

LEGISLATIVE COMMITTEE MINUTES

HB1178

Bill as Introduced

HB 1178 - AS AMENDED BY THE HOUSE

15Mar2022... 0479h

2022 SESSION

22-2352
04/08

HOUSE BILL **1178**

AN ACT prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

SPONSORS: Rep. Burt, Hills. 39; Rep. Stapleton, Sull. 5; Rep. Hopper, Hills. 2; Rep. Silber, Belk. 2; Rep. Nunez, Hills. 37; Rep. True, Rock. 4; Rep. Hill, Merr. 3; Rep. Kelsey, Hills. 7; Rep. Folsom, Graf. 11; Rep. Kofalt, Hills. 4; Sen. Avard, Dist 12; Sen. Ricciardi, Dist 9

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits the state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law from using any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the United States Government or Executive Order of the President of the United States that is inconsistent with any law of this state regarding the regulation of firearms, ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies, or knives.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

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

1 1 New Chapter; Federal Statutes, Regulations, and Presidential Executive Orders Relating to
2 the Right to Keep and Bear Arms. Amend RSA by inserting after chapter 159-D the following new
3 chapter:

4 CHAPTER 159-E

5 PRESIDENTIAL EXECUTIVE ORDERS AND STATUTORY LAW

6 RELATING TO THE RIGHT TO KEEP AND BEAR ARMS

7 159-E:1 Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right
8 to Keep and Bear Arms. Pursuant to the general court's authority under Part II, Article 5 of the
9 New Hampshire Constitution, the state of New Hampshire, a political subdivision of this state, or
10 any person acting under the color of state, county, or municipal law shall be prohibited from using
11 any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule,
12 order, or regulation of the United States Government or Executive Order of the President of the
13 United States that is inconsistent with any law of this state regarding the regulation of firearms,
14 ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies,
15 or knives. Silence in the New Hampshire Revised Statutes Annotated pertaining to a matter
16 regulated by federal law shall be construed as an inconsistency for the purposes of this chapter.

17 159-E:2 Application. In light of the long-standing practice of cooperation between federal, state,
18 and local law enforcement agencies, nothing in this chapter shall prevent a state, county, or local
19 official from cooperating with or rendering aid or assistance to federal officials in any circumstance
20 where there is reasonable suspicion to believe that a person who is the subject of an investigation for
21 violation of federal firearms law covered by RSA 159-E:1 also has committed, is committing, or is
22 about to commit a violation of New Hampshire law or a violation of a federal law, regulation, order,
23 or practice not covered by RSA 159-E:1. Nothing in this chapter shall prevent a state, county, or
24 local official from providing authorized federal officials, upon their request, with official state,
25 county, or local records that are available to the public or which constitute criminal history records
26 maintained by an agency of state, county, or local government, or taking any other action necessary
27 to fulfill or comply with the state's obligations under the National Crime Prevention and Privacy
28 Compact approved and ratified in RSA 106-B:14, III, provided that the provisions of this chapter

1 shall not provide for the distribution of information required to be destroyed pursuant to 18 U.S.C.
2 section 922(t)(2)(C).

3 159-E:3 Severability. If any provision of this chapter or the application thereof to any person or
4 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the
5 chapter which can be given effect without the invalid provision or application, and to this end the
6 provisions of this chapter are declared to be severable.

7 2 Effective Date. This act shall take effect upon its passage.

HB 1178 - AS AMENDED BY THE SENATE

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HB 1178 - AS AMENDED BY THE SENATE

- Page 2 -

1 section 922(t)(2)(C). Nothing in this chapter shall prohibit the judicial branch from entering
2 protective order information into law enforcement databases.

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4 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the
5 chapter which can be given effect without the invalid provision or application, and to this end the
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CHAPTER 258
HB 1178 - FINAL VERSION

15Mar2022... 0479h
05/05/2022 1845s

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

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

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3 chapter:

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3 protective order information into law enforcement databases.

4 159-E:3 Severability. If any provision of this chapter or the application thereof to any person or
5 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the
6 chapter which can be given effect without the invalid provision or application, and to this end the
7 provisions of this chapter are declared to be severable.

258:2 Effective Date. This act shall take effect upon its passage.

Approved: June 24, 2022
Effective Date: June 24, 2022

Amendments

Amendment to HB 1178

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

2

3 159-E:2 Application. In light of the long-standing practice of cooperation between federal, state,
4 and local law enforcement agencies, nothing in this chapter shall prevent a state, county, or local
5 official from cooperating with or rendering aid or assistance to federal officials in any circumstance
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17 protective order information into law enforcement databases.

UNAPPROVED

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: April 13, 2022

HEARINGS

	Tuesday	04/19/2022
	(Day)	(Date)
Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	HB 408	relative to employment restrictions for registered sex offenders.
1:15 p.m.	HB 1101	relative to a forfeiture of personal property.
1:30 p.m.	HB 1493	relative to the drug forfeiture fund.
1:45 p.m.	HB 1103	relative to certain assets in a divorce proceeding.
2:00 p.m.	HB 1266	relative to restrictions on enforcement of federal immigration laws.
2:15 p.m.	HB 1178	prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.
2:30 p.m.	HB 1625	repealing the prohibition on entering or remaining on a public way or sidewalk adjacent to a reproductive health care facility.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 408	Rep. Verville	Rep. Baldasaro	Sen. Reagan
HB 1101	Rep. Sylvia	Rep. Bernardy	Rep. Spillane
	Rep. Silber	Rep. T. Lekas	Rep. Post
HB 1493	Rep. Sylvia		
HB 1103	Rep. Spillane	Rep. DiLorenzo	Rep. Bershtein
HB 1266	Rep. Piemonte	Rep. Torosian	Rep. Potucek
HB 1178	Rep. Burt	Rep. Stapleton	Rep. Hopper
	Rep. Nunez	Rep. True	Rep. Hill
	Rep. Folsom	Rep. Kofalt	Sen. Avard
HB 1625	Rep. Kelsey	Rep. Nunez	Rep. Baxter
			Rep. Silber
			Rep. Kelsey
			Sen. Ricciardi
			Rep. Gould

Rep. Stapleton
Rep. Sheehan

Rep. Mooney
Sen. Ricciardi

Rep. Notter
Sen. Daniels

Rep. M. Pearson
Sen. Avard

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

HB 1178, prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

Hearing Date: April 19, 2022

Time Opened: 2:31 p.m.

Time Closed: 3:27 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill prohibits the state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law from using any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the United States Government or Executive Order of the President of the United States that is inconsistent with any law of this state regarding the regulation of firearms, ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies, or knives.

Sponsors:

Rep. Burt

Rep. Stapleton

Rep. Hopper

Rep. Silber

Rep. Nunez

Rep. True

Rep. Hill

Rep. Kelsey

Rep. Folsom

Rep. Kofalt

Sen. Avard

Sen. Ricciardi

Who supports the bill: 37 people signed up in support of the bill. Full sign in sheet available upon request.

Who opposes the bill: 35 people signed up in opposition to the bill. Full sign in sheet available upon request.

Who is neutral on the bill: 2 people signed up neutrally on the bill. Full sign in sheet available upon request.

Summary of testimony presented in support:

Representative Lynn

- NH strongly supports the right to keep and bear arms, but unfortunately at the federal level, the current administration has a different view of the Second Amendment.

- That Administration both through legislation and unilateral regulatory actions has enacted measures that significantly undermine the rights of law-abiding citizens to use and own firearms for lawful purposes.
- The purpose of these measures is to emasculate the Second Amendment through death by a thousand cuts.
- This bill is designed to ensure that NH never becomes complicit in that strategy.
- This is almost identical to SB154 that passed by the House and the Senate last year.
- However, the bill died in the committee of conference process due to differences in the House and Senate versions.
- Those differences have been resolved in this bill.
- The provisions of the bill are simple and straight forward.
- Section 1 states that no personnel or financial resources of this state or its political subdivisions shall be used to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the United States Government or Executive Order of the President of the United States that is inconsistent with any law of this state regarding the regulation of firearms, ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies, or knives.
- Because as in most states, NH law enforcement has a history of cooperating with federal authorities in many areas of mutual interest, Section 2 makes it clear that the prohibition in Section 1 does not apply when federal authorities are investigating someone as to whom there is reasonable suspicion to believe that that person has committed a violation of state law or of federal law not subject to Section 1.
- Section 2 also allows state authorities to provide their federal counterparts with publicly available information, criminal history information, or information needed to fulfill NH's responsibilities under the National Crime Prevention and Privacy Compact.
- This bill includes provisions suggested by the Attorney General, the National Rifle Association, and Gun Owners of America, all of whom have reviewed the language and are on board with it.
- Senator French asked if this takes away federal statues.
 - No.
- Senator French asked what this bill will effect.
 - It says that if federal laws prohibit something that NH law does not and the only investigation relating to that is federal law, then no state resources can be used in the enforcement of that.
- Senator French asked if we had no laws in the State regulating guns, then there would be no laws regulating guns in the State.
 - In a scenario where there was no state law that prohibited a felon from having a gun, but there was a federal law that prohibited that, then this would say that the federal government can enforce that law, but no state resources could be used to enforce that federal law.

