

HB 290-FN – AS INTRODUCED

2013 SESSION

13-0411
04/01

HOUSE BILL **290-FN**

AN ACT prohibiting unlicensed persons from openly carrying a pistol or revolver in a public building.

SPONSORS: Rep. Burrige, Ches 16; Rep. Robertson, Ches 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits a person who is not licensed to carry a pistol or revolver from openly carrying a pistol or revolver in a public building.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT prohibiting unlicensed persons from openly carrying a pistol or revolver in a public building.

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

1 1 New Section; Pistols and Revolvers. Amend RSA 159 by inserting after section 26 the
2 following new section:

3 159:27 Open Carrying of Pistol or Revolver in a Public Building.

4 I. No person who does not possess a license under RSA 159:6 shall openly carry a loaded or
5 unloaded pistol or revolver upon his or her person or within any of the person's possessions owned or
6 within the person's control while inside a public building. Any person who violates the provisions of
7 this paragraph shall be guilty of a class B felony.

8 II. A notice of the provisions of paragraph I may be conspicuously posted at each public
9 entrance to a public building.

10 III. In this section, "public building" means any building, structure, or place owned or
11 operated by the state or one of its political subdivisions, and shall include the university system of
12 New Hampshire and the community college system of New Hampshire.

13 2 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

14 159:5 Exceptions. The provisions of RSA 159:3 [~~and 4~~], **RSA 159:4**, **and RSA 159:27** shall not
15 apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement
16 officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary
17 transportation of pistols or revolvers as merchandise, nor to members of the armed services of the
18 United States when on duty; nor to the national guard when on duty; nor to organizations by law
19 authorized to purchase or receive such weapons; nor to duly authorized military or civil
20 organizations when parading, or the members thereof when at, or going to or from, their customary
21 places of assembly.

22 3 Effective Date. This act shall take effect 60 days after its passage.

HB 290-FN - FISCAL NOTE

AN ACT prohibiting unlicensed persons from openly carrying a pistol or revolver in a public building.

FISCAL IMPACT:

The Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, and New Hampshire Association of Counties state this bill, **as introduced**, may increase state and county expenditures by an indeterminable amount in FY 2013 and each year thereafter. The Department of Safety states this bill may increase state and local revenues by an indeterminable amount in FY 2013 and each year thereafter. There will be no fiscal impact on local expenditures or county revenue.

METHODOLOGY:

The Judicial Branch states this bill would make the open carrying of a pistol or revolver by an unlicensed person in a public building a class B felony. The Branch states the cost of a routine criminal case in the superior court will be \$405.37 in FY 2014, and \$415.78 in FY 2015 and each year thereafter. The Branch has no information to estimate how many charges would be brought as a result of the changes contained in the bill to determine the fiscal impact on expenditures. However, if a single case were to be appealed to the New Hampshire Supreme Court, the fiscal impact would be in excess of \$10,000.

The Judicial Council states this bill may result in an indeterminable increase in general fund expenditures. The Council states if an individual is found to be indigent, the flat fee of \$756.24 per felony is charged by a public defender or contract attorney. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$4,100 for a felony charge. The Council also states additional costs could be incurred if an appeal is filed. The public defender, contract attorney and assigned counsel rates for Supreme Court appeals is \$2,000 per case, with many assigned counsel attorneys seeking permission to exceed the fee cap. Requests to exceed the fee cap are seldom granted. Finally, expenditures would increase if services other than counsel are requested and approved by the court during the defense of a case or during an appeal.

The Department of Justice states the criminal offense created by the bill could be prosecuted by a county attorney's office. If an appeal is filed, the Department would have increased expenditures. The Department is unable to estimate how many cases would be prosecuted by the Department or appealed to the Supreme Court.

The Department of Corrections states it is not able to determine the fiscal impact of this bill because it does not have sufficient detail to predict the number of individuals who would be subject to this legislation. The Department of Corrections states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2012 was \$35,071. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2012 was \$608.

The New Hampshire Association of Counties states to the extent more individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be charged, convicted or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

The Department of Safety states the proposed legislation would increase state and local revenues to the extent the proposed legislation would influence the number of concealed weapons permits sought. However, the Department is unable to estimate the additional number of concealed weapon permits that would be issued as a result of the proposed legislation.