

Rep. Welch, Rock. 8
Rep. O'Brien, Hills. 4
Rep. Jennifer Coffey, Merr. 6
Rep. Bettencourt, Rock. 4
Rep. Swinford, Belk. 5
Rep. Gagne, Hills. 13
Rep. Kreis, Merr. 6
March 4, 2011
2011-0637h
04/10

Amendment to HB 330-FN

1 Amend the bill by replacing all after section 1 with the following:

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3 2 Pistols and Revolvers; Carrying Without License. RSA 159:4 is repealed and reenacted to read
4 as follows:

5 159:4 Carrying Without License.

6 I. Notwithstanding any provision of law to the contrary, no person who is 18 years of age or
7 older shall be guilty of an offense for carrying a firearm, openly or concealed, loaded or unloaded,
8 upon or about his or her person, or upon or in a vehicle, whether or not such person possesses a
9 license, permit, or other authorization to carry a firearm.

10 II. The provisions of paragraph I shall not constitute a bar to prosecution for any of the
11 following offenses:

12 (a) RSA 159:3, relative to convicted felons.

13 (b) RSA 159:3-a, relative to armed career criminals.

14 (c) RSA 159:19, relative to courthouse security.

15 (d) RSA 207:7, relative to hunting from a motor vehicle, OHRV, snowmobile, boat, or
16 aircraft.

17 (e) RSA 215-A:20, relative to loaded firearms on an OHRV.

18 (f) RSA 215-C:35, relative to loaded firearms on a snowmobile.

19 (g) RSA 637:7, relative to receiving stolen property.

20 (h) RSA 637:7-a, relative to possession of property without a serial number.

21 (i) RSA 597:7-a, relative to default or breach of conditions of release.

22 (j) Any unlawful act prohibited by 18 U.S.C. section 922.

23 3 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

24 159:5 Exceptions. [~~The provisions of~~ RSA 159:3 [~~and 4~~] shall not apply to marshals, sheriffs,
25 policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court
26 officers responsible for court security; nor to the regular and ordinary transportation of pistols or
27 revolvers as merchandise, nor to members of the armed services of the United States when on duty;

Amendment to HB 330-FN

- Page 2 -

1 nor to the national guard when on duty; nor to organizations by law authorized to purchase or
2 receive such weapons; nor to duly authorized military or civil organizations when parading, or the
3 members thereof when at, or going to or from, their customary places of assembly.

4 4 Pistols and Revolvers; Optional License to Carry. Amend RSA 159:6, I to read as follows:

5 I. The selectmen of a town or the mayor or chief of police of a city or some full-time police
6 officer designated by them respectively, upon application of any resident of such town or city, or the
7 director of state police, or some person designated by such director, upon application of a
8 nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol
9 or revolver in this state for not less than [4] 5 years from the date of issue, if it appears that the
10 applicant has good reason to fear injury to the applicant's person or property or has any proper
11 purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-
12 defense shall be considered a proper purpose. The license shall be valid for all allowable purposes
13 regardless of the purpose for which it was originally issued. The license shall be in duplicate and
14 shall bear the name, address, description, and signature of the licensee. The original shall be
15 delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [4] 5
16 years. When required, license renewal shall take place within the month of the ~~fourth~~ **fifth**
17 anniversary of the license holder's date of birth following the date of issuance. The license shall be
18 issued within 14 days after application, and, if such application is denied, the reason for such denial
19 shall be stated in writing, the original of which such writing shall be delivered to the applicant, and
20 a copy kept in the office of the person to whom the application was made. The fee for licenses issued
21 to residents of the state shall be \$10, which fee shall be for the use of the law enforcement
22 department of the town or city granting said licenses; the fee for licenses granted to out-of-state
23 residents shall be ~~[\$100]~~ **\$50**, which fee shall be for the use of the state. The director of state police
24 is hereby authorized and directed to prepare forms for the licenses required under this chapter and
25 forms for the application for such licenses and to supply the same to officials of the cities and towns
26 authorized to issue the licenses. ***The form shall require no more information than was***
27 ***required on the state of New Hampshire application for pistol/revolver license, form DSSP***
28 ***85, as revised in December 2009.*** No other forms shall be used by officials of cities and towns.
29 The cost of the forms shall be paid out of the fees received from nonresident licenses.

30 5 Pistols and Revolvers; Reciprocity. Amend RSA 159:6-d to read as follows:

31 159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity. ~~[Notwithstanding~~
32 ~~the provisions of RSA 159:6,]~~ No nonresident ~~[holding a current and valid license to carry a loaded~~
33 ~~pistol or revolver in the state in which he resides]~~ or ~~[who is a]~~ peace officer ~~[in the state in which he~~
34 ~~resides,]~~ shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

35 I. Such nonresident carries upon his person the license held from the state in which he
36 resides; ~~and] or~~

37 ***II. Such nonresident is in compliance with RSA 159:4; or***

Amendment to HB 330-FN

- Page 3 -

1 [~~II~~] **III.** The state in which such person is a resident provides a reciprocal privilege for
2 residents of this state.

3 6 Pistols and Revolvers; Exemption. Amend RSA 159:14 to read as follows:

4 159:14 Exemption. None of the provisions of this chapter shall prohibit an individual not
5 licensed under the provisions thereof who is not engaged in the business of selling pistols or
6 revolvers from selling a pistol or revolver to a person ***qualified pursuant to RSA 159:4, or who is***
7 licensed under this chapter, or to a person personally known to him ***or her***.

8 7 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

9 V. The licensee shall not be entitled to carry any firearms while hunting under the
10 provisions of this section, unless such licensee also possesses a valid firearms hunting license [~~or a~~
11 ~~valid license to carry firearms issued pursuant to RSA 159]~~ ***or is otherwise qualified pursuant to***
12 ***RSA 159:4.***

13 8 Repeal. RSA 21-P:14, II(f), relative to the authority of the commissioner of the department of
14 safety to adopt rules relative to the issuance of nonresident pistol permits, is repealed.

15 9 Effective Date. This act shall take effect upon its passage.

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Amendment to HB 330-FN
- Page 4 -

1

2011-0637h

AMENDED ANALYSIS

This bill:

I. Permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded, on or about his or her person or upon or in a vehicle.

II. Removes, under certain circumstances, the requirement that nonresidents obtain a license to possess a firearm while in New Hampshire.