.** This cost dealers and customers time and money. In effect, this rogue employee put on firearm-dealers and -owners, a tax the General Court never voted. This abuse became intolerable, when firearms sales soared in 2020.

DoS has, at last, curbed this rogue employee. **DoS background checks now take about the same time as those done by the FBI-NICS Center, i.e., about five minutes.** Any difference may be due to equipment or staffing levels.

Shifting all background checks to the FBI NICS Center will damage most New Hampshire firearm-buyers. Change proponents seem unfamiliar with the mechanics of background checks.

The FBI-NICS center requires dealers actually to see documentary proof of a buyer’s full legal name. Most New Hampshire IDs have only a middle initial. The FBI-NICS compels buyers to bring to the dealer a birth certificate or another government-issued document that shows the buyer’s full, legal name. The DoS accepts any unexpired state-issued ID.

Further, the FBI-NICS often delays those who hold, or have held, certain security clearances, e.g., members of Special Operations units. As most NICS agents cannot view such persons’ records, the process stops until an FBI-NICS agent, with an adequate clearance, is “on duty”. After 20 years of war in southwest Asia, many more have held such clearances, so may be delayed by FBI-NICS. This is not so with the DoS.

For those denied, I'm told the DoS is quick to explain the precise reason, often including a court's docket number and the date. This expedites the finding and fixing of records. By contrast, the FBI-NICS Center is usually less helpful, e.g., requiring all contacts to be by letter. DoS accepts some documents by e-mail, facsimile, or hand delivery.

FBI-NICS "lovers" would have you believe that almost all inquiries get "instant" approval. Not so: 70% get "instant" approval. That means 30% don't. Most are resolved within three days (*NICS Operations Report – 2019*, pp. 21-22).

FBI-NICS "lovers" would have you believe dealers often have to retrieve firearms. Not so: The 2019 NICS Report states that only in 2,989 checks was law enforcement tasked to retrieve a firearm (or firearms) from those, to whom transfers had been made after the three-day delay and who were later found to be "prohibited" persons. (*ibid.*, p. 23).

FBI-NICS "lovers" seem to have forgotten that **about two years ago, the FBI-NICS slashed the number of phone center agents. The resulting long "hold times"** likely were aimed at forcing dealers to use the "e-Check system". With a militantly anti-gun Administration in office, no one can rule-out a deliberately slowed response to *all* inquiries. To pretend otherwise is nonsense.

Further, **e-Check requires buyers' information to be sent "over the internet"**. The huge Solar Winds – Orion hack of major firms and government agencies' databases, makes it lunacy to shift all background checks to FBI-NICS. If phone access ends, dealers will have to send buyers' information via internet. Some claim – laughably – that their websites and databases are secure.

For some firearm-buyers, personal data security is a life-and-death matter, i.e., it is not a matter of "privacy". If a murderous ex-spouse or "significant other" gets a victim's address, s/he may be murdered. An under-cover police officer doesn't get "embarrassed" if his/her data are stolen. S/he may be beaten or murdered.

Finally, **note that at end-2018, there were some 423,000,000 firearms in the U.S.,** excluding military items. A career criminal, who wants a firearm, will get one, without going to a dealer. (U.S. Department of Justice, *Firearm Commerce in the United States*, 2000 and 2020).

Further, a U.S. Government Accountability Office (GAO) study showed that **there's rarely Federal prosecution of those, who are justly denied.** Of 12,000 denials referred by FBI-NICS screeners for "investigation", only 12 Federal prosecutions resulted! (GAO Report, No. 18-440, September, 2018; executive summary attached for ease of reference). So much for the idea that background checks are useful!

In short, DoS has come to grips with the problems that inspired SB141-FN. The Bill – no matter how "tweaked" – if enacted, will harm New Hampshire firearm-owners. It should be voted "inexpedient to legislate".

Thank You, Mme. Chairwoman and Members of the Committee, for hearing my testimony. I'll be happy to answer any questions related to my testimony.



Report to the Ranking Member,
Subcommittee on Commerce, Justice,
Science, and Related Agencies,
Committee on Appropriations, House of
Representatives

September 2018

LAW ENFORCEMENT

Few Individuals
Denied Firearms
Purchases Are
Prosecuted and ATF
Should Assess Use of
Warning Notices in
Lieu of Prosecutions

GAO Highlights

Highlights of GAO-18-440, a report to the Ranking Member, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations, House of Representatives.

Why GAO Did This Study

In 2017, approximately 25.6 million firearm-related background checks were processed through NICS, and about 181,000 of the attempted purchases at the federal and state levels combined were denied because the individual was prohibited from possessing a firearm under federal or state law. Individuals who certify that they are not prohibited from purchasing or receiving a firearm and are subsequently determined to be prohibited could be subject to investigation, and if prosecuted, a fine, imprisonment, or both.

GAO was asked to examine firearms denials. This report (1) describes the extent to which federal and selected state law enforcement agencies investigate and prosecute firearms denial cases; (2) examines related challenges faced by these agencies; and (3) describes the circumstances that lead to investigations and prosecutions. GAO reviewed laws and regulations; analyzed federal and state data from 2011 through 2017; and interviewed officials from ATF headquarters, 6 of 25 ATF field divisions (the 6 that investigated the most cases), and the 13 states that process all NICS checks within their state. Results from state interviews are not generalizable but provide insights on state practices.

What GAO Recommends

GAO recommends that ATF assess the extent to which ATF field divisions use warning notifications as an enforcement tool, which would inform whether changes to policy are needed. DOJ concurred with GAO's recommendation.

View GAO-18-440. For more information, contact Gretta L. Goodwin, 202-512-8777 goodwin@gao.gov.

LAW ENFORCEMENT

Few Individuals Denied Firearms Purchases Are Prosecuted and ATF Should Assess Use of Warning Notices in Lieu of Prosecutions

What GAO Found

Investigations and prosecutions. Federal and selected state law enforcement agencies that process firearm-related background checks through the National Instant Criminal Background Check System (NICS) collectively investigate and prosecute a small percentage of individuals who falsify information on a firearms form (e.g., do not disclose a felony conviction) and are denied a purchase. Federal NICS checks resulted in about 112,000 denied transactions in fiscal year 2017, of which the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) referred about 12,700 to its field divisions for further investigation. U.S. Attorney's Offices (USAO) had prosecuted 12 of these cases as of June 2018.

Table: Federal National Instant Criminal Background Check System (NICS) Firearms Denial Cases Investigated and Prosecuted, Fiscal Year 2017

Federal NICS Transactions	Denials	ATF Field Division Investigations	United States Attorney's Offices Prosecutions
8,606,286	112,090	12,710	12

Source: GAO Analysis of Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and FBI data. | GAO-18-440

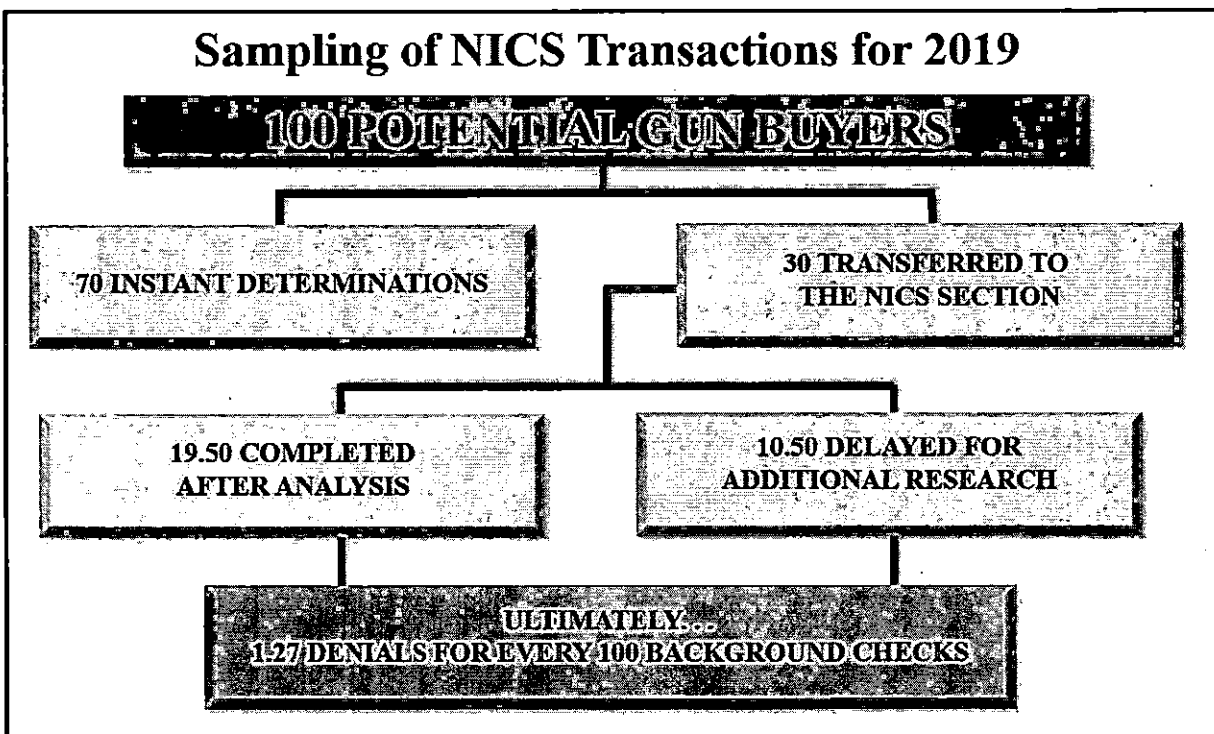
At the state level, officials from 10 of 13 selected states said they did not investigate or prosecute firearm denials, some citing competing resource demands and the lack of statutes with which states prosecute as reasons. The remaining 3 states investigated a high proportion of firearms denials. One of the 3 states reported about 1,900 referrals for prosecution in 2017 and about 470 convictions.