Erik Granger (provided written testimony)

- Gun owners are confused because of the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) rules and regulations, and how they interpret written laws in creative ways to cause gun owners headaches.
- Hundreds of NH residents are likely to be accidental felons, because it is extremely easy to break federal gun rules.
- Most gun owners in NH are not lawyers, and they should not be expected to have legal degrees to understand the constantly changing rules and creative interpretations of laws by the ATF.
- US Code states that a handgun is meant to be fired with one hand, but the ATF determined that any pistol with a vertical foregrip is meant to be fired with two hands. Therefore, it is illegal, unless you have an angled foregrip, which is okay.
- If people can not understand what the rules say, they are going to break them by accident.
- Showed that a shotgun is determined by the ATF to be 26 inches or shorter.
- Showed the image of a firearm that looks like a shotgun but is not because it is 26 inches or longer, never had a stock, and does not have a rifled barrel.
- Someone may saw off their shotgun and then accidentally become a felon purely on accident; this happens very frequently.
- Federal administrations create rules by making them up.
- Under the Trump Administration they decided bump stocks are machine guns and the ATF released guidance that everyone had to turn in or destroy their bump stocks. This went to Court and the Administration lost; those people never got their bump stocks back
- Is a shoelace a machine gun? The ATF says it is if it is used a certain way.
- Ghost guns are home manufactured firearms, and the ATF is making up new rules as they go on them.
- There are a lot of questions on this such as, do gun owners have to serialize their upper receivers? What about people that did not get the memo on that, are they going to become felons on accident?
- It would be nice if police in NH didn't play along with this, and it is unreasonable to expect them to understand the rules if gun owners cannot understand the rules either.
- This bill will save a lot of people headaches over victimless nonsense rules the ATF makes up if we do not enforce this at the state level.
- The House amendment defeats the purpose of the bill, makes it toothless, and lets the police cooperate with ATF to do whatever they want.

Daniel Koenig

- Supports the bill with the removal of Section 2.
- Enforcement of federal firearms laws are increasing complex and more prone to error, which is a financial and moral liability to the State.
- The financial liability comes from cases like the one in 2018, police were called to a domestic disturbance incident at the home of Kelland Wright, a Black

combat veteran, and as part of the process they removed the firearms from his home.

- The firearms eventually went to the ATF, who inspected them and found one of them was an illegal short barrel rifle on the basis that the length of pull on the gun was greater than 13.5 inches.
- Local enforcement required ATF eyes on this to even determine the legality of the guns.
- Length of pull is a technical term referring to the distance between the trigger and the back of the gun.
- The ATF says that if the length of pull on a gun is greater than 13.5 inches than it is a rifle.
- That measurement has never been publicly published but it is an internal policy.
- In Mr. Wright's case they measured the length of pull diagonally instead of straight back.
- When the gun was properly measured it was found to be less than 13.5 inches.
- Mr. Wright was acquitted but not until after seven months of trial at great cost to himself and the government over something patently silly.
- The moral liability comes into play in instances like in 2013 when the ATF ran an operation to catch people illegally transferring firearms.
- They arrested and charged Alexis Davis was an intellectually disabled Black man who went to trial and was later acquitted on the basis that the ATF had taken advantage of an intellectual disability and entrapment.
- Raised concerns that his son, who has physical and mental disabilities, will be targeted by a federal agency with the assistance of NH State Police on bogus charges so they can make arrests.
- In June the ATF is set to revise rules on pistol braces, which are devices used to stabilize a pistol against the forearm,
- This allows disabled combat veterans to enjoy recreational shooting.
- The AFT has previously officially approved various designs for these braces, but in those upcoming rules they are set to revoke some braces in some configurations, making them illegal unregistered short barrel rifles with a penalty for ownership of 10 years in prison.
- It is an abomination to approve these braces used by disabled people and then later target them and accuse them of crimes for continuing to use and own those items.
- Owns pistol braces and has a disabled son. Will they be charged and put in jail for owning those items?
- Law enforcement in NH has a reputation for honor, integrity, and justice; to participate in the enforcement of federal firearms laws is in violation those principles.

- Section 2 was added after testimony about the uncertainty of how this would impact cooperative law enforcement efforts between state and federal agencies, such as drug busts, sometimes involving firearms.
- The amendment would exclude from the bill any person for which there was reasonable suspicion that they had ever committed any violation of the law. This could include someone who drove 56mph in a 55mph zone.
- Section 2 broadly neuters the bill and exempts virtually the entire population from its protections.
- Alternatively to Section 2, law enforcement could simply consult with legal counsel before engaging in cooperative efforts.
- Or let the federal government provide staff if they want federal gun laws enforced during unrelated drug stings. If someone is arrested for drug trafficking, their illegal guns present no immediate danger that cannot wait for a federal agent to arrive.
- Or let the courts decide the issues. If we have to accept a couple of lost cases versus the weight of excluding the entire population from these protections that is an easy decision.
- Or let the Attorney General decide.
- There is no enforcement of this for law enforcement officers who find themselves on the other side of the law, so this is not putting them personally at risk.
- Crafting legislation around how law enforcement would like to do things is backwards.

Milo Mirate

- Supports the removal of Section 2 of the bill.
- Enforcement of federal laws takes legislative authority out of the hands of the people and the General Court, and surrenders it to the federal government; this is a failure to exercise our rights under the Tenth Amendment and the Anti-Commandeering Doctrine.
- The federal government changes their laws and rules at will.
- In June the ATF will be adding 26 pages of rules on pistol braces.
- The ATF has been without an appointed director since 2015, and from 2006-2011.
- NH law enforcement has to keep up with these ever-changing rules, which gives an increasing amount of authority to those agencies, minimizing the role of state and local law makers to direct state and local resources.
- This bill without Section 2 will keep control of state and local law enforcement at the state and local level where it belongs.

Zephan Wood

- This is arguably one of the most important bills that will be voted on this Session.
- The bill without Section 2 enshrines the individual right to keep and bear arms in the State, by preventing the federal government from enforcing tyrannical and overreaching gun control measures.

- History has shown that whenever a populous is disarmed, dire consequences ensure.
- Democide, death by government, was one of the leading causes of death in the 20th century.
- One of the first pieces of legislation that is generally passed by the countries that seek democide, include restrictions on the right to keep and bear arms to make the populous docile and easier to control.
- According to a report by the CDC under the Obama Administration, firearms are utilized defensively anywhere from 500,000 to 3 million times a year in the US.
- Granite Staters have a long and proud tradition of independence, self-reliance, and self-defense, and passing this bill will ensure that that cultural history and integral part of the Granite State is preserved.
- By stopping the federal government from overreaching into the State, we will preserve the liberty and freedom that is the pride and glory of NH.
- Section 2 waters down the bill and mostly makes it a symbolic measure.
- This bill still represents a significant cultural victory though, demonstrating that NH will defend Granite Staters from federal tyranny.

Gabe Holdren

- There are two paths the Legislature has to choose from: one is to protect the rights the people of NH have, and we will have peace; the other path is not worth imagining.
- We have seen the federal government move forward more and more every year, overstepping their bounds, taking the right to the property the people have.
- One day the people will not stand for it.
- You can either be standing with the people against those who are encroaching on their rights or we can find out exactly how far the people will be pushed; never wants to see that day.
- We still have a chance to avert disaster, but we are very close to that.
- Urges the Committee to pass this without the amendment, so we can keep the peace.

Nick Hubbard

- All federal laws restricting the ownership, transfer, or use of firearms are infringements on our fundamental rights.
- This bill would serve as an important safeguard for existing and future encroachment on those rights.
- Shares the concerns about Section 2.
- The federal criminal code is so large that the Congressional Research Service, the US Justice Department, and the American Bar Association are unable to give an accurate count of possible offenses that could exist under it.
- Federal law enforcement might deliberately make malicious use of Section 2, in order to target Granite Staters for exercising their gun rights by using any

excuse they can dream up to compel our police to cooperate with them in acting against our interests.

- Understands that Section 2 was added in order to enable police to carry out their duties and ensure the safety of NH residents.
- Does not think the language is perfect, but still thinks the bill should be passed, and it could be refined at a later time.
- Senator French asked if he has done research on the amount of federal laws, rules, and regulations on firearms versus state law.
 - No. Wasn't talking about firearm laws specifically just the size of the federal legal code as a whole. Given that Section 2 would require NH police to cooperate with federal agents on cases not directly related to firearms use but which could be related to any other federal violation of the law, it could be used as a backdoor to get around the protections intended by this bill

Elliot Axelman

- The WashingtonTimes.com noted that ghost guns account for very, very few crimes.
- In 2019 in Chicago, where firearms are essentially illegal, of the 11,200 firearms seized, only 139 or 1.2% were ghost guns; in Philadelphia it was 2.2% of the 4,000 firearms seized.
- Most crimes are committed with guns bought on black market, legally, found, traded, borrowed, or bought from a friend.
- The NH Gun Line does not violate state law because it is called the NH Gun Line.
- There are three reasons why there should not be any gun control.
- NH has the most freedom overall for firearms in the US.
- We should not pass gun control, and the NH Legislature has continuously and consistently rejected efforts to enact gun control, and in fact has expanded gun freedom.
- This is a natural right.
- The Constitution says gun rights should not be infringed.
- A lot of people say the founders did not understand how to put in qualifiers, but there are qualifiers in the Fourth and Fifth Amendments.
- If the founders believed in any gun control, they would have included qualifiers in the Second Amendment.
- The founders wanted zero-gun control, and they wanted the citizens to have as much or more military power, all arms, all weapons as the government.
- The right to keep and bear arms is a natural right.
- Every organism has a natural right to self-defense; even plants snap and kill insects when they attack them or lay eggs on them.
- We also all have a natural right as a human being to own property, even if that property is a tool that can fire a projectile or is dangerous like a car.
- All gun control should be thoroughly rejected.

- Practically speaking gun control does not work.
- Cities and states see an almost 100% perfect correlation between the strictest of gun control and among the highest murder rates: Baltimore, NYC, and Chicago.
- NH has virtually no gun laws. Vermont and Maine have essentially zero-gun control. All these states are consistently the safest in the nation.
- Requests the removal of Section 2 or the bill does nothing. Passing this with Section 2 would be a waste of time, energy, and paperwork.
- Would like to bill to be amended to prohibit the enforcement of any federal gun laws in the State.
- The ATF has said that anything that can increase the rate of a firearm is a machine gun.
- The ATF should not be enforcing laws here and ideally, they should be politely asked to leave by NH law enforcement.

