

CHAPTER 258
HB 1178 - FINAL VERSION

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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:

1 258:1 New Chapter; Federal Statutes, Regulations, and Presidential Executive Orders Relating to the
2 Right to Keep and Bear Arms. Amend RSA by inserting after chapter 159-D the following new chapter:

3 CHAPTER 159-E

4 PRESIDENTIAL EXECUTIVE ORDERS AND STATUTORY LAW

5 RELATING TO THE RIGHT TO KEEP AND BEAR ARMS

6 159-E:1 Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right to
7 Keep and Bear Arms. Pursuant to the general court's authority under Part II, Article 5 of the New
8 Hampshire Constitution, the state of New Hampshire, a political subdivision of this state, or any person
9 acting under the color of state, county, or municipal law shall be prohibited from using any personnel or
10 financial resources to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the
11 United States Government or Executive Order of the President of the United States that is inconsistent
12 with any law of this state regarding the regulation of firearms, ammunition, magazines or the ammunition
13 feeding devices, firearm components, firearms supplies, or knives. Silence in the New Hampshire
14 Revised Statutes Annotated pertaining to a matter regulated by federal law shall be construed as an
15 inconsistency for the purposes of this chapter.

16 159-E:2 Application. In light of the long-standing practice of cooperation between federal, state, and
17 local law enforcement agencies, nothing in this chapter shall prevent a state, county, or local official from
18 cooperating with or rendering aid or assistance to federal officials in any circumstance where there is
19 reasonable suspicion to believe that a person who is the subject of an investigation for violation of federal
20 firearms law covered by RSA 159-E:1 also has committed, is committing, or is about to commit a violation
21 of New Hampshire law or a violation of a federal law, regulation, order, or practice not covered by RSA
22 159-E:1. Nothing in this chapter shall prevent a state, county, or local official from providing authorized
23 federal officials, upon their request, with official state, county, or local records that are available to the
24 public or which constitute criminal history records maintained by an agency of state, county, or local
25 government, or taking any other action necessary to fulfill or comply with the state's obligations under the
26 National Crime Prevention and Privacy Compact approved and ratified in RSA 106-B:14, III, provided that
27 the provisions of this chapter shall not provide for the distribution of information required to be destroyed
28 pursuant to 18 U.S.C. section 922(t)(2)(C). Nothing in this chapter shall prohibit the judicial branch from
29 entering protective order information into law enforcement databases.

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1 159-E:3 Severability. If any provision of this chapter or the application thereof to any person or
2 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter
3 which can be given effect without the invalid provision or application, and to this end the provisions of this
4 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