Challenges. ATF and selected states reported challenges in investigating and prosecuting firearms denials. Officials from six selected ATF field divisions said that investigating the increasing number of denial cases referred to field divisions—which increased from about 5,200 in fiscal year 2011 to about 12,700 in fiscal year 2017—has been time intensive and required use of their limited resources. ATF policy provides that field divisions may send “warning notices” to denied persons in lieu of prosecution, but ATF has not assessed field divisions' use of these notices, which could provide greater awareness of their deterrence value and inform whether any policy changes are needed. Officials from the Executive Office for United States Attorneys said that prosecuting denial cases can require significant effort and may offer little value to public safety compared to other cases involving gun violence. Selected state officials said that denial investigations can take law enforcement officials away from their core duties. State prosecutors said gathering evidence to prove individuals knew they were prohibited was a challenge.

Types of cases. ATF field divisions investigate denial cases based on USAO criteria and generally only refer cases to USAOs for prosecution when aggravating circumstances exist, such as violent felonies or multiple serious offenses over a short period of time. Officials from two of three selected states refer all denial cases for investigation, while one state uses risk-based criteria for selecting cases that include conditions such as felony convictions and misdemeanor crimes of domestic violence. Prosecutors from these three states said they generally pursue cases that involve indications of violence, though individual prosecutors had differing priorities based on public safety concerns.

Out of One Hundred Checks

Based on the information returned in response to a NICS background check, the NICS Section provides either a proceed, delay, or deny transaction determination to the FFL pursuant to Title 28, Code of Federal Regulations (C.F.R.), Section 25.6. If the NICS Section cannot determine a proceed or deny response during the FFL's initial contact, the transaction is delayed. When a NICS transaction is delayed, the NICS Section conducts research in an attempt to acquire all relevant documentation that will allow a determination to be made regarding the prospective purchaser's eligibility to possess or receive a firearm. An FFL is not prohibited by federal law from transferring a firearm after the expiration of the third business day even if the NICS Section has been unable to provide a proceed response, pursuant to 18 U.S.C. § 922(t)(1). However, the NICS Section is committed to its mission; therefore, the search for all relevant documentation continues beyond the three business days to provide a final determination until the transaction is purged prior to 90 days. From January 1, 2019, through December 31, 2019, approximately 30 percent of all transactions processed were given an initial delay status. Ultimately, of all the transactions processed by the NICS Section, 1.27 percent were denied. It is important to note that transactions not subject to the three-business-day rule (i.e., National Firearms Act background checks, FFL background checks, and canceled transactions) are not included in determining these statistics.



Jennifer Horgan

From: johngarrison51@gmail.com
Sent: Monday, February 15, 2021 9:54 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: SB-141, AN ACT relative to the procedure for conducting firearm background checks

Dear members of the Senate Judiciary Committee: I apologize if you have received more than one copy of this message. I appear to be having trouble with my e-mail server. It has not sent me confirmation that this message has been sent. Again, my apologies.

My name is John Garrison and I am a registered voter who lives at 194 Elm Street in Lancaster, New Hampshire.

I am writing to support the changes proposed by Senate Bill 141 because existing New Hampshire law provides unnecessary inefficiencies and delays in the orderly processing of firearm-related background checks, while adding little intrinsic value.

- The report “Cost-Benefit of Point-of-Contact (POC) Versus Non-POC Firearm Eligibility Background Checks” sent to the U.S. Department of Justice in May of 2008, Dr. James Tien, Michael F Cahn, David M. Einstein, and Robin C. Neray was commissioned because “In some states which elected POC status, including Georgia, there has been on-going pressure to reconsider, thereby eliminating the costs of subsidizing POC operations.”
- In the summary of findings, the report states: “A fraction – possibly a substantial fraction – of the firearm eligibility checks submitted by the state POCs to NICS replicate previously submitted checks regarding the same purchase transaction. In Georgia and Oregon, the average numbers of checks submitted per transaction are 1.6 and 1.1, respectively. They go on to state that the delays also have a negative impact on issuing denials.
- While the report acknowledges that there is some evidence that the POC states may produce additional denials due to POC checks of their state or local files, it also notes that it only applies where the state POC has access to mental health and drug abuse records. Privacy and confidentiality statutes or regulations may preclude even the state POCs from accessing same.

This issue is important to me. My spouse Debbie and I lived in Maryland all of our years together, before moving to New Hampshire in the spring of 2020. On April 4, 2013, the Maryland General Assembly approved legislation imposing significant new restrictions on gun ownership. The bills require that handgun purchasers be fingerprinted and pass a training class in order to obtain a handgun license, and bar persons who have been involuntarily committed to a mental health institution from possessing firearms, and they impose a 10 day waiting period before a law-abiding citizen who passes all the background checks may obtain a handgun. It has been an abysmal failure. Brian Griffiths of the Baltimore Sun reported that gun deaths have increased by 78% in Maryland since 2013 in his report dated August 9, 2019. Further, other sources report that gun deaths in Baltimore City have doubled since 2013.

Law abiding New Hampshire residents have the great fortune of living in a state that recognizes that a homeowner who may have a firearm in his or her possession is a huge deterrent to crime.

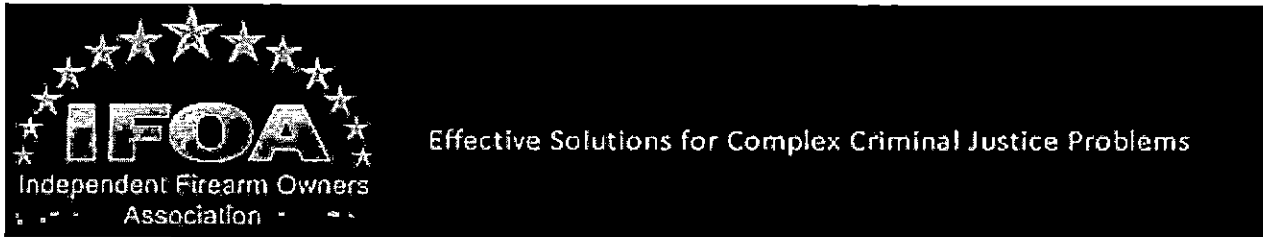
Sincerely,

John A. Garrison
PO Box 310
194 Elm Street
Lancaster, NH 03584-0310
☎ 443-966-2997
✉ johngarrison51@gmail.com

Jennifer Horgan

From: Richard Feldman <mls@usa.net>
Sent: Monday, February 15, 2021 9:17 PM
To: IFoA
Subject: IFOA Supports SB 141 Concord, NH

Importance: Low



Feb. 16, 2021

Rindge, NH...The Independent Firearm Owners Association (IFOA) based in New Hampshire is pleased to support **SB 141**, a new procedure for conducting firearm background checks.

Usually firearm law changes are controversial, but this legislation should be supported by gun owners and non gun owners alike. It doesn't get easier or more straightforward than this!

Here are the facts. Federal law mandates that all firearm transfers from gun stores undergo "background checks". Due to history and timing of enactment long gun (*rifles and shotguns*) transfer checks are handled by the FBI NICS system while *handgun* transfer checks are handled by the NH State Police. The Federal government pays for the NICS checks while the State of New Hampshire pays for the handgun checks through the State Police. Most states use the Federal system for all firearm purchasers.

Had the State Police been as efficient/effective as the FBI NICS program there would only be financial incentives to this legislation - namely it saves NH taxpayers money and frees up funds for the State Police to use elsewhere. However, the State Police have not resolved their own internal program problems and since the FBI already does an excellent job with background checks it behooves the legislature to pass this bill which more effectively accomplishes the purpose of having a background check in the first place. The FBI better protects the rights of the citizens of New Hampshire, helps the firearm retail business community and saves N.H. taxpayers money.

We at the "IFOA" will be hard pressed to find any firearm legislation with quite so many benefits to gun-owners and no downsides to the public or to law enforcement. This bill

isn't about balancing of competing risks since there are no negative consequences to passage only to delay.

#

Jennifer Horgan

From: Tony Farrow <tonyfarrow@live.com>
Sent: Tuesday, February 16, 2021 4:34 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: Re: SB 141

Good day ladies and gentlemen. My personal dealings with State Agencies has not been exactly expeditious, and not having complete details or affirmation that this particular Bill will help expedite in any way raises concerns down the road. With that, I suppose if PGNH, Honorable Mr. Clegg and Gov. Sununu support this Bill and the transparency as described. Then I too will back them.