Summary of testimony presented in opposition:

Zandra Rice Hawkins (Granite State Progress)

- This bill is not about protecting rights, it is about preserving the corporate gun lobby's ability to increase profits off the murder of American families.
- Gun deaths and mass shootings fill our news cycle each week.
- Now the Biden Administration and leaders in Congress are working urgently to save lives.
- The response to that effort by some NH politicians is to find ways to block, stop, or delay those efforts even though it will cost lives and even though we should all agree that our families should not have to live in fear of going to the grocery store or the movie theater because dangerous individuals can easily access firearms.
- This bill is likely unconstitutional and could cause NH to lose hundreds of thousands of dollars in federal grants and aid.
- It is completely absurd to block public safety laws.
- The Biden-Harris Administration announced several actions last year related to firearms
- They directed the Justice Department to issue a proposed rule to help stop the proliferation of ghost guns.
- More criminals are buying kits that can be assembled into firearms in as little as 30 minutes in order to commit crimes that cannot be traced with a weapon.
- A proposed rule to make clear that devices stably braced are subject to the National Firearms Act.
- Stabilizing braces are popular accessories intended to increase the accuracy of AR-15 style pistols and allow users to fire them much like their rifle counterparts.
- The Bolder gunman had recently purchased an AR-556 with a stabilizing brace.
- The Justice Department has been directed to publish model red flag legislation for states, which will make it easier for states to adopt red flag laws that let

community members or law enforcement petition the court to temporarily prevent people in crisis from accessing firearms if they present a danger to themselves or others.

- These are the types of measures we always hear would have been helpful before a mass shooting.
- The Justice Department will issue a report on firearms trafficking, which hasn't been done since 2000. It will include annual updates necessary to get policy makers the information they need to help address firearms trafficking.
- NH is a net exporter of crime guns.
- In the Administration directed five federal agencies to modify 26 programs that will route vital support to community violence intervention programs.
- This bill would jeopardize public safety by preventing state work with the ATF, the DOJ, and the FBI.
- It prohibits local state police, judges, prosecutors and others from enforcing, administering, or cooperating with federal law if NH doesn't have the same laws.
- The House amended version does nothing to ease these concerns; instead it continues to sow confusion, and actually encourages criminal activity by sending the message that federal gun laws will not be enforced here.
- The House carve out is explicit that cooperation is only in narrow situations where a person has also committed, is committing, or is about to commit a violation of NH law or a violation of federal law not related to firearms.
- Any area of the law where NH is silent, such as background checks or possession of firearms by convicted domestic abusers, would be deemed inconsistent and not enforced,
- If passed, NH would become a haven for criminals trying to skirt federal public safety laws.
- This bill does not provide any start date for the application, so it appears to apply to federal laws and regulations already on the books.
- Do we honestly know how this is going to play out? How will this impact any arrests, sentences, or appeals in the State?
- NH law prohibits a defendant subject to a domestic violence protective order from purchasing or possessing firearms and ammunition for the duration of the order.
- NH law though, unlike federal law, does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition.
- Granite Staters strongly support common sense gun safety laws.
- Bills like this one hold us back and harm our communities.
- Senator Whitley asked if this bill is not similar to the one passed last year and that it would apply to laws or regulations already on the books.
 - There were a couple of versions last year. The Senate could not agree with some of the House language. One version had a start date for any new

Presidential Orders, laws, or regulation; this version does not have any reference to that. This bill would apply to any federal law, regulation, or order existing in the past or forthcoming. Has not heard testimony today that addresses all of the potential concerns that could arise from that.

Neutral Information Presented:

Richard Head (Judicial Branch) (provided written testimony)

- Lines 15-16 state “Silence in the New Hampshire Revised Statutes Annotated pertaining to a matter regulated by federal law shall be construed as an inconsistency for the purposes of this chapter.”
- The Domestic Violence Registry may conflict with that.
- There are some aspects that the Registry does in accordance with court rules, even though the domestic violence protocols may not be specifically articulated in the RSA.
- ~~Cannot say for certain it is inconsistent, but it at least raises ambiguity that a~~ provided amendment would address in terms of the Registry when there is no state prohibitor involved, but perhaps there is a federal prohibitor involved.
- If a final stalking order is issued and it does not have a weapons prohibition, the Registry would still record that in the databases.
- It is not 100% clear if that would be in line with lines 15-16.
- Asks to add on page 2, line 2, “Noting in the chapter shall prohibit the Judicial branch from entering protective order information into law enforcement databases.”
- That would clarify the ambiguity.
- Does not think the intent of the bill was to prevent the loading of that information about protective orders into the Registry.

Captain Victor Muzzey (NH State Police)

- The State Police operates a Gun Line in which they perform checks on the purchases of handgun.
- Concerned about the implication this bill as written may have on this operation.
- Questioned what is expected of police as a result of this legislation.
- Raised concerns about any unintended consequences that may arise as a result of this legislation..
- State Police is seeking more clarity on how their role may be affected, and to enquire if the Committee has considered what that operating change may be for State Police.
- Senator Whitley asked if civil records for domestic violence for restraining orders or related to involuntary mental health commitments, which both prohibit firearm ownership under federal law, would be prohibited from being shared with the federal government under this bill.
 - That would be his understanding.
- Senator Whitley asked if this bill would make it easier for people who have been found to be violent domestic abusers to get access to firearms.

- Supposes it could. That is a concern about the legislation regarding how deep the intent is.
- Senator Kahn asked if NH has any laws on manufacturing a gun at home.
 - Not that he is aware of.
- Senator Kahn asked if any laws around ghost guns would be federal.
 - They would be based upon the federal definition and regulation.
- Senator Gannon noted that on line 13 it states, “inconsistent with any law of this state” Asked if the Gun Line is consistent with state law.
 - Thinks it is consistent, but there may be an unintended consequence because it doesn’t clearly delineate that that practice and operation is still authorized under this proposal.
- Senator French asked if a ghost gun is just a gun that is manufactured by an individual that they did not stamp a serial number onto.
 - That is his understanding.
- Senator French asked if he made a gun and stamped the reliever with the number 1 than would that no longer be a ghost gun and what is the big difference between that, and a gun bought at a store.
 - The difference is the ability to differentiate it by law enforcement.
- Senator French asked if it would not be considered a ghost gun if he stamped it.
 - Correct.
- Senator Whitley asked if there are federal programs we would be losing out on by not cooperating with the federal authorities as we are required to do.
 - Is sure there are but could not answer what those are adequately right now.
- Senator Kahn asked if the Department receives any kind of grants for enforcement.
 - For the enforcement of firearms laws, no. That does not mean there are not some other federal grants that may somehow be connected to that. Does not know of any funds they are receiving directly tied to enforcing federal gun laws.
- Senator Kahn asked if the enactment of this bill runs counter to the State’s ability to receive funding for enforcement.
 - Does not know if he is adequately prepared to answer that question. If money is specifically tied to the enforcement or assisting in the enforcement of federal laws, then yes, this bill would be prohibitive to that cause.
- Senator Kahn asked if it would be the DOJ that receives any of these kinds of funds.
 - It very well could be, in most cases that has been his experience.
- Senator Whitley noted that there has been an update to federal law in regard to ghost guns that says, even these dangerous parts can be treated like finished firearms if they are found. Raised a situation where a firearms trafficker in NH is caught and, in the trunk, there were unfinished frames and other firearm

parts. Asked if under this bill NH law enforcement wouldn't be able to do anything.

- Current
- Senator Whitley asked if gun traffickers would want to go to a state where local authorities had no jurisdiction to stop them.
 - Assumedly.

jch

Date Hearing Report completed: April 22, 2022

Speakers

Senate Judiciary Committee

SIGN-IN SHEET

Date: 04/19/2022 Time: 2:15 p.m.

HB 1178 AN ACT prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

Name/Representing (please print neatly)

	Support	Oppose	Speaking?	Yes	No
Richard Head Judicial Branch ^{amendment} (Request)	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Bob Lynn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Erik Granzer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daniel Koenig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Milo Mirate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zephan Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gabe Holdren	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nick Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victor Murray	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elliot Axolman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

