

HB 490 - AS AMENDED BY THE SENATE

6Jan2022... 2140h
05/05/2022 1807s

2021 SESSION

21-0807
04/10

HOUSE BILL **490**

AN ACT relative to the definitions of "game camera" and "hunting day," relative to the use of game cameras, relative to the use of temporary tree stands or observation blinds, and relative to the definition of "firearm."

SPONSORS: Rep. Roy, Rock. 32; Rep. Spillane, Rock. 2; Sen. Reagan, Dist 17

COMMITTEE: Fish and Game and Marine Resources

AMENDED ANALYSIS

This bill adds definitions of "game camera" and "hunting day" and permits the use of a game camera to take or attempt to take a game animal or fur-bearing animal. The bill also provides limitations on the use of temporary tree stands and observation blinds and defines "firearm" as having the same meaning as the federal definition of "firearm."

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the definitions of "game camera" and "hunting day," relative to the use of game cameras, relative to the use of temporary tree stands or observation blinds, and relative to the definition of "firearm."

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

1 1 New Paragraph; General Provisions as to Fish and Game; Game Camera. Amend RSA 207:1
2 by inserting after paragraph XI the following new paragraph:

3 XI-a. Game Camera: Any device capable of recording and transmitting photographic or
4 video data wirelessly to a remote device, such as a computer or smartphone, as well as a device that
5 merely records photographic or video data and stores such data for later use.

6 2 New Paragraph; General Provisions as to Fish and Game; Hunting Day. Amend RSA 207:1 by
7 inserting after paragraph XIII-a the following new paragraph:

8 XIII-b. Hunting Day: The period of time during the calendar day when the lawful taking of
9 a game animal or fur-bearing animal is allowed.

10 3 New Section; General Provisions as to Fish and Game; Use of Game Cameras. Amend RSA
11 207 by inserting after section 62 the following new section:

12 207:63 Use of Game Cameras.

13 I. Any person taking or attempting to take a game animal or fur-bearing animal may use a
14 game camera to locate, surveil, aid, or assist in any attempt to locate or surveil any game animal or
15 fur-bearing animal.

16 II. A landowner may remove a game camera which the landowner has not authorized to
17 remain on his or her property. A landowner shall notify the owner of any game camera that the
18 landowner removes.

19 III. A person who places a game camera on the private property of another shall label the
20 camera with that person's name and contact information.

21 IV. A property owner may contact a local or state law enforcement officer or a conservation
22 officer to remove a game camera which was placed in violation of this section.

23 V. This section shall not prohibit:

24 (a) The use of a game camera to deter theft or vandalism of a motor vehicle when the
25 motor vehicle is temporarily parked; or

26 (b) The lawful use of implanted or attached electronic devices by fish and game
27 department staff or other persons holding a scientific permit from the executive director to identify,
28 monitor, and track animals; or

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(c) Any device placed or used in accordance with a warrant or in accordance with other lawful actions of law enforcement officers and personnel of the fish and game department in the performance of their official duties.

VI. Any person who violates this section shall be guilty of violation and subject to a fine of up to \$1,000 for each offense and, for a second or subsequent conviction under this section, forfeiture of the placed equipment.

4 Fish and Game; Use of Tree Stands, Observation Blinds, and Pit Blinds. Amend RSA 207:36-a, V to read as follows:

V. ~~[All property owner permits shall expire on December 31 of each year unless rescinded by the property owner or designee.]~~ ***A portable or temporary tree stand or observation blind that does not violate paragraphs I or II of this section may be erected on the land of another between August 31 and December 31 of a calendar year. All portable or temporary tree stands or observation blinds shall be removed from the property by January 1, unless allowed by the written permission of the landowner. The portable or temporary tree stand or observation blind shall be labeled with the name and address of the owner in a clearly visible manner not higher than 6 feet off the ground, using an identification sign made of durable material at least 3 inches by 6 inches in size.***

5 Pistols and Revolvers; Definition of "Firearm". Amend RSA 159:1 to read as follows:

159:1 Definition.

I. "Pistol or revolver," as used [herein] in this chapter, means any firearm with barrel less than 16 inches in length. It does not include antique pistols, gun canes, or revolvers. An antique pistol, gun cane, or revolver, for the purposes of this chapter, means any pistol, gun cane, or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol, gun cane, or revolver which utilizes readily available center fire or rim-fire cartridges which are in common, current use shall be deemed to be an antique pistol, gun cane, or revolver. Nothing in this section shall prevent antique pistols, gun canes, or revolvers from being owned or transferred by museums, antique or arms collectors, or licensed gun dealers at auctions, gun shows, or private premises provided such ownership or transfer does not conflict with federal statutes.

II. In this chapter, "firearm" shall have the same meaning as in 18 U.S.C. section 921(a)(3) as it appears on April 12, 2022. For the purposes of this chapter, the meaning of "firearm" shall not be construed in a manner that is broader than the definition under federal law.

6 Effective Date. This act shall take effect 60 days after its passage.