Thank you for your time. RTKABA

Sent from my iPad



Deb Martone <usrdtm@gmail.com>

FW: NH Sheriff's Association brief SB 141-FN

1 message

Debra Martone <Debra.Martone@leg.state.nh.us>
To: "usrdtm@gmail.com" <usrdtm@gmail.com>

Mon, Mar 22, 2021 at 6:16 PM

From: Domenic Richardi <drichardi@carrollcountynh.net>
Sent: Monday, March 22, 2021 5:48 PM
To: Gary Daniels <Gary.Daniels@leg.state.nh.us>; John Reagan <john.reagan111@gmail.com>; Lou D'Allesandro <dallas@leg.state.nh.us>; Chuck Morse <Chuck.Morse@leg.state.nh.us>; Bob Giuda <Bob.Giuda@leg.state.nh.us>; Cindy Rosenwald <cindy.rosenwald@leg.state.nh.us>; Erin Hennessey <Erin.Hennessey@leg.state.nh.us>; Debra Martone <Debra.Martone@leg.state.nh.us>
Subject: NH Sheriff's Association brief SB 141-FN

Subject: From the NH Sheriffs Association regarding SB 141-FN - Relative to the procedure for conducting firearm background checks.

Dear Chairman Daniels and Members of the Senate Finance Committee:

Attached is a brief on SB 141-FN - Relative to the procedure for conducting firearm background checks - from the NH Sheriffs Association.

^①
~~Chief Deputy Gary Fisher from the Hillsborough County Sheriffs Office and Major Chris Bashaw from the Rockingham County Sheriff's Office will be present~~ and available to answer any questions you may have tomorrow at the Senate Finance Committee meeting. *IF NEEDED*

We do have strong concerns about the cost and the implementation of the program, but we look forward to working with your Committee as you continue to review this proposal.

If you have any questions, please call.

Sincerely,

Domenic M. Richardi
Carroll County Sheriff
NHSA - President
603 387-8117

3/22/2021

Gmail - FW: NH Sheriff's Association brief SB 141-FN

Sent from my Verizon, Samsung Galaxy smartphone



sb141sheriffsbrief(1).docx

21K

NH Sheriffs Association

Brief

SB 141-FN - Relative to the procedure for conducting firearm background checks

Senate Finance Committee

March 23, 2021

1. 159-D:1(b) "No state agency or political subdivision shall access the National Instant Criminal Background Check System ("NICS") unless specifically authorized by this chapter."

The issue of local police departments not being allowed to access NICS seems to have been addressed in the amendment. I am concerned with the last three (3) words of the amendment – "under this chapter." I am not sure if the NICS is specifically used for this chapter alone, this could restrict the use of NICS as it pertains to other statutes.

159-D:5 "Use of Federal Government Information System. Nothing in this Chapter shall prohibit any law enforcement agency or its personnel from utilizing the federal National Instant Criminal Background Check System, or any of its component or successor systems, or any other government information system necessary to perform their duties under this chapter."

2. 159-D:1 II(a) "The county sheriff's office shall initiate the NICS background check within 10 business days of ~~the date of filing of~~ the motion or other pleading requesting the return of firearms."

Would recommend striking "the date of filing of" and replacing with "receiving"

159-D:1 II(b) "Within 15 business days of ~~the date of filing of~~ the motion or other pleading requesting the return of firearms, the county sheriff's office shall provide a conclusive decision to the court stating either 'proceed' or 'deny.' This decision will be based solely on whether or not the individual is prohibited from possessing or owning a firearm according to state or federal statute. Should the NICS background check fail to demonstrate that the petitioner is prohibited from firearms possession within the 15-business-day time period stated in this chapter, the sheriff's office shall provide a 'proceed' decision to the court."

Would recommend striking "the date of filing of" and replacing with "receiving."

3. 159-D:1 II(d)

The destruction of the records "... within 24 hours of transmitting a 'proceed' determination to the court. Should a 'deny' determination be made, all records shall be destroyed by the county sheriff's office within 24 hours of the later of the following:" If a look back would be required for any reason the records may not be available for support if already destroyed. The records should be retained by the sheriff's offices for a reasonable amount of time in order to address this.

Recommending replacing **"24 hours"** with **"30 days"** when doing so would also recommend adding the following language, may have to be under a separate section; "Confidentiality – Notwithstanding the provisions of RSA 91-A:4 or any other provision of law to the contrary, all papers and records, pertaining to the approval or denial of the return of firearms pursuant to said section are subject to inspection only by law enforcement officials of the state or any political subdivision thereof or of the federal government while in the performance of official duties or upon written consent, for good cause shown, of the superior court in the county where the request to return firearms was filed." This wording is already contained in this Chapter as it pertains to licensing – 159:6-a.

4. 159-D:2 I

*"The request may be made by written or **oral** motion to the court."*

Recommend that "oral" be removed from the bill. The motion should be in writing and the motion would be forwarded with the paperwork to the sheriff's offices.

5. 159-D:7

"The sum of \$100,000 for the fiscal year ending June 30, 2021 is hereby appropriated as follows: the sum of \$10,000 shall be appropriated to each county sheriff's office for the purchase of hardware and software and to defray training costs ..."

Although some of the counties may currently have the equipment to provide this service, several counties do not have the equipment and currently rely on other agencies to provide SPOTS/NCIC services.

All 10 sheriff's offices will be required to train personnel regarding submitting, receiving and reviewing NICS information as well as the state and federal guidelines as they relate to the possession of firearms by a prohibited person.

Additionally, all 10 sheriff's offices are not in a position to absorb the commitment that will be required with the personnel they currently have on staff.



Deb Martone <usrdtm@gmail.com>

FW: A Sheriff is trying to sign in to speak at Senate Finance tomorrow, and it will not let him. Thanks! Beth

1 message

Debra Martone <Debra.Martone@leg.state.nh.us>
To: "usrdtm@gmail.com" <usrdtm@gmail.com>

Mon, Mar 22, 2021 at 6:20 PM

From: Elizabeth C. Sargent <esargent@sheehan.com>
Sent: Monday, March 22, 2021 6:06 PM
To: Debra Martone <Debra.Martone@leg.state.nh.us>
Subject: RE: A Sheriff is trying to sign in to speak at Senate Finance tomorrow, and it will not let him. Thanks! Beth

Hi Deb:

Thank you so much for getting back to me. Here's the scoop –

Sheriff Chris Connelly spoke with Senator Daniels today. He would like someone from the NH Sheriffs Association to be available to answer questions tomorrow.

Here is the email that Sheriff Domenic Richardi sent to the Committee a few minutes ago.

You will see that Chief Deputy Gary Fisher and Major Chris Bashaw will be on the line with their hands raised for SB 141-FN – abolishing the gun line.

Dear Chairman Daniels and Members of the Senate Finance Committee:

Attached is a brief on SB 141-FN - Relative to the procedure for conducting firearm background checks - from the NH Sheriffs Association.

Chief Deputy Gary Fisher from the Hillsborough County Sheriff's Office and Major Chris Bashaw from the Rockingham County Sheriff's Office will be present and available to answer any questions you may have tomorrow at the Senate Finance Committee meeting.

We do have serious concerns about the cost and the implementation of the program, but we look forward to working with your Committee as you continue to review this proposal.

If you have any questions, please call.

Beth

Cell 568-0213

From: Debra Martone <Debra.Martone@leg.state.nh.us>
Sent: Monday, March 22, 2021 6:00 PM
To: Elizabeth C. Sargent <esargent@sheehan.com>
Subject: RE: A Sheriff is trying to sign in to speak at Senate Finance tomorrow, and it will not let him. Thanks! Beth

Beth—

Tomorrow is an Exec Session for Senate Finance, thus no sign-ups for speaking.

You didn't mention which bill-we'll be exec'g 12 of them. Just have the sheriff raise his hand electronically while we are discussing the particular bill during the Exec Session, and I'll try to get Senator Daniels to recognize him.

Why don't you give me this individual's name and the bill number just in case?

Deb

From: Elizabeth C. Sargent <esargent@sheehan.com>
Sent: Monday, March 22, 2021 5:08 PM
To: Debra Martone <Debra.Martone@leg.state.nh.us>
Subject: A Sheriff is trying to sign in to speak at Senate Finance tomorrow, and it will not let him. Thanks! Beth

Elizabeth C. Sargent
Sheehan Phinney Capitol Group
2 Eagle Square
Concord, NH 03301
Direct Dial: (603) 627-8369
Telephone: (603) 228-2370 x6
Fax: (603) 224-8899
Email: esargent@sheehan.com



PRIVILEGED AND CONFIDENTIAL: This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please notify the sender

immediately by reply e-mail and delete the transmission. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege.

Links contained in this email have been replaced by ZixProtect Link Protection. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



PRIVILEGED AND CONFIDENTIAL: This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please notify the sender immediately by reply e-mail and delete the transmission. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege.

2 attachments

 **sb141sheriffsbrief.docx**
21K

 **sb141amend.docx**
23K

To: Senate Finance Committee

From: Sean R. List, Esq.

Date: ~~March 23, 2021~~

Re: Analysis of Fiscal Impact of SB 141 in response to Fiscal Note Submitted by Attorney Head

Members of the Finance Committee:

Although I did not intend on submitting testimony to the Finance Committee given the clear cost savings presented by SB 141, I would be remiss if I did not respond to the submission by my fellow officer of the court, Attorney Richard Head.