Senate Remote Testify

Judiciary Committee Testify List for Bill HB1178 on 2022-04-19

Support: 29 Oppose: 35

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Ricciardi, Senator Denise	An Elected Official	Senate District 9	Support
Howland, Curtis	A Member of the Public	Myself	Support
Eisner, Mary	A Member of the Public	Myself	Oppose
Osborne, Stephanie	A Member of the Public	Myself	Oppose
Almy, Susan	An Elected Official	Myself	Oppose
Reynolds, Deidre	A Member of the Public	Myself	Oppose
Kelly, Frances	A Member of the Public	Myself	Oppose
Swiderski, Ed	A Member of the Public	Myself	Support
Thompson, Keith	A Member of the Public	Myself	Oppose
Berrio, Simon	A Member of the Public	Myself	Support
RUKSTELA, KEVIN	A Member of the Public	Myself	Support
Merrick, Debra	A Member of the Public	Myself	Oppose
Sanborn, Gabe	A Member of the Public	Myself	Support
Nicholson, Gerald	A Member of the Public	Myself	Support
Bloom, Jonathan M.	A Member of the Public	Myself	Oppose
Doherty, David	A Member of the Public	Myself	Oppose
Carton, Brian	A Member of the Public	Myself	Oppose
Currie, Joseph	A Member of the Public	Myself	Support
Lane, Connie	An Elected Official	Merrimack District 12	Oppose
Cote, Lois	A Member of the Public	Myself	Oppose
Proulx, Derek	A Member of the Public	Myself	Support
L'Ecuyer, Angela	A Member of the Public	Myself	Oppose
Giaquinta, Andrew	A Member of the Public	Myself	Support
Telerski, Laura	An Elected Official	Hillsborough 35	Oppose
Meuse, David	An Elected Official	Rockingham 29	Oppose
Mannion, Thomas	A Member of the Public	Myself	Support
Hodgdon, Zachary	A Member of the Public	Myself	Support
DeBold, Joanne	A Member of the Public	Myself	Oppose
Elbahrawy, Joshua	A Member of the Public	Myself	Support
Smith, Jennifer	A Member of the Public	Myself	Oppose
Mitchell, Dennis	A Member of the Public	Myself	Support
McConnell, Elizabeth	A Member of the Public	Myself	Oppose
Lyczak, Anne	A Member of the Public	Myself	Oppose
Brown, Sarah	A Member of the Public	Myself	Oppose
Skudlarek, Robin	A Member of the Public	Myself	Oppose
Houst, Lena	A Member of the Public	Myself	Oppose
Till, Mary	A Member of the Public	Myself	Oppose
Ringleben, Kurt	A Member of the Public	Myself	Support
Corrente, Stephanie	A Member of the Public	Myself	Support
schueler, andrew	A Member of the Public	Myself	Support
Kingston, Bill	A Member of the Public	Myself	Oppose
Erickson, Kevin	A Member of the Public	Myself	Support
Reynolds, Mack	A Member of the Public	Myself	Oppose
Butler, Ed	A Member of the Public	Myself	Oppose
Brady, Eileen	A Member of the Public	Myself	Oppose
Kiely, Cecilia	A Member of the Public	Myself	Oppose
See, Alvin	A Member of the Public	Myself	Support

Petrusewicz, Carol	A Member of the Public	Myself	Support
Vesnina, Galina	A Member of the Public	Myself	Support
Andrus, Rep Louise	An Elected Official	Myself	Support
Haynes, William	A Member of the Public	Myself	Support
Dastoli, Nick	A Member of the Public	Myself	Support
SKIDMORE, CLARENCE	A Member of the Public	Myself	Support
Schnell, Robin	A Member of the Public	Myself	Oppose
Abbas, Daryl	An Elected Official	Rockingham County / District 8	Support
Simkin, Jay	A Member of the Public	Myself	Oppose
Dean, Penny	A Member of the Public	Myself	Oppose
Liebowitz, Susan	A Member of the Public	Myself	Oppose
Brown, Nancy	A Member of the Public	Myself	Oppose
Peternel, Katy	A Member of the Public	Myself	Support
Zoanetti, Andrew	A Member of the Public	Myself	Support
Nugent, Mallory	A Lobbyist	Everytown for Gun Safety	Oppose
Hamblet, Joan	A Member of the Public	Myself	Oppose
Barker, Daniel	A Member of the Public	Myself	Support

Testimony

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

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

1 1 New Chapter; Federal Statutes, Regulations, and Presidential Executive Orders Relating to
2 the Right to Keep and Bear Arms. Amend RSA by inserting after chapter 159-D the following new
3 chapter:

4 CHAPTER 159-E

5 PRESIDENTIAL EXECUTIVE ORDERS AND STATUTORY LAW

6 RELATING TO THE RIGHT TO KEEP AND BEAR ARMS

7 159-E:1 Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right
8 to Keep and Bear Arms. Pursuant to the general court's authority under Part II, Article 5 of the
9 New Hampshire Constitution, the state of New Hampshire, a political subdivision of this state, or
10 any person acting under the color of state, county, or municipal law shall be prohibited from using
11 any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule,
12 order, or regulation of the United States Government or Executive Order of the President of the
13 United States that is inconsistent with any law of this state regarding the regulation of firearms,
14 ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies,
15 or knives. Silence in the New Hampshire Revised Statutes Annotated pertaining to a matter
16 regulated by federal law shall be construed as an inconsistency for the purposes of this chapter.

17 159-E:2 Application. In light of the long-standing practice of cooperation between federal, state,
18 and local law enforcement agencies, nothing in this chapter shall prevent a state, county, or local
19 official from cooperating with or rendering aid or assistance to federal officials in any circumstance
20 where there is reasonable suspicion to believe that a person who is the subject of an investigation for
21 violation of federal firearms law covered by RSA 159-E:1 also has committed, is committing, or is
22 about to commit a violation of New Hampshire law or a violation of a federal law, regulation, order,
23 or practice not covered by RSA 159-E:1. Nothing in this chapter shall prevent a state, county, or
24 local official from providing authorized federal officials, upon their request, with official state,
25 county, or local records that are available to the public or which constitute criminal history records
26 maintained by an agency of state, county, or local government, or taking any other action necessary
27 to fulfill or comply with the state's obligations under the National Crime Prevention and Privacy
28 Compact approved and ratified in RSA 106-B:14, III, provided that the provisions of this chapter

HB 1178 - AS AMENDED BY THE HOUSE

- Page 2 -

1 shall not provide for the distribution of information required to be destroyed pursuant to 18 U.S.C.
2 section 922(t)(2)(C). Nothing in this chapter shall prohibit the Judicial Branch from entering
protective order information into law enforcement databases.

3 159-E:3 Severability. If any provision of this chapter or the application thereof to any person or
4 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the
5 chapter which can be given effect without the invalid provision or application, and to this end the
6 provisions of this chapter are declared to be severable.

7 2 Effective Date. This act shall take effect upon its passage.

Why gun owners are confused

A presentation and practical demonstration
presented by a non-lawyer.

- Gun laws are extremely confusing
- Hundreds of Granite Staters are likely accidental felons
- The ATF re-interprets existing laws in creative ways, meaning that anyone can be prosecuted despite zero criminal intent
- If citizens can't understand the rules, they can't be expected to follow the rules
- The State of NH should protect it's citizens from being prosecuted for violating intentionally confusing rules.
- The information in this handout is not guaranteed to be 100 percent correct, and that's the point. Figuring out what the ATF considers legal or illegal is impossible for normal citizens.

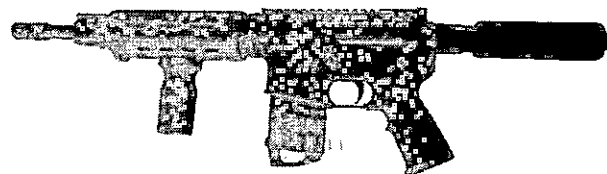
Handguns with foregrips.

- 18 U.S. Code § 921 says:
(29) The term "handgun" means— (A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and (B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.
- Nobody shoots handguns with 1 hand unless one of their hands is out of commission, and haven't for over half a century.
- Are all pistols actually AOWs (Any Other Weapons)? Do we owe the ATF 200 bucks for every pistol we buy?
- Pictured: An ATF agent using 2 hands to fire a handgun.



Identify the AOW

- Two of these guns are handguns. One is an AOW. Can you spot the difference, based on the definition given?



Answer:

- The second one has a vertical foregrip, thus meaning it is intended to be fired with 2 hands, thus making it an "AOW".
- From an ATF decision:

ATF has long held that by installing a vertical fore grip on a handgun, the handgun is no longer designed to be held and fired by the use of a single hand. Therefore, if individuals install a vertical fore grip on a handgun, they are "making" a firearm requiring registration with ATF's NFA Branch. Making an unregistered "AOW" is punishable by a fine and 10 years' imprisonment. Additionally, possession of an unregistered "AOW" is also punishable by fine and 10 years' imprisonment.

Why wasn't the first one an AOW? It has a grip, as well.

- Right, but that's an ANGLED grip. Angled grips, though they allow someone to hold a firearm with 2 hands, are not like vertical grips, which allow someone to hold a firearm with 2 hands.
- Why an angled grip is OK, but a vertical grip is not, is answered here:

This refers to your recent letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) requesting information regarding the legality of attaching a "Magpul Angled fore-grip" (AFG) to an AR-15 type pistol. Your inquiry was forwarded for reply to ATF's Firearms Technology Branch (FTB), Martinsburg, West Virginia.

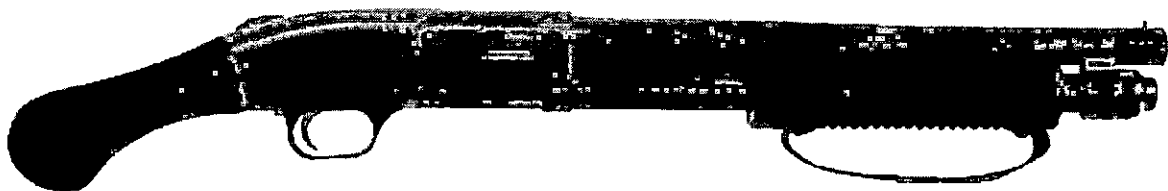
Because the Magpul AFG is not considered a forward vertical pistol grip, it would not be illegal to fit one to your AR-15 pistol. Doing so will not create an "any other weapon (AOW)"; thus, no registration mandated under the National Firearms Act (NFA) is needed. However, fitting an actual forward pistol grip to an AR-15 pistol would result in the creation of an AOW and would be unlawful unless the required NFA registration was completed and the appropriate tax was paid in advance.

We thank you for your inquiry and trust the foregoing has been responsive. If you have further firearms-related questions of a technical nature, you may write directly to FTB at any time.

That didn't clarify anything

- Correct.
- Why, exactly, the ATF considers vertical foregrips bad, but angled foregrips are fine, is a mystery.
- It's entirely possible I missed a memo and this information is entirely out of date. The ATF changes it's mind so frequently that it is an impossible task to keep track of the changes.
- This confusion could mean that innocent people are thrown in federal prison.
- We have an obligation to protect our citizens. If citizens can't figure out the gun laws, police **also** likely cannot figure out the gun laws.
- It'd be nice if police and citizens didn't have to worry about it.

Is this a shotgun?



Answer: No.

