

HB 451-FN – AS INTRODUCED

2013 SESSION

13-0692
04/01

HOUSE BILL ***451-FN***

AN ACT repealing the license requirement for carrying a concealed pistol or revolver.

SPONSORS: Rep. Hoell, Merr 23; Rep. Itse, Rock 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill:

I. Increases the length of time for which a license to carry a pistol or revolver is valid, and reduces the fee for nonresidents wishing to obtain a license to carry.

II. Allows a person to carry a loaded, concealed pistol or revolver without a license provided such person is not otherwise prohibited by law.

III. Requires the director of the division of state police to negotiate and enter into agreements with other jurisdictions to recognize in those jurisdictions the validity of the license to carry issued in this state.

IV. Clarifies to whom a pistol or revolver may be sold.

V. Allows a person who has obtained a license to hunt with a bow and arrow to carry a firearm if he or she is otherwise qualified under the license to carry statute.

VI. Repeals the requirement to obtain a license to carry a concealed pistol or revolver.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 repealing the license requirement for carrying a concealed pistol or revolver.

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

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

2 159:6 License to Carry.

3 I.(a) The selectmen of a town, the mayor or chief of police of a city or a full-time police officer
4 designated by them respectively, the county sheriff for a resident of an unincorporated place, or the
5 county sheriff if designated by the selectmen of a town that has no police chief, upon application of
6 any resident of such town, city, or unincorporated place, or the director of state police, or some
7 person designated by such director, upon application of a nonresident, shall issue a license to such
8 applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than
9 [4] 5 years from the date of issue, if it appears that the applicant has good reason to fear injury to the
10 applicant's person or property or has any proper purpose, and that the applicant is a suitable person
11 to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The
12 license shall be valid for all allowable purposes regardless of the purpose for which it was originally
13 issued.

14 (b) The license shall be in duplicate and shall bear the name, address, description, and
15 signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be
16 preserved by the people issuing the same for [4] 5 years. When required, license renewal shall take
17 place within the month of the [fourth] **fifth** anniversary of the license holder's date of birth following
18 the date of issuance. The license shall be issued within 14 days after application, and, if such
19 application is denied, the reason for such denial shall be stated in writing, the original of which such
20 writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the
21 application was made. The fee for licenses issued to residents of the state shall be \$10, which fee
22 shall be for the use of the law enforcement department of the town or city granting said licenses; the
23 fee for licenses granted to out-of-state residents shall be [~~\$100~~] **\$20**, which fee shall be for the use of
24 the state. The director of state police is hereby authorized and directed to prepare forms for the
25 licenses required under this chapter and forms for the application for such licenses and to supply the
26 same to officials of the cities and towns authorized to issue the licenses. ***The form shall require no***
27 ***more information than was required on the state of New Hampshire application for***
28 ***pistol/revolver license, form DSSP 85, as revised in December 2009.*** No other forms shall be
29 used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from
30 nonresident licenses.

31 II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew

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1 a license to carry for a resident or nonresident, unless requested by the applicant.

2 **III. The availability of a license to carry a loaded pistol or revolver under this**
3 **section or under any other provision of law shall not be construed to impose a prohibition**
4 **on the unlicensed transport or carry of a firearm in a vehicle, or on or about one's person,**
5 **whether openly or concealed, loaded or unloaded, by either a resident, non resident, or**
6 **alien if that individual is not otherwise prohibited by statute from possessing a firearm in**
7 **the State of New Hampshire.**

8 2 Pistols and Revolvers; Reciprocity. RSA 159:6-d is repealed and reenacted to read as follows:

9 159:6-d Reciprocity. The director of the division of state police shall negotiate and enter into
10 reciprocal agreements in other jurisdictions to recognize in those jurisdictions the validity of the
11 license issued under RSA 159:6. The director shall apply to every jurisdiction with which
12 New Hampshire does not currently have a reciprocity agreement, at least once every 5 years to
13 obtain recognition in those jurisdictions of the license issued under RSA 159:6. Any such agreement
14 executed shall not expire unless an expiration date is required under the statutes of the reciprocal
15 jurisdiction.

16 3 Pistols and Revolvers; Exemption. Amend RSA 159:14 to read as follows:

17 159:14 Exemption. None of the provisions of this chapter shall prohibit an individual not
18 licensed under the provisions thereof who is not engaged in the business of selling pistols or
19 revolvers from selling a pistol or revolver to a person **who is** licensed under this chapter, **to a**
20 **New Hampshire resident who may lawfully own firearms,** or to a person personally known to
21 him **or her.**

22 4 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

23 V. The licensee shall not be entitled to carry any firearms while hunting under the
24 provisions of this section, unless such licensee also possesses a valid firearms hunting license, or a
25 valid license to carry firearms issued pursuant to RSA 159, **or is otherwise qualified pursuant to**
26 **RSA 159:6, III.**

27 5 Repeal. RSA 159:4, relative to requiring a license to carry a concealed pistol or revolver, is
28 repealed.

29 6 Effective Date. This act shall take effect upon its passage.

LBAO
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HB 451-FN - FISCAL NOTE

AN ACT repealing the license requirement for carrying a concealed pistol or revolver.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.