

HB 1438 – AS INTRODUCED

2014 SESSION

14-2439
04/05

HOUSE BILL **1438**

AN ACT relative to the burden of proof for exceptions or exemptions in actions brought under the firearms laws of this state.

SPONSORS: Rep. Hoell, Merr 23

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill shifts the burden of proof for an exception or exemption claimed in an action brought under the firearms laws of this state from the defendant to the state.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fourteen

AN ACT relative to the burden of proof for exceptions or exemptions in actions brought
under the firearms laws of this state.

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

1 1 Pistols and Revolvers; Exceptions and Exemptions Not Required to Be Negated. Amend
2 RSA 159:5-a to read as follows:

3 159:5-a Exceptions and Exemptions Not Required to be Negated. In any complaint, information,
4 or indictment, and in any action or proceeding brought for the enforcement of any provision of this
5 chapter, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained
6 herein, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the
7 [defendant] **state**.

8 2 Effective Date. This act shall take effect January 1, 2015.