- It's a Mossberg Shockwave. It fires shotgun shells but is not a shotgun.
- It's over 26 inches in length and doesn't have a rifled barrel, therefore not a handgun.
- It's not a rifle because it isn't shoulder-fired and doesn't have a rifled barrel.
- **It's not a shotgun** because it's not designed to be fired from the shoulder.
- It's not "Any Other Weapon" because it's over 26 inches long.

But isn't that just a sawed-off shotgun?

- Practically: Yes.
- Legally: No.
- Sawed-off shotguns are illegal without being registered.
- I'm not exactly sure why this is illegal but a Mossberg Shockwave is fine, but this confusion is likely to make accidental felons out of random citizens that made the mistake of not being lawyers.
- We should pass laws at the state level to protect Granite Staters from the ATF since the ATF's rules don't make any sense and are totally unpredictable.



Are bump stocks machine guns?

- The ATF decided a couple years back that bump stocks are machine guns
- They ordered everyones bump stocks destroyed
- They were sued
- They lost, courts determined that bump stocks are not machine guns and therefore not illegal
- Those bump stocks haven't been un-destroyed

What's the difference, anyway?

- The punishment for accidentally violating an ATF rule is massive
- The actual lethality of a gun is usually not changed based on these arbitrary rules
- The modularity of modern firearms means that violating the rules and accidentally becoming a felon is trivial. Accessories added to one gun can be swapped onto another, thus creating illegal guns without anyone knowing any better
- When the ATF decides to enforce laws over minutiae, people die or go to federal prison for a very long time, and they generally do not deserve it. The punishment is entirely disproportionate to the crime. Accidentally putting a regular collapsing stock on a pistol, thus turning it into a short-barreled rifle, is a mistake anyone can make.

Other places where everything is confused:

- Do we need to put a serial number on an AR upper? What about the millions upon millions of unserialized AR uppers?
- If we bought an 80 percent lower before the new rules take effect, do we need to serialize them?
- What about home-made firearms that are inherited? Do you become a felon because you possess your granddaddy's old home-built hobby gun and didn't get the memo that they are supposed to have serial numbers now?
- Is a shoelace **really** a machine gun?
- What about a bent coat hanger?
- What about a metal card with a picture printed on it?
- Why should Granite Staters be forced to deal with a hostile regulatory agency?



The Amendment

- The amendment defeats the purpose, please drop it.
- If police groups are worried about the ATF helping out with firearms found in drug stings, how about instead police charge people for drug crimes instead of shoe-horning in illegitimate firearms charges?
- If you can't convict them based on their drug crimes, you shouldn't be convicting them based on bureaucratic mis-steps involving the ATF's "interpretation" of the law, either.
- Why do the feds need to be involved in drug stings at all? Isn't that the job of local and state police?
- If the ATF is corrupt, and the state police cooperate with them pursuant to their corruption, that makes the state police corrupt, too.
- The goal of policework shouldn't be "Try to pin as many felonies as possible on a guy so they end up in jail for as long as we can manage"

Thank you for your time

- Please vote OTP without amendment
- Thank you for supporting Granite Staters who may find themselves in conflict with irrational federal laws
- I can be reached here:
Michael@ErikGranger.name

Jennifer Horgan

From: john burtnh.com <john@burtnh.com>
Sent: Wednesday, March 30, 2022 2:07 PM
To: Jennifer Horgan; Sharon Carson
Subject: HB 1178 Hearing Date

Hello Senator Carson,

HB 1178 is in your committee. I am the prime sponsor. I work every Monday and Tuesday at a nursing home and we have House Sessions mostly on Thursday. I was hoping as a courtesy if you could schedule this hearing on a Wednesday or Friday if possible.

Thank you for your time,
John

Representative John Burt
Goffstown, Weare, Deering
1-603-289-0792 cell number.

HB1178

prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

Jennifer Horgan

From: Matt <mattcol@aol.com>
Sent: Saturday, April 16, 2022 10:35 AM
To: ~Senate Judiciary Committee
Subject: Please OTP HB 1178

Dear Senators of the Judiciary Committee:

Please vote **OTP on HB 1178**, relative to state enforcement of federal firearms laws. This bill would further state sovereignty and autonomy with respect to firearms regulations in the State of New Hampshire. New Hampshire citizens and the legislature know what is best for this state and its citizens. Laws or presidential executive orders issued from Washington most often seek to diminish firearms rights and other liberties, and we in New Hampshire have no obligation to bow to their purely political whims.

Again, please vote **OTP on HB 1178**. Thank you.

Sincerely,

Matthew Tyszka
Newport, NH

Jennifer Horgan

From: Brian T <brian@garnetschool.com>
Sent: Sunday, April 17, 2022 1:38 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB1178

To members of the Senate Judiciary Committee:

Please support HB1178, which would prohibit any New Hampshire law enforcement officer to assist in enforcing federal statute, regulation, or presidential executive order.

This is consistent with New Hampshire's long-standing recognition of the right of individuals to keep and bear arms, and is also consistent with the federalist view of the U.S. and New Hampshire constitutions.

Thank you for your consideration.

Brian Travis
522-7001

Jennifer Horgan

From: Gary F <gsfriddle@gmail.com>
Sent: Sunday, April 17, 2022 4:31 PM
To: Jennifer Horgan
Subject: HB 1178

Please vote to pass HB 1178. Federal government overreach must stop.

Thank You
NH Citizen

Jennifer Horgan

From: Rhonda <rmwindwhisper@yahoo.com>
Sent: Sunday, April 17, 2022 6:05 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB1178

Vote yes on HB 1178 to pass

Rhonda Martin
Registered voter
Wolfeboro, NH

Jennifer Horgan

From: Scott Hussey <scott@scotthussey.com>
Sent: Sunday, April 17, 2022 8:28 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB1178

I am writing to express my concern about the recently passed House Bill 1178. I understand that the Senate Judiciary Committee is scheduled to hold a hearing on the bill on Tuesday afternoon.

I would encourage the Committee to kill this bill as quickly as possible.

Stay safe!

--

Scott Hussey
425 Marlboro St
Keene, NH 03431

603-762-1013
scott@scotthussey.com
<http://www.scotthussey.com>

PO Box 961 - Keene, NH 03431

Jennifer Horgan

From: Bill D <bill@resunltd4u.com>
Sent: Monday, April 18, 2022 8:31 AM
To: Sharon Carson
Subject: HB1178

To members of the Senate Judiciary Committee:

Please support HB1178, which would prohibit any New Hampshire law enforcement officer to assist in enforcing federal statute, regulation, or presidential executive order.

This is consistent with New Hampshire's long-standing recognition of the right of individuals to keep and bear arms, and is also consistent with the federalist view of the U.S. and New Hampshire constitutions.

Thank you for your consideration.

William Domenico
Manchester, NH

Jennifer Horgan

From: Richard Barry <richard.barry.6179@gmail.com>
Sent: Monday, April 18, 2022 10:56 AM
To: Becky Whitley; Harold French; Jay Kahn; Jennifer Horgan; Sharon Carson; William Gannon
Subject: Hb1178

Good day,
Hb1178 ought to pass but without the amendment that essentially makes the bill without any worth. Kindly remove the amendment.
Thank you

Jennifer Horgan

From: RB <reginald.barron@protonmail.com>
Sent: Monday, April 18, 2022 10:58 AM
To: Becky Whitley; Sharon Carson; Jennifer Horgan; Jay Kahn; Harold French; William Gannon
Subject: HB1178

Greetings,

Respectfully, this bill ought to pass but only if you remove the amendment (159-E2) which effectively nullifies the entire bill as to make it worthless.

Thank you,

The bill of rights does not have an expiration date.

Jennifer Horgan

From: Thomas Mannion <tom@mannion4nh.com>
Sent: Monday, April 18, 2022 12:00 PM
To: ~Senate Judiciary Committee
Subject: HB1178 - Support

The Federal Government will continue to nickel and dime away our right to protect ourselves. The most recent ploy is conflating homemade firearms with firearms with illegally removed serial numbers as an excuse to limit a time-honored tradition of crafting arms at home. The ATF has no, and should never have, jurisdiction on what I can build to defend myself and my property.

We need to block efforts by the ATF and other Federal bureaus to encroach upon our rights. Please pass this bill out of committee.

Jennifer Horgan

From: Brian McClory <bmcclory@gmail.com>
Sent: Monday, April 18, 2022 12:12 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB 1178

Hello,

I'm a Derry resident and would just like to voice my sincere hopes that you support HB 1178 without amendments. Executive orders and federal overreach should have no bearing on our inalienable, God-given rights.

Thank you,

Brian McClory
Stark Rd, Derry NH

Jennifer Horgan

From: Derek Proulx <derek.proulx1815@gmail.com>
Sent: Monday, April 18, 2022 1:11 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: SUPPORT HB 1178

Please support HB 1178. The right to keep and bear arms is enshrined in both our US and State Constitutions. This bill would nullify any further federal overreach on our Constitutional rights to self defense. I am a resident of Bristol, NH 03222. Thank you!