At the outset, let me make clear that I had a lengthy call with Attorney Head and the DV Liaison for the Judiciary, Sarah Freeman, during my drafting of the bill. The bullet-pointed concerns contained within Attorney Head's fiscal note are a mixture of costs not attributable to SB 141 and incomplete data. I will respond to each point in turn.

Incomplete Dispositional Records

I certainly appreciate the transparency of the disclosure that the Department of Safety maintains approximately 170,000 files without complete dispositional records. This incomplete record-keeping is incredibly concerning for not just firearm background checks but also for the average citizen who might be required to submit to a background check for a job application, security clearance or professional license. Records that show arrests without dispositions could cause a person who has been acquitted to suffer consequences as though he or she was convicted. These records must be corrected to protect our citizens. The cost of correcting and completing records that were hastily compiled by the Department of Safety cannot be properly imputed to SB 141. These records should have been entered correctly in the first place.

Although correcting the Department of Safety's records might incur costs in the short-term, the current protracted process of internal searches and calls to various Court Clerks for the purpose of completing background checks will no longer be necessary, which will ultimately net a higher level of efficiency and cost-savings for decades to come. SB 141 was amended so that the effective date was pushed out an additional six months to give the Judiciary and Department of Safety the time to clean up its records.

Reporting into the Federal NICS

The NICS pulls records from three places: the National Crime Information Center ("NCIC,"), the Interstate Identification Index ("IIP"), and the NICS Index.

Records that are submitted into NCIC regarding prohibitors under federal law, such as final protective orders, will not need to be entered a second time into the NICS Index. NICS will already

pull those records from NCIC. State prohibitors, such as temporary restraining orders that are not currently reported into NCIC, will need to be entered into the NICS Index. There will be no double-reporting cost because only one entry will be required in either situation. Under our current system with the Gun Line, temporary orders are not entered into the NICS Index and are instead held only by the Gun Line. They are only utilized with handgun purchases. This means that someone prohibited from buying a gun due to a temporary restraining order under state law can go to a dealer and purchase a shotgun or rifle. The dealer and the State of New Hampshire face liability if that prohibited purchaser shoots someone.

Records Without Date of Birth

The Gun Line's current system of compiling the names of prohibited individuals without dates of birth is both ineffective and inefficient, leading to the unnecessary expenditure of time and resources. A name without a date of birth is not enough information to stop a prohibited buyer, but it is enough to delay an innocent buyer who shares a name with a prohibited person. If Aaron Smith is prohibited but a date of birth is not on file, when he submits to a firearm-related background check the Gun Line cannot determine that the Aaron Smith submitting to the check is the prohibited Aaron Smith or a different person with the same name. If someone named Aaron Smith who is not prohibited attempts to buy, the Gun Line cannot clear that person. In both cases, a delay response will be provided by the Gun Line and the State undergoes the cost of the Gun Line making contact with the Court and investigating. If the investigation is not completed within three days, prohibited Aaron Smith could walk away with the gun.

Overall Fiscal Impact

SB 141 contains a monetary allocation totaling \$100,000.00. As depicted in the attached accounting summary from the New Hampshire Accounting Unit, the regular costs of the Gun Line are expected to total more than \$700,000.00 annually by 2023, not including the unknown costs currently incurred by the Judiciary for the current entry of records, investigation of cases without dispositional information, and compilation of the names of prohibited persons without dates of birth. These figures also do not include the eight State Troopers temporarily assigned to the Gun Line. The starting base salary for a New Hampshire State Trooper is \$53,913.60. This base salary does not include special duty pay, holiday pay, or overtime pay. This figure also does not include Group II participation in the New Hampshire Retirement System, health insurance, dental insurance, optical insurance, or disability insurance. To approximate the cost of each State Trooper at \$80,000.00 per year would be a very conservative estimate. Therefore, taking these facts into account along with the attached accounting summary, the savings to New Hampshire for each of the following three years would be at least the following:

	2021	2022	2023
Accounting Unit's Projected Annual Cost of Gun Line	552,430.00	693,311.00	716,930.00
Addition of Eight State Troopers	640,000.00	640,000.00	640,000.00
Allocation for SB141	(100,000)	(100,000)	(100,000)
Total Savings	\$1,192,330.00	\$1,233,311.00	\$1,256,930.00

Costs that Cannot Be Calculated to Exact Figures at this Juncture

- **Technology Upgrade:** The Judiciary already maintains an extensive computer system and a call center. Although it is unexpected that the Judiciary will be required to upgrade its system to simply report records accurately, any limited cost of any required upgrade cannot be calculated to an exact figure.
- **Transcript Costs regarding appeals to the Supreme Court:** The Circuit Court currently reports under 500 motions for the return of firearms submitted per year. Under SB 141, if a motion is denied and then an appeal hearing at the Circuit Court leads to a second denial, the case could be appealed to the Supreme Court. A very low percentage of cases in New Hampshire are appealed to the Supreme Court generally. When an appeal does happen, the transcript cost is charged by the following calculation method: length of Circuit Court proceeding rounded to the nearest .5 hour increment x \$137.50. Most cases are allotted 15 or 30 minutes. Being incredibly conservative, if a hearing and appeal at the Circuit Court total one hour, the transcript cost is \$137.50. Even if 50 cases per year (more than 1/10) went to the Supreme Court (which is highly unlikely), the total cost would be \$6,875.00.

Conclusion

SB 141 provides significant cost savings to New Hampshire while improving our records, protecting gun owners, and protecting victims.

Sincerely,



Sean R. List, Esq.
 Lehmann Major List, PLLC
 6 Garvins Falls Road,
 Concord, NH 03301
 (603)715-8882
 sean@nhlawyer.com

STATE OF NEW HAMPSHIRE
ACCOUNTING UNIT SUMMARY

CATEGORY 02 ADMIN OF JUSTICE AND PUBLIC PRM
DEPARTMENT 00023 SAFETY DEPT
AGENCY 023 SAFETY DEPT
ACTIVITY DSP234010 DIVISION OF STATE POLICE
ORGANIZATION 2913PAL PERMITS AND LICENSING

FUND 010 AGENCY 023 ACCOUNTING UNIT 29130000

	FY 2020	FY 2021	FY 2022			FY 2023		
	ACTUAL EXPENSE	ADJUSTED AUTHORIZED	EFFICIENCY BUDGET	ADDL PRIORITIZED NEEDS	REQUEST	EFFICIENCY BUDGET	ADDL PRIORITIZED NEEDS	REQUEST
Expenditures								
D10 Personal Services-Perm. Class	244,788	245,491	276,236	0	276,236	295,619	0	295,619
D18 Overtime	47,441	30,000	60,000	0	60,000	60,000	0	60,000
D19 Holiday Pay	5,945	5,000	6,000	0	6,000	6,000	0	6,000
D20 Current Expenses	23,799	46,742	52,810	0	52,810	50,310	0	50,310
D22 Rents-Leases Other Than State	3,092	2,800	2,800	0	2,800	2,800	0	2,800
D27 Transfers To Oit	0	0	15,538	816	16,354	15,528	774	16,300
D30 Equipment New/Replacement	409	2,000	2,000	0	2,000	2,000	0	2,000
D37 Technology - Hardware	0	1,500	2,000	0	2,000	0	0	0
D39 Telecommunications	1,530	1,000	1,600	0	1,600	1,600	0	1,600
D49 Transfer to Other State Agency	0	0	295	0	295	318	0	318
D50 Personal Service-Temp/Appointe	17,788	80,000	100,000	0	100,000	100,000	0	100,000
D60 Benefits	134,440	137,655	173,977	0	173,977	182,700	0	182,700
211 Property and Casuaty Insuranc	0	42	55	0	55	59	0	59
Expenditure Total	479,232	552,430	693,311	816	694,127	716,930	774	717,704
Estimated Source of Funds								
General Fund	479,232	552,430	693,311	816	694,127	716,930	774	717,704
Total	479,232	552,430	693,311	816	694,127	716,930	774	717,704
Number of Positions								
Permanent Classified	7.00	7.00	7.00	0.00	7.00	7.00	0.00	7.00
Total Number of Positions	7.00	7.00	7.00	0.00	7.00	7.00	0.00	7.00

PLEASE COMPLETE ALL SHADED AREAS IN THE WORKSHEET. IF YOU HAVE ANY QUESTIONS, PLEASE REFER TO THE LBA GUIDELINES FOR FISCAL NOTE WORKSHEETS OR CONTACT OUR OFFICE (271-3161).

