

Floor Amendment to SB 141-FN

1 Amend RSA 159-D:2, I as inserted by section 2 of the bill by replacing it with the following:

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3 I. Any person who has received a denial of a motion or other pleading requesting the return
4 of firearms shall have the right to request a further hearing on the matter within 30 days of the date
5 of denial. The request may be made by written or oral motion to the court. Any requested hearing
6 shall occur within 10 business days after the date of the request. During the hearing, the burden
7 will be placed on the county sheriff, or his or her designee, to prove by clear and convincing evidence
8 that the petitioning party is prohibited from possessing or owning a firearm pursuant to state or
9 federal statute. The court shall issue a decision on the matter within 10 business days after the
10 hearing occurs.

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12 Amend the bill by replacing all after section 5 with the following:

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14 6 New Sections; Criminal Background Checks; Immunity for Sheriffs and Sheriff's Employees.
15 Amend RSA 159-D by inserting after section 3 the following new sections:

16 159-D:4 Civil or Criminal Liability of Sheriffs and Sheriff's Employees. The county sheriff and
17 county sheriff's office employees shall not be liable in a civil or criminal action for any act or
18 omission in the performance of their powers and duties under this chapter.

19 159-D:5 Use of Federal Government Information Systems. Nothing in this chapter shall
20 prohibit any law enforcement agency or its personnel from utilizing the federal National Instant
21 Criminal Background Check System, or any of its component or successor systems, or any other
22 government information system necessary to perform their duties under this chapter.

23 7 County Sheriff's Offices; Appropriation for Hardware, Software and Training. The sum of
24 \$100,000 for the fiscal year ending June 30, 2021 is hereby appropriated as follows: the sum of
25 \$10,000 shall be appropriated to each county sheriff's office for the purchase of hardware and
26 software and to defray training costs required to comply with the provisions of RSA 159-D. The sum
27 shall be a charge against the department of safety, permits and licensing account 02-23-23-234010-
28 2913, line 050.

29 8 Effective Date.

30 I. Section 7 of this act shall take effect upon its passage.

31 II. The remainder of this act shall take effect June 1, 2022.

Floor Amendment to SB 141-FN
- Page 2 -

2021-0876s

AMENDED ANALYSIS

This bill authorizes the FBI to conduct all National Instant Criminal Background Check System (NICS) searches concerning the purchase, sale, and transfer of firearms through Federal Firearm Licensees operating in New Hampshire; abolishes the "gun line" in the division of state police; repeals the state's partial point of contact system for handguns, allowing the authority to remain exclusively with the FBI; and authorizes county sheriffs to conduct background searches using NICS for the purpose of approving or denying the return of firearms to individuals who are subject to a protective order for domestic violence or stalking. The bill also makes an appropriation to the county sheriff's offices for hardware and software equipment purchase and training.