Live Free or Die

Jennifer Horgan

From: Jennifer Horgan
Sent: Monday, April 18, 2022 1:23 PM
To: ~Senate Judiciary Committee
Subject: FW: Support for HB1178 and the right to keep and bear arms

From: Alexander Hunt <alexanderthunt@gmail.com>
Sent: Monday, April 18, 2022 1:16 PM
To: Jennifer Horgan <jennifer.horgan@leg.state.nh.us>
Subject: Support for HB1178 and the right to keep and bear arms

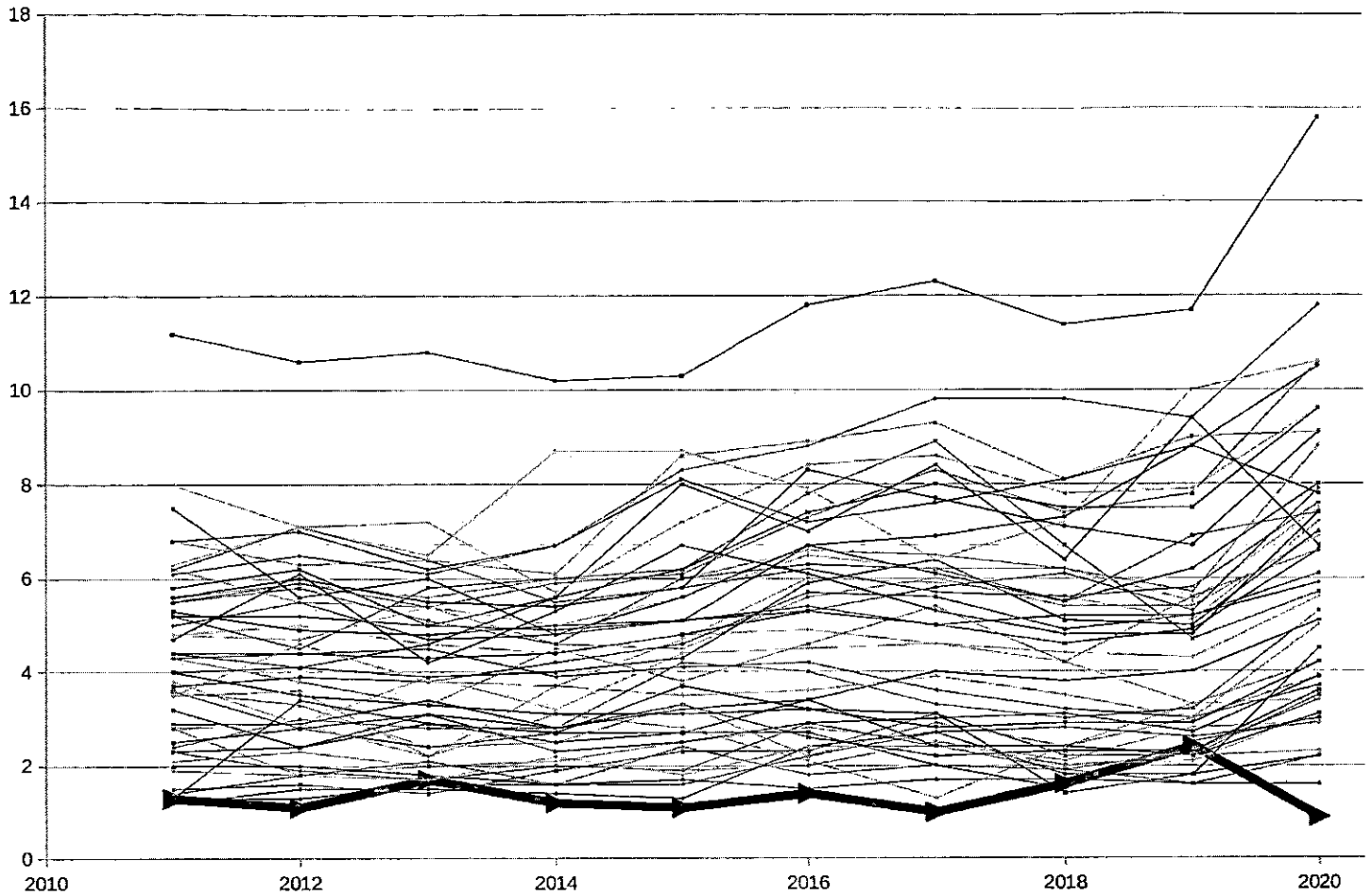
Dear Senator Horgan,

My name is Alex Hunt and I live in Pelham NH. I understand there is a vote for HB1178 tomorrow, which would restrict NH enforcement of federal restrictions on the right to keep and bear arms.

I am in full support of this bill and respectfully encourage you to support it as well.

This bill shouldn't be needed since this is already unambiguously spelled out in the US Constitution but since that does not seem to be working, NH needs to take its own stance. Legally the US Constitution should have to be amended to allow for these restrictions and practically they have not made people safer so I don't see any argument against this. For example, NH is already one of the most free states with respect to gun rights and consistently one of the safest as well. This can be seen in the homicide rate in each state (See NH bolded in Blue below, data):

Intentional Homicides / 100,000



(Data from https://en.wikipedia.org/wiki/List_of_U.S._states_and_territories_by_intentional_homicide_rate, which originates from crime-data-explorer.app.cloud.gov)

Thank you for your time and have a wonderful day!

-Alex Hunt

Jennifer Horgan

From: Chris McKenney <camckenney@gmail.com>
Sent: Monday, April 18, 2022 4:36 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB 1178

Good Afternoon,

My name is Chris McKenney, I am a New Hampshire resident, born and raised. NH has a strong independent streak and a strong firearms culture as well as being one of, if not the safest states in the nation. I do not think these attributes are unrelated and nor do I believe they can exist separately from one another. I urge you all to vote to pass HB 1178 to prevent an increasingly power hungry and out of touch federal government from infringing upon our second amendment rights as they are provided for in the constitution. We are an independent people and we do not need bureaucrats in DC telling us how to live our lives. This goes for all federal legislation that would seek to deprive us of our natural rights. Please observe that crime and especially crimes involving guns are overwhelmingly and disproportionately committed by individuals with zero regard for the law and that if these laws go into effect they would overwhelmingly and disproportionately affect those of us who are law abiding citizens, thus depriving us of the natural right to self defense in the face of imminent bodily harm.

I trust that you will do the right thing for your constituents.

Sincerely,
Chris McKenney

Jennifer Horgan

From: David Meuse
Sent: Monday, April 18, 2022 4:56 PM
To: ~Senate Judiciary Committee
Subject: Please Reject HB 1178

As a member of the House Criminal Justice and Public Safety Committee, I continue to be dismayed at how willing some people are in our state to support legislation that empowers criminals and puts public safety at risk.

HB 1178 would prohibit state, county and local police from enforcing or cooperating with the enforcement of any US firearms law, federal regulation, or presidential Executive Order that we also don't have on the books here in New Hampshire.

What often gets lost in a debate that gets framed solely around 2nd amendment rights is that there are relatively few federal gun laws on the books anyway. The ones that are on the books are similar to laws we have in New Hampshire that make it illegal to straw-purchase a firearm on behalf of another person or to provide a gun to someone who is banned from having one.

The problem is that existing state and federal laws alone have not been enough to stop criminals specializing in trafficking guns across state lines to criminals and criminal gangs.

That's where the recent efforts of the Biden administration come in. In 2021, the president announced the formation of strike forces intended to sharply curtail significant firearms trafficking corridors that have diverted guns to 5 major urban areas. Also announced were programs to work with states to gather data on firearms trafficking for policymakers as well as rules that were recently finalized that will do much to stop the proliferation of "ghost guns". Ghost guns are unmarked guns without serial numbers sold as components in kit form. These kits come partially assembled and are currently exempt from background checks—making them hugely attractive to criminals, gangs, convicted felons, and offenders subject to protective orders.

While HB 1178 may have the stated purpose of protecting 2nd amendment rights, what it also would do is undermine cooperation between state and federal law enforcement in a critical area. The result is easy to predict— more guns winding up in the hands of dangerous criminals.

HB 1178 is not about protecting gun rights. Our state and federal constitutions already do that. What HB 1178 is about is scoring political points by driving a divisive and unnecessary wedge between state and federal government when it comes to keeping guns out of the hands of criminals. It also has the very real potential of greatly increasing the flow of illegal firearms, including ghost guns, into and out of our state.

Bottom line: HB 1178 does not make New Hampshire any safer for our residents, our law enforcement personnel, or our visitors.

I urge you to ITL this bill.

Rep. David Meuse, Portsmouth

Jennifer Horgan

From: Bill Kingston <DC9guy@comcast.net>
Sent: Monday, April 18, 2022 7:07 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB 1178

I cannot believe our legislators in Concord would propose such an extreme and poorly conceived piece of legislation. It flies in the face of common sense that our own elected officials would seriously consider prohibiting anyone from cooperating with federal law enforcement.

Is the intent to make New Hampshire a safe haven for criminals and terrorists?

Did anyone ever consider how this would cause a substantial loss of federal funds?

What would be the effect on the innocent citizens of our State if all this lawlessness were to occur?

I respectfully remind the members of this committee that the first duty of government is to protect its citizens.

I therefore urge you all to reject this crazy idea.

Bill Kingston
New Castle
C 603 812-9408

Jennifer Horgan

From: Scott Phillip <scott.sheller88@gmail.com>
Sent: Monday, April 18, 2022 8:48 PM
Subject: HB 1178

Dear Senator,

Please support HB1178 without the amendment to protect Second Amendment rights enshrined in our Constitution. As we know, Constitutions can be violated and rights can be impeded--- for example the Soviet Union and North Korean Constitutions are reasonable on paper, but governments often do not abide by them, which is evident by the slashing of the Bill of Rights the last two years in multiple states.

This bill would just increase the likelihood that our rights are not violated by unconstitutional laws. Please also do not pass the bill with the amendment which waters down this bill.

I appreciate your willingness to protect our rights and your tireless work in the senate!

Best regards,

Scott Sheller
NH resident.

Jennifer Horgan

From: Nicholas Kay <nkay42@gmail.com>
Sent: Monday, April 18, 2022 9:25 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB 1178

To the committee voting on HB 1178,

My name is Nicholas Kay, I'm a resident of Canaan, NH.

I'm writing to encourage you all to support this bill *without* its amendment. Any legislation enacted by the federal government would violate not only our state constitution but also the second amendment to the U.S. constitution itself.