Agency Name:	Judicial Branch
LSR #:	
Bill #:	SB141
Amendment #(s):	

Date of LBA Request	1/12/2021
Date Due to LBA	ASAP
Date Sent to LBA	3/22/2021 (updated)
Corrected Worksheet?	Yes

A. Fiscal Impact Summary

- Specify the total impact on revenues and expenditures for each level of government and fund(s) impacted.
- Only the incremental change from the current law or budget should be included.
- If there is no fiscal impact, enter a zero (“\$0”). If the fiscal impact cannot be estimated, enter “Indeterminable” (**with a range if possible**) and indicate if the impact may increase or decrease revenues or expenditures.
- The amounts in the table below should correspond with the calculations in Section C of this worksheet.
- Decreases should be presented within parenthesis.
- If there is a fiscal impact after FY 2021 through FY 2024, please include in section C.
- **Provide account/fund for revenue impacts and/or source of funds for estimated expenditures (i.e., general fund, highway fund, federal funds, name of restricted dedicated fund, etc.)**

	FY 2021	FY 2022	FY 2023	FY 2024
State Revenues	0	0	0	0
<i>Revenue Account/Fund</i>	N/A	N/A	N/A	N/A
State Expenditures	In excess of \$1.2 million	Indeterminable resource expenditures	Indeterminable resource expenditures	Indeterminable resource expenditures
<i>Source of Funds</i>	<i>General Fund</i>	<i>General Fund</i>	<i>General Fund</i>	<i>General Fund</i>

County Revenues	\$	\$	\$	\$
County Expenditures	\$	\$	\$	\$

Local Revenues	\$	\$	\$	\$
Local Expenditures	\$	\$	\$	\$

B. Assumptions

- Clearly explain your understanding of the proposed legislation, how it would be implemented or impact current operations, and any other important cost-related assumptions.
- Assumptions should be clear and not chosen to influence one's opinion of the proposed legislation.
- Assumptions used should relate directly to your agency's estimate of the fiscal impact on the revenues, expenditures, or fiscal liability of the state, or a city, town or county.

The Judicial Branch makes the following assumptions about this LSR:

- This bill would abolish the State Gun Line and give the FBI the exclusive authority and jurisdiction to conduct background checks for the sale or transfer of firearms involving Federal Firearms Licensees ("FFL") in New Hampshire.
- This bill would give jurisdiction to the county sheriff for the county in which the court is situated for the purpose of determining whether an individual is prohibited by federal or state statute from firearm possession or ownership in relation to a motion or requested return of firearms.
- The bill would require the NHJB to begin entering data into the NICS Index which it does not currently do. The NHJB is seeking additional information regarding the work that will be needed to connect NHJB to the NICS Index.
- In addition, in approximately 6% of the cases where orders of protection are issued, the court does not have a date of birth for the defendant. Those orders with no date of birth will need to be entered into the NICS Index. Because the NICS index is not accessible to New Hampshire law enforcement in the field, the same data will need to be entered into NCIC, which is accessible by law enforcement, resulting in additional time spent per file uploading data to federal databases. The need to enter data into two databases due to the lack of a date of birth impacts on average approximately 1,500 files per year. This will result in approximately 50 hours of additional hours/year by court staff spent on double data entry.
- The Judicial Branch has been told by the Department of Safety that the Gun Line does a search of its entire case database, which is approximately 5 million cases. Of those, Department has no disposition data on approximately 170,000 files. If the Gun Line search has a hit on a file without a disposition, the Department contacts the clerk of the relevant court and requests a disposition status. If Gun Line is abolished and all 170,000 files need to be researched by the NHJB in order to update NCIS. Each file will require research by a Court Assistant, at a rate of approximately four files per hour, or approximately 42,500 hours. The NHJB will have an expenditure of approximately \$1.2 million in time for a Court Assistant II. NHJB assumes that the disposition of those cases would be provided to the Department, and the Department would be responsible for updating relevant NICS databases. This impact does not include the research time that would require resulting from a search of the entire Department of Safety database of approximately 5 million files. An unknown number of those files that do have a disposition would require additional research by court personnel when the record is inconclusive.
- The bill provides that any person seeking the return of firearms who is aggrieved by the ruling made by the trial court regarding a motion or other request for the return of firearms, such individual would be entitled to appeal and a transcript of the proceedings and the trial court's record shall be transmitted to the supreme court in full, without any fee charged to the petitioner. There will be an indeterminable fiscal impact on the Judicial Branch to transmit the record and

create a transcript of any trial court proceedings. The cost of transcription is approximately \$137.5 for every .5 hours of hearing time.

C. Calculations and Methodology

- Using the assumptions provided in Section B, calculate the estimated fiscal impact of the proposed legislation.
- Calculations should be detailed with the methodology clearly stated.
- If calculating position costs please use and attach the appropriate position cost calculator worksheet found [here](#).
- If the fiscal impact is zero (\$0) or indeterminable, please explain why.
- The calculations for FY 2021 through FY 2024 should agree with summary table in Section A. **Please also include information on fiscal impacts estimated outside of this period in this section.**

The total fiscal impact is indeterminable for the following reasons

IT Upgrade

In order to input data into the NICS Index, which the NHJB does not currently do, there will be an expenditure to make the NICS Index accessible to NHJB personnel.

Entry of Data into NCIC and NICS Index

In approximately 6% of the cases where orders of protection are issued, the court does not have a date of birth for the defendant. Those orders with no date of birth will need to be entered into the NICS Index. Because the NICS index is not accessible to New Hampshire law enforcement in the field, the same data will need to be entered into NCIC, resulting in additional time spent per file uploading data to federal databases. The need to enter data into two databases due to the lack of a date of birth impacts approximately 6% of those files, or on average approximately 1,500 files per year. This will result in approximately 50 hours of additional hours/year spent on double data entry.

Research 200,000 Department of Safety Files

There are approximately 170,000 files at the Department of Safety without disposition information that would need to be researched by the NHJB staff in order to update NCIS. Each file will require research by a Court Assistant, at an assumed rate of approximately four files per hour, or approximately 42,500 hours. The NHJB would have an expenditure of approximately \$1.2 million in time for a Court Assistant II based on salary and benefits of a Court Assistant II at \$27.87/hour.

This impact does not include the research time that would require resulting from a search of the entire Department of Safety database of approximately 5 million files. An unknown number of those files that do have a disposition would require additional research by court personnel when the record is inconclusive.

Appeal Transcripts

The bill provides that any person seeking the return of firearms who is aggrieved by the ruling made by the trial court regarding a motion or other request for the return of firearms, such individual would be entitled to appeal and a transcript of the proceedings and the trial court's record shall be transmitted to the supreme court in full, without any fee charged to the petitioner. There will be an indeterminable fiscal impact on the Judicial Branch to transmit the record and create a transcript of any trial court proceedings. The cost of transcription is approximately \$137.5 for every .5 hours of hearing

time.

D. Technical or Mechanical Defects

The bill authorizes the Judicial Branch to enter any temporary or final court order requiring the relinquishment of firearms or prohibiting the possession of firearms under RSA 173-B or RSA 633:3-a into the NICS system. The bill should be expanded to allow entry of protective orders under RSA 169-C (Child Protection Act), RSA 597 (Bail) or any other statute that authorizes the issuance of protective orders that would result in a disqualification under state or federal weapons laws, which would not be authorized as the bill is currently written.

The bill also would not allow for searching of the internal database at the Department of Safety, which has cases which result in disqualifying events that are not captured in a search by FBI only. It would also not search the emergency domestic violence orders and criminal bail protective orders issued after hours.

- Identify any conflicts between this bill and current law, either state or federal, and identify possible technical errors. This information is provided to the Office of Legislative Services where it is evaluated and may be discussed with the bill's sponsor.
- If no technical or mechanical defects are identified, please state "None Identified" below.
- Do not comment on the merits of the legislation.

E. Fiscal Note Worksheet Contact Information

Prepared By: Richard Head
Title: Government Affairs Coordinator
Approved by: not applicable
Title: not applicable
Phone: 603-415-0779
Email: rhead@courts.state.nh.us



Deb Martone <usrdtm@gmail.com>

FW: SB 141 (Procedure for conducting firearm background checks)

1 message

Debra Martone <Debra.Martone@leg.state.nh.us>
To: "usrdtm@gmail.com" <usrdtm@gmail.com>

Tue, Mar 23, 2021 at 7:18 AM

From: Richard W. Head <RHead@courts.state.nh.us>**Sent:** Monday, March 22, 2021 7:57 PM**To:** Gary Daniels <Gary.Daniels@leg.state.nh.us>; John Reagan <john.reagan111@gmail.com>; Lou D'Allesandro <dalas@leg.state.nh.us>; Chuck Morse <Chuck.Morse@leg.state.nh.us>; Bob Giuda <Bob.Giuda@leg.state.nh.us>; Cindy Rosenwald <cindy.rosenwald@leg.state.nh.us>; Erin Hennessey <Erin.Hennessey@leg.state.nh.us>; Debra Martone <Debra.Martone@leg.state.nh.us>**Subject:** SB 141 (Procedure for conducting firearm background checks)

Good evening Senator Daniels and members of Senate Finance

Attached is a copy of the Judicial Branch's updated fiscal note worksheet, a copy of which was sent to the LBA today.

Please do not hesitate to contact me should you have any questions.

