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

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

6 159-E:2 Firearms Sales to be Conducted Through a Licensed Dealer.

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

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

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

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

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

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

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

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

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

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

34 159-E:3 Exception. This chapter shall not apply to a noncommercial, private sale, transfer, or
35 exchange of a firearm between individuals, provided neither party to the transaction is a prohibited
36 person. If the status of either party's eligibility to own or possess a firearm cannot be ascertained,
37 the transaction shall be completed through a licensed firearm dealer pursuant to RSA 159-E:2, II.

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1 159-E:4 Penalties.

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

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

7 159-E:5 Other Laws.

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

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

13 6 Applicability. The provisions of section 5 of this act shall apply to the sale of a firearm on or
14 after the effective date of this act and shall not apply to sales completed prior to the effective date of
15 this act.

16 7 Effective Date. This act shall take effect January 1, 2018.

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2017-0064s

AMENDED ANALYSIS

This bill:

- I. Increases the length of time for which a license to carry a pistol or revolver is valid.
- II. Allows a person to carry a loaded, concealed pistol or revolver without a license unless such person is otherwise prohibited by New Hampshire statute.
- III. Requires the director of the division of state police to negotiate and enter into agreements with other jurisdictions to recognize in those jurisdictions the validity of the license to carry issued in this state.
- IV. Repeals the requirement to obtain a license to carry a concealed pistol or revolver.
- V. Requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides a criminal penalty for a violation. The bill also excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.