Thank you for your time,

-Nicholas Kay

Jennifer Horgan

From: Robin Skudlarek <RobinSkudlarek@comcast.net>
Sent: Monday, April 18, 2022 9:39 PM
To: William Gannon; Sharon Carson; Jennifer Horgan; Harold French; Becky Whitley; Jay Kahn
Subject: testimony opposing HB1178

Dear Madam Chairwoman and members of the Senate Criminal justice Committee,

I could not be there in person, here is my testimony in opposition to HB1178

This bill would prohibit state and local law enforcement officials from cooperating, in any way, with the enforcement of a host of federal firearm laws, executive orders, rules, or regulations that the bill deems 'inconsistent' with state laws. Only in cases in which the target of an investigation is violating one of New Hampshire's few state gun laws or has committed, or is about to commit, a separate violation of NH law could state and/or local officials assist in the enforcement of federal firearm laws and regulations. Nullification laws, like this one, that attempt to skirt, weaken, or undermine the federal gun laws and rules designed to keep us safe have repeatedly, in their most extreme forms, been rejected by courts.

HB 1178 is a particularly dangerous threat to public safety in that it may prevent local and state police from accessing federal resources used to fight gun trafficking and conduct thorough background checks, along with federal cooperative programs that are vital to preventing firearms from getting into the wrong hands.

This month, the Biden administration took executive action on so-called "ghost guns." These are actual guns made from parts and kits that anyone, including minors, can access without a background check, and that a growing number of violent criminals nationwide are building and using at an alarming rate. These guns, and the components from which they are made, do not contain serial numbers and are largely untraceable, making them particularly attractive to gun traffickers and other violent criminals. Recent federal action would make it mandatory that anyone purchasing a kit undergo a background check. The kits will be required to include a serial number on critical components so that the firearm can be traced if used unlawfully. It would also mandate that gun dealers add a serial number to any already-assembled ghost guns that come into their possession. In January, a Rhode Island man was charged with allegedly selling or attempting to sell more than 100 ghost guns that he had assembled in his home. Under this bill, NH authorities would have their hands tied in regulating these dangerous weapons—since New Hampshire law is silent on ghost guns, and thus 'inconsistent' with federal law—making it easier for domestic abusers and other prohibited people to possess them.

New Hampshire state and local law enforcement should be working in partnership with federal authorities to address this growing national problem of gun violence. House Bill 1178 works in opposition to that important effort and puts violent criminals and other bad actors in a position of strength to continue to terrorize communities. This is a bad bill that needs to be defeated.

Sincerely,
Robin Skudlarek

Jennifer Horgan

From: Zephan Wood <zephanw@gmail.com>
Sent: Monday, April 18, 2022 9:40 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: Support HB1178- Most important bill this legislative session

Dear Members of the Judiciary Committee:

HB1178 enshrines the individual right to keep and bear arms in the state of New Hampshire by preventing the federal government from enforcing tyrannical and overreaching gun control measures. As history has shown us, whenever a populace is disarmed, dire consequences ensue. Additionally, Granite Staters have a long and proud tradition of independence, self-reliance, and self-defense, and passing this will ensure that that culture, history, and integral part of the Granite State is preserved.

Furthermore, I move that this bill be passed OTP without the amendment added in the House, as it severely waters down the bill and mostly makes the measure symbolic. Even if it does pass as a symbolic measure though, demonstrating the New Hampshire will defend Granite Staters from federal tyranny in respect to gun control is crucial.

Please OTP HB1178 and remove the Amendment made in the House!

Very Truly Yours,

Zephan N. Wood,
Citizen and Taxpayer of New Hampshire.

Jennifer Horgan

From: Sharon Clark <sharonclark411@gmail.com>
Sent: Monday, April 18, 2022 10:29 PM
To: ~Senate Judiciary Committee
Subject: Support HB1178

Dear Committee Members,

HB 1178 is an excellent example of the state of New Hampshire declining to enforce the federal government's unconstitutional power grabs. The right to gun ownership should not be infringed. It is necessary for a free country.

Thank you for your support,

Sharon Clark
Resident of the Town of Grafton
sharonclark411@gmail.com

Jennifer Horgan

From: Fen <AgoraFen@protonmail.com>
Sent: Tuesday, April 19, 2022 12:57 AM
Subject: HB1178

Good Evening,

I am contacting you in support of HB1178, specifically the original version of HB1178 without amendment 159-E:2. This amendment, first and foremost, puts safe, thoughtful, and responsible everyday New Hampshire citizen at risk of undue search and seizure while also having their rights striped away. In keeping with the New Hampshire constitution, each citizen of this state has certain rights, including the right to own firearms for protection, recreation, appreciation, or all of the above. The federal government is constantly changing interpretations of laws at will without changing the text of statute, forcing restrictions through knowing that the majority of Americans (and certainly New Hampshire residents) don't agree with them and their representatives in government would not vote in favor of these changes. These constant changes not only cause undue stress to residents who have to keep up with these changes, but they could put all NH gun owners in criminal circumstances without any change to statute over night, even though they have never broken a law in their life, because a handful of unelected individuals have an agenda to push.

In addition, suspicion of committing a crime is insufficient to suspend rights or to strip rights for the remainder of someone's life. Federal agents mistakenly charge innocent people with crimes on a regular basis, which would make it very easy to get cooperation on unconstitutional gun law enforcement that does not align with the New Hampshire constitution. Take, for example, the recent Gretchen Whitmer acquittals, which saw individuals who were found to be innocent even after months to a year of federal agents claiming these individuals had conspired to kidnap the governor, and worse claimed they had enough evidence to convict. This ended up being a lie and a claim that, if levied against a NH resident if HB1178 passed with the amendment 159-E:2, would result in severe penalties and suspension of basic human rights, including those that HB1178 was originally designed to protect. A federal agent could, with good intention, mistakenly accuse a citizen of a serious crime or completely lie in order to suspend rights. This only puts innocent NH citizens at risk as even standard background checks for purchasing a firearm provide false positives 9 out of 10 times according to some analysis of data from the background checks. A NH citizen does not deserve to have their rights stripped due to a mistake or malicious intent.

Overall, we are seeing federal agents and unelected members of agencies acting in bad faith because of a "potential" minority of individuals, somewhere at some time, committing a crime which may or may not utilize an item that they now label as inappropriate. A criminal is a criminal and will always break the law by definition and no matter how severe. What we have been seeing is an attack on innocent individuals who are safe and responsible with their own property. New Hampshire is one of the safest places in the world with numerous individuals responsibly owning firearms and it is time that the citizens of this state have their rights respected and defended.

This is why I implore you vote HB1178 OTP without amendment 159-E:2. Thank you.

Jennifer Horgan

From: Jennifer Horgan
Sent: Tuesday, April 19, 2022 8:22 AM
To: ~Senate Judiciary Committee
Subject: FW: Support for HB 1178 sans 159-E:2

-----Original Message-----

From: Pete Eyre <trustthysself@riseup.net>
Sent: Monday, April 18, 2022 9:12 PM
To: Jennifer Horgan <jennifer.horgan@leg.state.nh.us>
Subject: Support for HB 1178 sans 159-E:2

Evening, Senator Horgan.

I'm writing to kindly encourage you to support HB 1178 as it was originally written, without the addition of 159:E:2 which totally neuters it. Not only does the original text align with the NH Constitution it respects and upholds the rights of NH residents.

In liberty,

Peter Eyre
376 Dubuque St. #1
Manchester, NH 03102

Jennifer Horgan

From: Matt Sabourin dit Choinière <mrsabourin@protonmail.com>
Sent: Tuesday, April 19, 2022 9:38 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB1178

ALCON,

Please support HB1178 as originally written, without the addition of 159:E:2 which neuters the bill prohibiting any New Hampshire law enforcement officer to assist in enforcing federal statute, regulation, or presidential executive order.

This is consistent with New Hampshire's long-standing recognition of the right of individuals to keep and bear arms, and is also consistent with the federalist view of the U.S. and New Hampshire Constitutions, and the right of NH residents.

Thank you for your time and attention!

V/R

//SIGNED//
MATTHEW R. SABOURIN DIT CHOINIÈRE
MOAA-NH | Veteran for Peace
(603) 519-5656

Sent with [ProtonMail](#) secure email.

Jennifer Horgan

From: Lois Cote <lcote06@outlook.com>
Sent: Tuesday, April 19, 2022 10:02 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB

To the Committee:

I oppose HB 1178 and request that the Committee find it Inexpedient to Legislate.

In Manchester where I live, episodes of gun violence are on the rise, are increasingly a challenge for our dedicated police officers, and reduce safety and security for residents. It does not make a bit of sense to pass laws that would forbid our communities access to additional interventions and solutions that may come through Federal legislation. Please do not succumb to what seems to me to be irrational, emotional distortion in the interpretation of Second Amendments rights.

Please vote Inexpedient to Legislate on HB 1178.

Thank you,
Lois Cote
150 River Rd. Apt. 1F
Manchester
603 627-5445

Sent from [Mail](#) for Windows

Jennifer Horgan

From: Jennifer Horgan
Sent: Thursday, April 21, 2022 3:10 PM
To: ~Senate Judiciary Committee
Subject: FW: HB1178

From: Kathleen Tereshko <krtereshko@gmail.com>
Sent: Thursday, April 21, 2022 2:47 PM
To: Jennifer Horgan <jennifer.horgan@leg.state.nh.us>
Subject: HB1178

Dear Senator Horgan,
I strongly oppose HB1178. This bill is a danger to your constituents and all NH citizens.
Please do not vote in favor of this bill.
Respectfully,
Kathleen Tereshko
Nashua

Jennifer Horgan

From: Britt Hatch <doulamama25@gmail.com>
Sent: Thursday, April 21, 2022 4:06 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: in opposition of HB1178

To my most respected members of the Senate Judiciary Committee: I am in strong opposition of HB1178, which would separate NH's position regarding guns from federal firearm laws, calling those "inconsistent with state law." I love the idea of "Live Free or Die," which to me is a testimony of NH's promise of freedom for all citizens. But, of course, we aren't totally free to do whatever we want - if what we want is terribly dangerous. I am proud of NH, but not proud to know that people come from all over the country to buy guns here, because it's so easy.