Richard

Richard W. Head

Government Affairs Coordinator

New Hampshire Judicial Branch

One Granite Place, Suite N400

Concord, NH 03301

rhead@courts.state.nh.us

Direct dial: 603-415-0779

Cell: 603-716-8235

 **SB 141 Judicial Branch Fiscal Note Updated (firearm background checks).pdf**
159K



Deb Martone <usrdtm@gmail.com>

FW: DOS - Gun Line Questions

1 message

Debra Martone <Debra.Martone@leg.state.nh.us>
To: "usrdtm@gmail.com" <usrdtm@gmail.com>

Wed, Mar 24, 2021 at 6:02 AM

From: Gary Daniels <Gary.Daniels@leg.state.nh.us>
Sent: Tuesday, March 23, 2021 4:56 PM
To: Debra Martone <Debra.Martone@leg.state.nh.us>
Subject: Fw: DOS - Gun Line Questions

From: Lavoie, Steven <Steven.R.Lavoie@DOS.NH.GOV>
Sent: ~~Monday, March 22, 2021 13:25 PM~~
To: Gary Daniels <Gary.Daniels@leg.state.nh.us>; Quinn, Robert <Robert.L.Quinn@DOS.NH.GOV>
Subject: DOS - Gun Line Questions

Senator Daniels,

Commissioner Quinn asked me to send you the attached documents addressing some questions related to the gun line.

Thanks,

Steve



Steven R. Lavoie, CPA, CGMA

Director of Administration

NH Department of Safety

33 Hazen Drive

Concord, NH 03305

Office: 603-223-8020

Cell: 603-230-0612

Steven.R.Lavoie@dos.nh.gov

Department of Safety
Permits & Licensing - Gun Line Background Checks

- 1) *There has been discussion that the gun line was put in place to be a bridge until NICS is function is this accurate?*
The Department does not have direct knowledge of the legislative intent behind the establishment of the Gun Line. RSA 159-C, which was passed into law in 1994 to become effective January 1, 1995 gave the Department the authority to conduct criminal history record and protective order checks for sale of handguns by dealers and made an appropriation for this purpose. Licensed dealers were required to use a premium telephone call-in service to request that the department conduct such check. RSA 159-C allowed NH to comply with federal law prior to establishment of the National Incident Criminal Background Check (NICS) and included a contingency to repeal if a federal program was established. RSA 159-C was repealed in 1998. RSA 159-D was enacted in 1999 to allow the Department of Safety to become the point of contact for the federal government for purposes of NICS.
- 2) *What is the total cost to run the gun line today?*
\$883K in FY22, \$920K in FY23
- 3) *What are the costs of the additional positions in the FY22/23 budget?*
\$190K in FY22, \$203K in FY23
- 4) *When temporarily assigned personal are transferred, what is the plan to manage the backlog?*
We will be making technology improvements, improving our records in CHRI, and improving the reporting of those prohibiting records to the NICS Indices. With complete records and better technology, our turnaround times and backlog will improve tremendously. Federal grant funds are available for necessary technological improvements. We have also made process improvements that have not required new staff or technology, and these have improved our turnaround times tremendously. For example, one person now handles an entire call from intake through disposition, as opposed to the past where one person took in a request, another person processed the request, and another person called the requester back.
- 5) *Who is entering subjects adjudicated as mentally defective?*
This is being accomplished by manual entry and automated entry. When a finding of Incompetent is entered into the NH CHRI, the system does a sweep of the NH CHRI every night at 1900hrs. Any record that is meeting the criteria is swept into the NICS Indices through the back end. If we are in receipt of information that would not be put into the NH CHRI (involuntary admissions to mental institutions), that information will placed into the NICS Indices manually. Currently, there is no mental defective information being sent in from the NH Hospital.
- 6) *We need the memo on the scope of the gun line checks.*
I have attached the Gun Line Processing memo issued 12/23/20 and the update to that memo stating the 88 day retention.
- 7) *What is the difference between the FBI NICS Check and State Police Permits & Licensing check?*

The NHSP Gun Line background check is covering two more areas than the FBI NICS Check does. Checking our State CHRI data base provides access to records that are possibly prohibiting, but do not appear on III as those records are not fingerprint supported. Additionally, we verify our NICS Indices hits with the corresponding record. For example, we have a series of NICS Indices hits for federal prohibition 922(g)(9)- misdemeanor crime of domestic violence, that does not meet the federal criteria (victim relationship). The FBI will DENY those transactions without doing research. The NHSP Gun Line will put those into a delay status and verify the victim relationship information before making that determination. If we are able to obtain documentation that the NICS Indices is erroneous, we will remove the entry and update the NH CHRI.

- **The FBI NICS Check is compiled of the following:**
 - NICS Indices (NICS Denied Individuals)
 - III- Fingerprint Supported Records (FBI Record)
 - NCIC (Protection Orders, Warrants)
 - Appeal is provided through online and mail.
- **The NHSP Gun Line NICS Check is compiled of the following:**
 - NICS Indices (NICS Denied Individuals)
 - In house DVP check (Protection Orders with no DOB's that cannot be put into NCIC therefore are not able to be viewed by all)
 - State of NH CHRI/ State data base Record Check (all NH records fingerprint supported or not)
 - III- Fingerprint Supported Records (FBI Record)
 - NCIC (Protection Orders, Warrants)
 - Appeal process is provided through e-mail, written requests and (under normal circumstances) the denied individual can come in to verify and sometimes resurrect a denial (mostly on NH Criminal History Records).

Memo

To: Colonel Nathan Noyes

From: Commissioner Robert L. Quinn

Rec'd 12/23/2020

Date: December 23, 2020

Re: Gun Line Policy

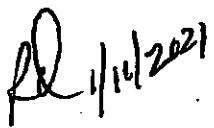
The State of New Hampshire has had a drastic increase in demand for commercially purchased handguns. As a result, the Gun Line Unit has faced a corresponding increase in the need to conduct background checks. The Department has temporarily allocated additional resources to the Gun Line to assist with this increase in volume. Despite the Department's efforts, the strain on the Gun Line Unit has resulted in a significant backlog of individuals who have been placed in a "delayed" status. For these reasons and for the reasons that will be further articulated in a forthcoming memorandum, the Commissioner of the Department of Safety hereby adopts the following policy in the interest of public safety, while balancing the constitutional rights afforded to individuals pertaining to firearms as well as the needs of the Department. This policy will be reviewed regularly to ensure that an appropriate balance between the interests of public safety and constitutional rights is maintained.

Effective December 23, 2020 at 5:00 P.M., the following policy shall apply to all criminal background checks conducted for commercial handgun purchases in the State of New Hampshire:

- It shall be the goal of the Gun Line Unit to perform an instantaneous check in no less than 90% of commercial handgun purchases.
- The Gun Line Unit shall operate as a Partial Point of Contact by conducting criminal record checks for commercial handgun purchases. The Gun Line Unit will follow protocols instituted by the FBI. Specifically, the Gun Line Unit will:
 - Conduct a background check using the NICS, NCIC, and III databases. 28 C.F.R. §25.6 (f);
 - Conduct a background check using the New Hampshire Criminal History Record database established pursuant to RSA 106-B:14;

- o **Conduct a review of the list of individuals produced by the New Hampshire Judiciary who currently have a Domestic Violence Protection Order issued against him or her. RSA 173-B:4, II & RSA 173-B:5, II;**
- o **Pursuant to FBI policy, if a search of any of the above records or databases reveals a potentially disqualifying offense or potentially disqualifying criminal activity the Gun Line Unit will request criminal record information about the offense from the applicable state; and**
- o **Pursuant to FBI policy, if a search of any of the above records indicate that there is an active warrant to arrest the individual, the Gun Line Unit must obtain records to determine whether the individual meets the "fugitive from justice" disqualifier. Pursuant to the FBI's guidance, a person is a fugitive from justice if the person: (1) fled the State; (2) with a purpose to avoid prosecution for a crime or to avoid giving testimony in a criminal proceeding; and (3) is subjected to a current or imminent criminal prosecution or testimonial obligation.**

STATE OF NEW HAMPSHIRE
DEPARTMENT OF SAFETY

To: Colonel Nathan Noyes
From: Commissioner Robert L. Quinn 
Date: January 11, 2021
Re: Gun Line and Background Checks

A. Introduction

It is evident that the Permits and Licensing Unit of the Division of the State Police must immediately change its procedures in order to fulfill its mission and best serve the public. This memorandum sets forth revisions to those procedures and the reasons for making these changes.

B. Background

Since 1968, federal law has prohibited certain individuals from possessing firearms. *See* 18 U.S.C. § 922(g). In 1993, Congress required the U.S. Attorney General to establish the National Instant Criminal Background Check System (“NICS”) to provide a means by which a federal firearms licensee (“FFL”) may obtain immediate information about whether an individual seeking to purchase a firearm is disqualified from doing so under 18 U.S.C. § 922(g). NICS is operated by the Federal Bureau of Investigation’s (“FBI”) Criminal Justice Information Services Division.

Federal law permits a state or local law enforcement agency to serve as a “point of contact” (“POC”) to conduct background checks. *See, e.g.*, 28 C.F.R. § 25.2. A POC serves as an intermediary between the FFL and the federal databases checked by the NICS. *Id.* POCs are authorized to receive NICS background check requests from FFLs, perform NICS inquiries, check state or local record systems, and determine whether matching records provide information demonstrating that an individual is disqualified from possessing a firearm under federal or state law. *Id.*; *see also* 28 C.F.R. § 25.6 (e) (“Upon receiving a request for a NICS background check, POCs may also conduct a search of available files in state and local law enforcement and other relevant record systems.”). POCs respond to FFLs regarding the results of the records checks. *Id.*

Pursuant to state law, the Department of Safety (“DOS”) is authorized to be a POC. *See* RSA 159-D:1 (“The department of safety may become the point of contact for the federal government for the purposes of the National Instant Criminal Background Check System (NICS).”). Since approximately 1999, DOS has served as a “partial POC” in that an FFL

contacts the state for handgun purchases and contacts the FBI for all other firearms purchases. The Permits and Licensing Unit of the Division of State Police fulfills this role by operating what is commonly referred to as the "Gun Line."

