

Sen. Luther, Dist. 12
April 20, 2011
2011-1504s
04/09

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Amendment to HB 330-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Pistols and Revolvers; License to Carry. Amend RSA 159:6 to read as follows:

4 159:6 License to Carry.

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]~~ *for the*
9 *carrying of* a loaded pistol or revolver in this state for ~~[not less than 4]~~ 5 years from the date of
10 issue, if ~~[it appears that the applicant has good reason to fear injury to the applicant's person or~~
11 ~~property or has any proper purpose, and that the applicant is a suitable person to be licensed.~~
12 ~~Hunting, target shooting, or self-defense shall be considered a proper purpose]~~ *a criminal*
13 *background check, including an inquiry of the National Instant Criminal Background*
14 *Check system, reveals no information that the applicant's possession of a pistol or revolver*
15 *would violate RSA 159:3, RSA 159:3-a, RSA 159:7, or 18 U.S.C. section 922.* The license shall
16 be valid for all allowable purposes regardless of the purpose for which it was originally issued. The
17 license shall be in duplicate and shall bear the name, address, description, and signature of the
18 licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the
19 people issuing the same for [4] 5 years. When required, license renewal shall take place within ~~[the~~
20 ~~month of the fourth anniversary of the license holder's date of birth following the date of issuance]~~ *60*
21 *days of the expiration date of the license but at least 14 days before the expiration date.*
22 The license shall be issued within 14 days after application *or renewal application*, and, if such
23 application is denied, the reason for such denial shall be stated in writing, the original of which such
24 writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the
25 application was made. The fee for licenses issued to residents of the state shall be \$10, which fee
26 shall be for the use of the law enforcement department of the town or city granting said licenses; the
27 fee for licenses granted to out-of-state residents shall be ~~[\$100]~~ \$50, which fee shall be for the use of
28 the state. The director of state police is hereby authorized and directed to prepare forms for the
29 licenses required under this chapter and forms for the application for such licenses and to supply the
30 same to officials of the cities and towns authorized to issue the licenses. *The form shall require no*
31 *more information than was required on the state of New Hampshire application for*
32 *pistol/revolver license, form DSSP 85, as revised in December 2009.* No other forms shall be



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1 used by officials of cities and towns *and no official authorized to issue a license under this*
2 *section shall modify in any way the requirements for such license.* The cost of the forms shall
3 be paid out of the fees received from nonresident licenses.

4 II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew
5 a license to carry for a resident or nonresident, unless requested by the applicant.

6 III. *The availability of a license to carry a loaded pistol or revolver under this*
7 *section or under any other provision of law shall not be construed to impose a prohibition*
8 *on the unlicensed transport of a firearm, including a loaded pistol or revolver, in a vehicle*
9 *or the unlicensed carrying on or about one's person, whether openly or concealed, of a*
10 *firearm, including a loaded pistol or revolver.*

11 2 Pistols and Revolvers; Suspension or Revocation of License. Amend RSA 159:6, I to read as
12 follows:

13 I. The issuing authority may order a license to carry a loaded pistol or revolver issued to any
14 person pursuant to RSA 159:6 to be suspended or revoked [~~for just cause, provided~~] *upon the*
15 *issuing authority's determination that the person provided materially false information in*
16 *connection with an application to carry a pistol or revolver which was relied upon by the*
17 *issuing authority in approving the application or that the person no longer meets the*
18 *requirements for such license set forth in RSA 159:6. The suspension or revocation shall*
19 *become effective upon service of* written notice of the suspension or revocation and the reason
20 [~~therefore is given to~~] *therefor upon* the licensee. A licensee whose license has been suspended or
21 revoked shall be permitted a hearing on such suspension or revocation if a hearing is requested by
22 the licensee to the issuing authority within 7 days of the suspension or revocation.

23 3 Pistols and Revolvers; Full Faith and Credit for Licenses From Other States. Amend
24 RSA 159:6-d to read as follows:

25 159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity. [~~Notwithstanding~~
26 ~~the provisions of RSA 159:6, no nonresident holding~~] A current and valid license to carry a loaded
27 pistol or revolver [~~in~~] *issued to a nonresident by* the state in which he *or she* resides [~~or who is a~~
28 ~~peace officer in the state in which he resides~~], shall be [~~required to obtain a license to carry a loaded~~
29 ~~pistol or revolver~~] *recognized as valid* within this state if:

30 I. ~~Such nonresident carries upon his person the license held from the state in which he~~
31 ~~resides; and~~

32 II. [~~the state in which such person is a resident provides a reciprocal privilege for residents of~~
33 ~~this state.~~

34 4 New Section; Pistols and Revolvers; Unlawful Possession by a Minor. Amend RSA 159 by
35 inserting after section 6-f the following new section:

36 159:6-g Unlawful Possession of a Pistol or Revolver by a Minor or a Student.

37 I.(a) Except as otherwise provided in this paragraph, no person under 18 years of age shall

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1 possess or carry a pistol or revolver unless such person is on property he or she owns or occupies as a
2 resident.

3 (b) Subparagraph (a) shall not apply to a person under 18 years of age who:

4 (1) Is licensed to carry a pistol or revolver pursuant to RSA 159:6 or possesses a
5 license or permit issued by a jurisdiction that provides a reciprocal privilege to residents of this state
6 pursuant to RSA 159:6-d; or

7 (2) Possesses or carries a pistol or revolver with the permission of a parent or legal
8 guardian.

9 II.(a) Except as otherwise provided in this paragraph, no person 18 years of age or under
10 shall possess or carry a pistol or revolver in a safe school zone as defined in RSA 193-D:1, without
11 authorization from the school district superintendent or designee.

12 (b) Subparagraph (a) shall not apply to a person 18 years of age or under if:

13 (1) The school property is open to public hunting; or

14 (2) The pistol or revolver is of a type and configuration that may be used to hunt on
15 the date on which initial possession of the pistol or revolver occurs; or

16 (3) The person is engaged in hunting or is in transit to or from a place where the
17 person has been hunting or intends to hunt.

18 III. Any person who violates the provisions of this section shall be guilty of a violation and
19 shall be fined up to \$500.

20 5 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

21 V. The licensee shall not be entitled to ~~carry~~ *take any game with* firearms while hunting
22 under the provisions of this section, unless such licensee also possesses a valid firearms hunting
23 license ~~[or a valid license to carry firearms issued pursuant to RSA 159].~~

24 6 Pistols and Revolvers; Courthouse Security. Amend RSA 159:19, IV to read as follows:

25 IV. The provisions of this section shall not apply to marshals, sheriffs, deputy sheriffs, police
26 or other duly appointed or elected law enforcement officers, bailiffs and court security officers, or
27 persons with prior authorization of the court for the purpose of introducing weapons into evidence
28 ~~[and as otherwise provided for in RSA 159:5].~~

29 7 Repeal. The following are repealed:

30 I. RSA 159:4, relative to carrying without a license.

31 II. RSA 159:5, relative to exceptions to possessing or carrying a pistol or revolver.

32 8 Effective Date. This act shall take effect upon its passage.



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AMENDED ANALYSIS

This bill:

I. Permits any person who meets the requirements established in RSA 159:6 to possess or carry a pistol or revolver.

II. Provides recognition in this state of a license to possess or carry a pistol or revolver issued in another state, provided the other state offers a reciprocal privilege to New Hampshire residents.

III. Establishes a violation and fine for possessing or carrying a pistol or revolver by persons under 18 years of age, and by for possessing and carrying a pistol or revolver in a safe school zone.