

HB 1589-FN – AS AMENDED BY THE HOUSE

12Feb2014... 0371h

12Feb2014... 0467h

2014 SESSION

14-2269

04/05

HOUSE BILL

***1589-FN***

AN ACT            establishing a committee to study the correlation between current New Hampshire law and the low violent crime rate in this state.

SPONSORS:       Rep. Andrews-Ahearn, Rock 37; Rep. Borden, Rock 24; Rep. R. Brown, Graf 2; Rep. Harding, Graf 13; Rep. Schlachman, Rock 18; Rep. K. Rogers, Merr 28; Rep. K. Ward, Straf 21; Sen. Pierce, Dist 5

COMMITTEE:      Commerce and Consumer Affairs

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AMENDED ANALYSIS

      This bill establishes a committee to study the correlation between current New Hampshire law and the low violent crime rate in this state.

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                establishing a committee to study the correlation between current New Hampshire law and the low violent crime rate in this state.

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

1            1 Committee Established. There is established a committee to study the correlation between  
2 current New Hampshire law and the low violent crime rate in this state.

3            2 Membership and Compensation.

4            I. The members of the committee shall be as follows:

5                (a) Six members of the house of representatives, 3 of whom shall be from the majority  
6 party, appointed by the speaker of the house of representatives, and 3 of whom shall be from the  
7 minority party, appointed by the minority leader of the house of representatives.

8                (b) One member of the senate, appointed by the president of the senate.

9            II. Members of the committee shall receive mileage at the legislative rate when attending to  
10 the duties of the committee.

11           3 Duties. The committee shall:

12            I. Study the correlation between current New Hampshire law and the low violent crime rate  
13 in this state.

14            II. Study whether stricter gun control laws are effective at reducing the violent crime rate in  
15 this state.

16            III. Review and study national and state publications related to the correlation between  
17 stricter gun control measures and the violent crime rate in this state, including data and reports  
18 published by the Federal Bureau of Investigation relating to the correlation between stricter gun  
19 control legislation and the violent crime rate in this state. The committee shall also review  
20 publications by law enforcement departments, including the Police One survey on the potential  
21 effects of proposed gun laws on reducing violent crime.

22            IV. Investigate the gun control measures in Connecticut and Massachusetts to understand  
23 the correlation between stricter regulatory controls and higher crime rates.

24            V. Study the effectiveness of our current criminal justice system in prosecuting violent  
25 criminals.

26           4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
27 among the members. The first meeting of the committee shall be called by the first-named house  
28 member. The first meeting of the committee shall be held within 45 days of the effective date of this

**HB 1589-FN – AS AMENDED BY THE HOUSE**  
**- Page 2 -**

1     section. Four members of the committee shall constitute a quorum.

2             5 Report. The committee shall report its findings and any recommendations for proposed  
3 legislation to the speaker of the house of representatives, the president of the senate, the house  
4 clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

5             6 Effective Date. This act shall take effect upon its passage.

## HB 1589-FN - FISCAL NOTE

AN ACT                      requiring background checks for all firearm sales.

### FISCAL IMPACT:

The Judicial Branch, Judicial Council, 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 2015 and each year thereafter. The Department of Safety states this bill may increase state restricted expenditures by \$200,744 in FY 2015, \$361,580 in FY 2016, \$378,629 in FY 2017, and \$396,997 in FY 2018. There will be no fiscal impact on local expenditures, or state, county, and local revenue.

### METHODOLOGY:

The Judicial Branch states this bill adds RSA 159-E regarding universal background checks for firearms sales. It would require private sales of firearms be conducted through a licensed firearms dealer so that a background check of the buyer can be conducted. Violation of RSA 159-E would be a class B felony. The Branch has no information to estimate how many additional felony cases may result from the proposed bill. The Branch does have information on the average cost of processing a class B felony case which is classified as a routine criminal case. The cost for a routine criminal case will be \$425.27 in FY 2015, and \$433.34 in FY 2016 and each year thereafter. The possibility for a case to be appealed increases the cost. All costs are estimated based on case weight information from the last needs assessment completed in 2005. Since the last needs assessment studies there have been changes to the judicial system, such as the formation of the circuit court, more self-represented litigants and how cases are processed, that may impact the costs associated with processing cases.

The Judicial Council states this bill may result in an indeterminable increase in general fund expenditures if an individual is found to be indigent and the public defender program is unable to provide representation. The majority of the cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). The public defender program is appropriated monies that it expends according to the terms of its contract with the Council, of which the proposed changes in this bill would not impact. The Council states if the public defender program is not used then a contract attorney is used, charging a flat fee of \$756.25 per felony. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$4,100 for a felony charge.

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 states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2013 was \$32,872. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2013 was \$570.

The Department of Safety states this bill will increase state restricted expenditures as it anticipates the workload of its permits and licensing unit will increase as a result of this bill. The Department states this bill will have no impact on state revenue. It is expected for calendar year 2013 this unit will handle over 50,000 calls from federal firearm licensed dealers for background checks on the sale of handguns to NH residents. The number of private sales occurring in the State is not known, however the national estimate is that sales from federal firearm licensed dealers account for 60 percent of the total and the remaining 40 percent come from private sales. The Department estimates the number of calls will increase by 33,333 based on the call volume increasing by the 40 percent of private sales that would now need to go through a licensed dealer for a background check. The Department anticipates it will need to add seven counter clerk III (LG 11) positions to manage the increased workload. Position costs contained in table adjust for the 2.25 percent salary increases in July 2014 and January 2015.

	FY 2015	FY 2016	FY 2017	FY 2018
Counter Clerk III (7 positions) Salary	\$95,046	\$193,662	\$200,865	\$208,719
Benefits	79,651	167,918	177,764	188,278
7 Work Stations	5,047	0	0	0
7 Computers	21,000	0	0	0
Total	\$200,744	\$361,580	\$378,629	\$396,997

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 will have increased expenditures. The Association is unable to determine the number of individuals who may 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 Justice states this bill will not have a fiscal impact on the Department because such offenses are typically prosecuted by local and county prosecutors not the

Department and any appeals for a conviction for such an offense could be handled within the Department's existing budget.

The New Hampshire Municipal Association states the requirements of this bill for local enforcement agencies to report any violations of the law by a licensed dealer to the Bureau of Alcohol, Tobacco, Firearms and Explosives can be accomplished without significant additional municipal expenditures. Based on that, the Association states this bill will have no fiscal impact on local revenue or expenditures.

This bill does not contain authorization or an appropriation for additional positions.