POCs must access the NICS as part of their background check process. See 28 C.F.R. § 25.6 (d). When the NICS receives an inquiry from a POC, it will search the same three databases used by the FBI for non-POC searches: the NICS Index,¹ the National Crime Information Center ("NCIC") database,² and the Interstate Identification Index ("III").³

In addition to accessing these databases through NICS, the Permits and Licensing Unit has also searched: the New Hampshire Criminal History Record database established pursuant to RSA 106-B:14, and a criminal record check in the state of birth of the prospective purchaser and any state in which the individual has a dual residency. The Permits and Licensing Unit will also check the NCIC database as well as a list provided by the New Hampshire Circuit Court Administrative Office for domestic violence orders that are disqualifying under New Hampshire state law.

Under federal law, a response to the FFL must be communicated within three (3) business days as either approved, denied, or delayed. If an inquiry has been moved to "DELAYED" status, an FFL has the ability to transfer the firearm after the third business day. It is the Gun Line's practice to continue to research all cases in delayed status indefinitely and until the matter is resolved through an approval or denial. The FBI, on the other hand, will only follow up on a case in delayed status for 88 days at which time the NICS transaction number expires and the request is purged from its database.

Circumstances warrant immediate changes to current Permits and Licensing Unit procedures. Over the past decade the Permits and Licensing Unit has faced a significant increase in background checks. From 2012 to February 2020, the Permits and Licensing Unit has experienced a 14.27% average increase in volume. There was a peak increase of 33.37% increase between 2012 and 2016.

¹ The NICS Index is a database created for NICS. It contains information contributed by federal, state and local law agencies "pertaining to person prohibited from possessing or receiving a firearm pursuant to federal and/or state law." National Instant Background Check System, *2019 Operations Report*, at p. 1. As of December 31, 2019, there were 20,929,713 available NICS Index records to be searched by NICS. *Id.*

² The NCIC contains records of "wanted persons, subjects of protection order, and other persons who may pose a threat to officer and public safety. National Instant Background Check System, *2019 Operations Report*, at p. 1. As of December 31, 2019, there were 6,946,803 available NCIC records to be searched by NICS. *Id.*

³ The III "provides access to criminal history records." National Instant Background Check System, *2019 Operations Report*, at p. 1. As of December 31, 2019, there were 80,212,432 available III records to be searched by NICS. *Id.*

More recently, after the beginning of the COVID-19 pandemic in March of 2020, the Permits and Licensing Unit has seen a significant increase in gun sales when compared to the previous year. In 2019, the Permits and Licensing Unit received 53,010 requests through the Gun Line. In 2020, the Unit received 86,570 requests. In 2020, the average daily calls to the Gun Line increased by 92 calls per day when compared with 2019.

The Unit operates seven days a week; its hours of operation are Monday through Saturday 9:00 am until 8:00 pm and Sundays from 9:00 am until 6:00 pm. The Unit typically consists of one supervisor, six full-time Program Assistants II, and one part-time Program Assistant II. To augment the force due to the increase in demand, the Division has temporarily assigned eight state troopers.

These circumstances have resulted in considerable delays in processing FFL requests. This situation must be immediately addressed in order to achieve the objective of providing an immediate response to the FFL.

In a December 23, 2020 memorandum, I set forth new interim procedures governing the Permits and Licensing Unit.⁴ Those procedures eliminated the Unit's practice of conducting a criminal record check in the state of birth and any state in which the individual has a dual residency, as that practice results in considerable delays. The changes were a result of the careful consideration of the following factors:

First, current procedures undermine the stated purpose of the NICS: to provide an immediate determination of whether a commercial transaction would violate federal law. The U.S. Attorney General requires the FBI to maintain a 90 percent or better rate of immediate determination. *See National Instant Background Check System, 2019 Operations Report*, at p. 14. An immediate determination reflects the significant interests in vindicating the purchaser's constitutional rights, as well as fairness to the FFL. Indeed, the delays associated with the current system present a significant litigation risk. The Division's inability to keep pace with the requests for criminal background checks for the transfer of firearms puts the Division, the Department, and the State at risk of costly litigation in the form of a constitutional challenge of infringing upon a person's Second Amendment rights to purchase firearms.

Second, there is no state or federal law or regulation that requires DOS to conduct a search of a purchaser's state of birth or dual residency or to conduct an indefinite search of cases in delayed status. The Permits and Licensing Unit developed these procedures on its own initiative at a time when volumes of background check requests and staffing levels were at parity and the Permits and Licensing Unit's response times were, for the most part, more timely than they are today.

Third, given the breadth of the three NICS database checks, *see* notes 1-3, *supra*, it is unlikely that the additional search would systematically yield additional information that would result in determining that the transaction would violate federal law.

⁴ This document replaces and supersedes the December 23, 2020 memorandum.

Fourth, the current procedures strain the resources assigned to the Permits and Licensing Unit. Those resources would be better utilized to expedite resolution of transactions in delayed status as a result of other database searches.

The interim procedures set forth in my memorandum of December 23, 2020 have already shown positive results. As of this past weekend of 1/2/21-1/3/21, most of the backlog for requests in delay status has been eliminated, and the average processing time for those requests not in delay status has been reduced to 15-30 minutes per request. Based on these results and the other considerations set forth in my December 23, 2020 memorandum and this memorandum, I have determined that the interim procedures set forth in my December 23, 2020 memorandum should be adopted on a permanent basis. In addition, I am also now directing that the Permits and Licensing Unit cease its current practice of researching cases in delayed status indefinitely. Instead, the Permits and Licensing Unit will adopt the FBI's practice of following up on a case in delayed status for 88 days at which time the NICS transaction number expires and the request is purged from its database.

In coming to this conclusion, I have weighed alternatives and the corresponding risks. First, whether the State should transfer this responsibility to the FBI. However, state law prohibits firearm sales to individuals under an *ex parte* domestic violence protective order, while federal law only restricts firearm sales in such instances after the person received actual notice and an opportunity to participate in a hearing. RSA 173-B:4, II; 18 U.S.C. § 922 (g)(8). To accommodate this difference in the law, the New Hampshire Judicial Branch provides a list of currently active domestic violence orders which is reviewed by the Permits and Licensing Unit in conducting a background investigation. Maintaining this current practice as the partial POC not only benefits public safety, but ensures the continued enforcement of RSA 173-B:4, II.

Second, whether the state should increase the staff level assigned to the Permits and Licensing Unit. The recent redeployment of additional personnel to assist the Gun Line has not, by itself, had an appreciable effect in either reducing the wait time for a background check or the number of individuals placed in a delayed status. Both the wait times and the backlog of individuals in a delayed status are not caused by staff levels alone. The Permits and Licensing Unit's practice of conducting criminal background checks of an applicant's state of birth and any state in which the individual has a dual residence often contributes to the backlog of people placed in delayed status due to the lack of a timely response from the other state. Moreover, this practice is largely duplicative of running a check of the federal databases, thereby reducing the efficiency of the staff and, in turn, contributing to the increase in wait times. Even if more staff were assigned to the Permits and Licensing Unit to perform this otherwise *discretionary* function, it would continue to divert its scarce resources away from its core mission, i.e. to perform its federally *mandated* functions in a timely and efficient manner as a partial POC and to fulfill the statutory obligations under RSA 173-B:4, II. Therefore, in light of the historical increase in volumes of background checks, for the indefinite future it would be a more efficient use of state resources to deploy any existing and additionally assigned staff to conduct its state and federal duties, rather than continuing a practice that is not required by law.

C. Policy

Effective January 11, 2021 at 5:00 p.m., the following policy shall apply on a permanent basis to all criminal background checks conducted for commercial handgun purchases in the State of New Hampshire:

- It shall be the goal of the Permits and Licensing Unit to perform an instantaneous check in no less than 90% of commercial handgun purchases.
- The Permits and Licensing Unit shall operate as a Partial Point of Contact by conducting criminal record checks for commercial handgun purchases. The Permits and Licensing Unit will follow protocols instituted by the FBI. Specifically, the Permits and Licensing Unit will:
 - Conduct a background check using the NICS, NCIC, and III databases. 28 C.F.R. §25.6 (f);
 - Conduct a background check using the New Hampshire Criminal History Record database established pursuant to RSA 106-B:14;
 - Conduct a review of the list of individuals produced by the New Hampshire Judiciary who currently have a Domestic Violence Protection Order issued against him or her. RSA 173-B:4, II & RSA 173-B:5, II;
 - Pursuant to FBI policy, if a search of any of the above records or databases reveals a potentially disqualifying offense or potentially disqualifying criminal activity, the Permits and Licensing Unit will request criminal record information about the offense from the applicable state; and
 - Pursuant to FBI policy, if a search of any of the above records indicate that there is an active warrant to arrest the individual, the Permits and Licensing Unit must obtain records to determine whether the individual meets the “fugitive from justice” disqualifier. Pursuant to the FBI’s guidance, a person is a fugitive from justice if the person: (1) fled the State; (2) with a purpose to avoid prosecution for a crime or to avoid giving testimony in a criminal proceeding; and (3) is subjected to a current or imminent criminal prosecution or testimonial obligation.