The USA is dangerously free with guns, and the horrific consequences of that are frightening. The recent reality of Ghost Guns should be attended with good ways to know who has them. I.e., reasonable background checks.

I appreciate the federal firearm laws, as a way of curtailing gun violence. This is no time for NH to assert its ability to be "the free-est state of all." It is the time to legislate for safety.

I thank you for your consideration of my thoughts.

Katherine B. Hatch, 41 Cannongate III, Nashua,
NH 03063 (603) 321-0833

Jennifer Horgan

From: Richard W. Head <RHead@courts.state.nh.us>
Sent: Thursday, April 21, 2022 5:17 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Cc: Richard Lehmann
Subject: HB 1178 (Prohibiting enforcement of federal gun laws)
Attachments: HB 1178 Passed House NHJB Amendment.pdf

Good afternoon Senator Carson and members of the Senate Judiciary Committee – I am writing to follow up on my testimony regarding HB 1178 and the proposed amendment related to the DV Registry that I submitted to the Committee, and to request that the amendment be adopted by the Committee at the Executive Session. I have had several discussions about whether the reference to the National Crime Prevention and Privacy Compact in lines 27-28 of the bill as passed by the House address the Judicial Branch's concerns. Given that the DV Registry also enters civil protective orders, the reference to the Compact would not provide sufficient coverage to account for all of the work done by the DV Registry. The proposed amendment would alleviate any question regarding the important work done by the DV Registry.

I would be happy to answer any questions you may have.

Thank you.

Richard

Richard W. Head
Government Affairs Coordinator
New Hampshire Judicial Branch
One Granite Place, Suite N400
Concord, NH 03301
rhead@courts.state.nh.us
Cell: 603-716-8235

HB 1178 - AS AMENDED BY THE HOUSE

15Mar2022... 0479h

2022 SESSION

22-2352
04/08

HOUSE BILL **1178**

AN ACT prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

SPONSORS: Rep. Burt, Hills. 39; Rep. Stapleton, Sull. 5; Rep. Hopper, Hills. 2; Rep. Silber, Belk. 2; Rep. Nunez, Hills. 37; Rep. True, Rock. 4; Rep. Hill, Merr. 3; Rep. Kelsey, Hills. 7; Rep. Folsom, Graf. 11; Rep. Kofalt, Hills. 4; Sen. Avard, Dist 12; Sen. Ricciardi, Dist 9

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits the state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law from using any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the United States Government or Executive Order of the President of the United States that is inconsistent with any law of this state regarding the regulation of firearms, ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies, or knives.

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.

HB 1178 - AS AMENDED BY THE HOUSE

15Mar2022... 0479h

22-2352

04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

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

1 1 New Chapter; Federal Statutes, Regulations, and Presidential Executive Orders Relating to
2 the Right to Keep and Bear Arms. Amend RSA by inserting after chapter 159-D the following new
3 chapter:

4 CHAPTER 159-E

5 PRESIDENTIAL EXECUTIVE ORDERS AND STATUTORY LAW

6 RELATING TO THE RIGHT TO KEEP AND BEAR ARMS

7 159-E:1 Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right
8 to Keep and Bear Arms. Pursuant to the general court's authority under Part II, Article 5 of the
9 New Hampshire Constitution, the state of New Hampshire, a political subdivision of this state, or
10 any person acting under the color of state, county, or municipal law shall be prohibited from using
11 any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule,
12 order, or regulation of the United States Government or Executive Order of the President of the
13 United States that is inconsistent with any law of this state regarding the regulation of firearms,
14 ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies,
15 or knives. Silence in the New Hampshire Revised Statutes Annotated pertaining to a matter
16 regulated by federal law shall be construed as an inconsistency for the purposes of this chapter.

17 159-E:2 Application. In light of the long-standing practice of cooperation between federal, state,
18 and local law enforcement agencies, nothing in this chapter shall prevent a state, county, or local
19 official from cooperating with or rendering aid or assistance to federal officials in any circumstance
20 where there is reasonable suspicion to believe that a person who is the subject of an investigation for
21 violation of federal firearms law covered by RSA 159-E:1 also has committed, is committing, or is
22 about to commit a violation of New Hampshire law or a violation of a federal law, regulation, order,
23 or practice not covered by RSA 159-E:1. Nothing in this chapter shall prevent a state, county, or
24 local official from providing authorized federal officials, upon their request, with official state,
25 county, or local records that are available to the public or which constitute criminal history records
26 maintained by an agency of state, county, or local government, or taking any other action necessary
27 to fulfill or comply with the state's obligations under the National Crime Prevention and Privacy
28 Compact approved and ratified in RSA 106-B:14, III, provided that the provisions of this chapter

HB 1178 - AS AMENDED BY THE HOUSE

- Page 2 -

1 shall not provide for the distribution of information required to be destroyed pursuant to 18 U.S.C.
2 section 922(t)(2)(C). Nothing in this chapter shall prohibit the Judicial Branch from entering
3 protective order information into law enforcement databases.
4 159-E:3 Severability. If any provision of this chapter or the application thereof to any person or
5 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the
6 chapter which can be given effect without the invalid provision or application, and to this end the
7 provisions of this chapter are declared to be severable.
2 Effective Date. This act shall take effect upon its passage.

Jennifer Horgan

From: Jennifer Horgan
Sent: Monday, April 25, 2022 12:02 PM
To: ~Senate Judiciary Committee
Subject: FW: HB 1178

From: David <dbreault@lobo.net>
Sent: Monday, April 25, 2022 11:59 AM
To: Jennifer Horgan <jennifer.horgan@leg.state.nh.us>
Subject: HB 1178

Dear Senator Horgan,

Please vote Inexpedient to Legislate on HB 1178. This bill prohibits NH law enforcement from enforcing any federal fire arms law, executive order, rule or regulation that is inconsistent with state law and anything state law is silent on makes the federal law or regulation inconsistent. This refusal to recognize federal law has been repeatedly rejected by courts. If passed it is dangerous. It opens NH to becoming a haven for ghost guns as only one example.

Sincerely,
David Breault
5 Sally Sweets Way #149
Salem NH 03079

Jennifer Horgan

From: Barbara D. Reed <bdreed74@gmail.com>
Sent: Wednesday, May 4, 2022 12:29 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB 1178

I am utterly opposed to the concept that a state may forbid enforcement of Federal laws. The Constitution has a Federal Supremacy clause and should take priority over state laws. Barbara Reed N. Swanzey NH

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

sent

Bill # 1178

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 type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" 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: Comm 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input 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"/>

Reported out by: French

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, April 27, 2022

THE COMMITTEE ON Judiciary

to which was referred **HB 1178**

AN ACT

prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-2

AMENDMENT # 2022-1845s

Senator Harold French
For the Committee

Jennifer Horgan 271-7875

JUDICIARY

HB 1178, prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

Ought to Pass with Amendment, Vote 3-2.

Senator Harold French for the committee.

HB1178

Bill Details

Title: prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

Sponsors: (Prime) Burt (R), Stapleton (R), Hopper (R), Silber (R), Nunez (R), True (R), Hill (R), Kelsey (R), Folsom (R), Kofalt (r), Avard (R), Ricciardi (R)

LSR Number: **22-2352**

General Status: **SIGNED BY GOVERNOR**

Chapter Number: **258**

House:

Committee: Criminal Justice and Public Safety

Due Out: 3/10/2022

Status: CONCURRED

Senate:

Committee: Judiciary

Floor Date: 5/5/2022

Status: PASSED/ADOPTED WITH AMENDMENT

Bill Docket

Body	Description
H	Introduced 01/05/2022 and referred to Criminal Justice and Public Safety
H	Public Hearing: 01/26/2022 11:30 am SH Reps Hall
H	Committee Report: Ought to Pass with Amendment # 2022-0479h <u>(Vote 12-7: RC)</u>
H	Lay HB1178 on Table (Rep. Harriott-Gathright): MF RC 153-187 03/15/2022 <u>HJ 6</u>
H	Amendment # 2022-0479h: AA VV 03/15/2022 <u>HJ 6</u>
H	Ought to Pass with Amendment 2022-0479h: MA RC 190-147 03/15/2022 <u>HJ 6</u>
S	Introduced 03/17/2022 and Referred to Judiciary: <u>SJ 6</u>
S	Hearing: 04/19/2022, Room 100, SH, 02:15 pm; <u>SC 16</u>
S	Committee Report: Ought to Pass with Amendment # 2022-1845s, 05/05/2022: <u>SC 18</u>
S	Special Order to after the Bills removed from the Consent Calendar, Without Objection, MA; 05/05/2022: <u>SJ 11</u>
S	Committee Amendment # 2022-1845s, AA, VV; 05/05/2022: <u>SJ 11</u>
S	Ought to Pass with Amendment 2022-1845s, RC 13Y-10N, MA; OT3rdg; 05/05/2022: <u>SJ 11</u>
H	House Concurs with Senate Amendment (Rep. Abbas): MA RC 163-143 05/12/2022 <u>HJ 13</u>
S	Enrolled Adopted, VV, (In recess 05/26/2022): <u>SJ 13</u>
H	Enrolled (in recess of) 05/26/2022 <u>HJ 14</u>
H	Signed by Governor Sununu 06/24/2022: Chapter 258; eff. 6/24/2022 <u>HJ 14</u>

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB1178

Senate Committee: Judiciary

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

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

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

Hearing Report

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

Committee Action Documents: {Legislative Aides}

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

- amendment # 1845s - 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 # _____ - 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

8/12/22

Date

Senate Clerk's Office AK