In addition, effective immediately:

- Pursuant to FBI policy, the Permits and Licensing Unit shall cease research of requests in delayed status after 88 days and the NICS transaction number will expire. The Division, acting in conjunction with the Secretary of State’s Office, will adjust its record retention period to 88 days, after which any records must be purged.

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # **SB141**

Hearing date: _____

Executive Session date: _____

Motion of: OTP Vote: 3-2

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Gannon

Notes: _____

Senate Finance Committee

EXECUTIVE SESSION

Bill # SB 141-FIN

Hearing date: N/A

Executive session date: 03/30/21

Motion of: OTF Nov Arrdnt # 09685 VOTE: 5-2

*Rosenwald
D'Allesandro*

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input checked="" type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: OTF/A VOTE: 5-2

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input checked="" type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input checked="" type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, March 10, 2021

THE COMMITTEE ON Judiciary

to which was referred **SB 141-FN**

AN ACT relative to the procedure for conducting firearm
background checks.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 3-2

Senator Bill Gannon
For the Committee

Jennifer Horgan 271-7875

JUDICIARY

SB 141-FN, relative to the procedure for conducting firearm background checks.

Ought to Pass, Vote 3-2.

Senator Bill Gannon for the committee.

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Tuesday, March 30, 2021

THE COMMITTEE ON Finance

to which was referred **SB 141-FN**

AN ACT

relative to the procedure for conducting firearm
background checks.

Having considered the same, the committee recommends that the Bill

ought to pass with amendment

by a vote of: 5-2

Amendment # 1053s

Senator Bob Giuda
For the Committee

Deb Martone 271-4980

General Court of New Hampshire - Bill Status System

Docket of SB141

Docket Abbreviations

Bill Title: relative to the procedure for conducting firearm background checks.**Official Docket of SB141.:**

Date	Body	Description
2/5/2021	S	Introduced 02/04/2021 and Referred to Judiciary; SJ 4
2/10/2021	S	Remote Hearing: 02/16/2021, 01:00 pm; Links to join the hearing can be found in the Senate Calendar; SC 11
3/10/2021	S	Committee Report: Ought to Pass, 03/18/2021; SC 15
3/18/2021	S	Sen. Giuda Floor Amendment #2021-0876s, RC 14Y-10N, AA; 03/18/2021; SJ 8
3/18/2021	S	Ought to Pass with Amendment 2021-0876s, RC 15Y-9N, MA; 03/18/2021; SJ 8
3/18/2021	S	Sen. Bradley Moved Reconsideration on OTPA, RC 24Y-0N, MA; 03/18/2021; SJ 9
3/18/2021	S	Ought to Pass with Amendment 2021-0876s, RC 14Y-10N, MA; Refer to Finance Rule 4-5; 03/18/2021; SJ 8
3/30/2021	S	Committee Report: Ought to Pass with Amendment #2021-1053s, 04/01/2021; SC 17A
4/1/2021	S	Committee Amendment #2021-1053s, RC 14Y-10N, AA; 04/01/2021; SJ 10
4/1/2021	S	Ought to Pass with Amendment 2021-1053s, RC 14Y-10N, MA; OT3rdg; 04/01/2021; SJ 10
4/13/2021	H	Introduced (in recess of) 04/09/2021 and referred to Criminal Justice and Public Safety HJ 7 P. 100
4/21/2021	H	Public Hearing: 04/28/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/97143779905 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/10/2021	H	Executive Session: 05/10/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/97305033264
5/25/2021	H	Majority Committee Report: Inexpedient to Legislate (Vote 15-6; RC) HC 26 P. 17
5/25/2021	H	Minority Committee Report: Ought to Pass
6/3/2021	H	Lay on Table (Rep. Umberger): MF RC 56-319 06/03/2021 HJ 8 P. 96
6/3/2021	H	Inexpedient to Legislate: MF RC 186-191 06/03/2021 HJ 8 P. 98
6/3/2021	H	Indefinitely Postpone (Rep. Espitia): MF RC 181-196 06/03/2021 HJ 8 P. 100
6/3/2021	H	Ought to Pass: MA RC 197-180 06/03/2021 HJ 8 P. 102
6/3/2021	H	Reconsider (Rep. Prout): MF RC 172-204 06/03/2021 HJ 8 P. 104
6/22/2021	H	Enrolled (in recess of) 06/10/2021 HJ 10 P. 23
6/22/2021	S	Enrolled Adopted, VV, (In recess 06/10/2021); SJ 20
8/12/2021	S	Vetoed by Governor 08/10/2021

Docket of SB141**Bill Title:** relative to the procedure for conducting firearm background checks.*Official Docket of SB141.:*

Date	Body	Description
2/5/2021	S	Introduced 02/04/2021 and Referred to Judiciary; SJ 4
2/10/2021	S	Remote Hearing: 02/16/2021, 01:00 pm; Links to join the hearing can be found in the Senate Calendar; SC 11
3/10/2021	S	Committee Report: Ought to Pass, 03/18/2021; SC 15
3/18/2021	S	Sen. Giuda Floor Amendment #2021-0876s, RC 14Y-10N, AA; 03/18/2021; SJ 8
3/18/2021	S	Ought to Pass with Amendment 2021-0876s, RC 15Y-9N, MA; 03/18/2021; SJ 8
3/18/2021	S	Sen. Bradley Moved Reconsideration on OTPA, RC 24Y-0N, MA; 03/18/2021; SJ 9
3/18/2021	S	Ought to Pass with Amendment 2021-0876s, RC 14Y-10N, MA; Refer to Finance Rule 4-5; 03/18/2021; SJ 8
3/30/2021	S	Committee Report: Ought to Pass with Amendment #2021-1053s, 04/01/2021; SC 17A
4/1/2021	S	Committee Amendment #2021-1053s, RC 14Y-10N, AA; 04/01/2021; SJ 10
4/1/2021	S	Ought to Pass with Amendment 2021-1053s, RC 14Y-10N, MA; OT3rdg; 04/01/2021; SJ 10
4/13/2021	H	Introduced (in recess of) 04/09/2021 and referred to Criminal Justice and Public Safety HJ 7 P. 100
4/21/2021	H	Public Hearing: 04/28/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/97143779905 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/10/2021	H	Executive Session: 05/10/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/97305033264
5/25/2021	H	Majority Committee Report: Inexpedient to Legislate (Vote 15-6; RC) HC 26 P. 17
5/25/2021	H	Minority Committee Report: Ought to Pass
6/3/2021	H	Lay on Table (Rep. Umberger): MF RC 56-319 06/03/2021
6/3/2021	H	Inexpedient to Legislate: MF RC 186-191 06/03/2021
6/3/2021	H	Indefinitely Postpone (Rep. Espitia): MF RC 181-196 06/03/2021
6/3/2021	H	Ought to Pass: MA RC 197-180 06/03/2021
6/3/2021	H	Reconsider (Rep. Prout): MF RC 172-204 06/03/2021
6/22/2021	H	Enrolled (in recess of) 06/10/2021
6/22/2021	S	Enrolled Adopted, VV, (In recess 06/10/2021); SJ 20

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB141

Senate Committee: Jucl

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 # 087b ___ - 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 AK

Senate Inventory Checklist for Archives

Bill Number: SB 141-FN

Senate Committee: FINANCE - 2ND
COMMITTEE

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 # 0968S - amendment # _____

- amendment # 1053S - 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 # _____ - 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

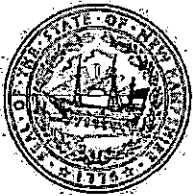
final version

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

Deb Martore
Committee Aide

07/20/21
Date

Senate Clerk's Office _____



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

August 10, 2021

Governor's Veto Message Regarding Senate Bill 141

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on August 10th, 2021, I have vetoed Senate Bill 141, relative to the procedure for conducting firearm background checks.

As Governor, my record is very clear – I have consistently defended the 2nd amendment rights of New Hampshire's citizens and I remain committed to doing so. New Hampshire's laws are well-crafted and fit our culture of responsible gun ownership and individual freedom. This bill is not about firearms rights, it is about government administrative processes. This bill, which was introduced to solve a problem caused by the COVID-19 pandemic, is no longer necessary. New Hampshire has taken steps to improve technology, processes, and staffing in order to address this issue without legislation.

This bill would create substantial unintended negative consequences by ceding control of our state process to the Federal Government. Groups as diverse as the New Hampshire Firearms Coalition, the New Hampshire Coalition against Domestic and Sexual Violence, the Attorney General's Office, and the Judicial Branch all join me in raising significant concerns with this legislation.

For the reasons stated above, I have vetoed Senate Bill 141.

Respectfully submitted,

A handwritten signature in black ink that reads "Christopher T. Sununu".

Christopher T. Sununu
Governor