

HB 490-FN - AS INTRODUCED

2015 SESSION

15-0517  
05/10

HOUSE BILL

***490-FN***

AN ACT

prohibiting the retail sale of reloadable aerial shell fireworks.

SPONSORS:

Rep. Cooney, Graf 8; Rep. Takesian, Hills 37

COMMITTEE:

Criminal Justice and Public Safety

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ANALYSIS

The bill prohibits the retail sale of reloadable aerial shell fireworks.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT prohibiting the retail sale of reloadable aerial shell fireworks.

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

1 1 New Section; Fireworks; Retail Sale of Reloadable Aerial Shells Prohibited. Amend RSA 160-  
2 B by inserting after section 16-c the following new section:

3 160-B:16-d Retail Sale of Reloadable Aerial Shells Prohibited; Penalty. The retail sale of  
4 reloadable aerial shells shall be prohibited. In this section, "reloadable aerial shells" means any  
5 consumer firework device that is individually fused, and designed to be inserted by the consumer  
6 into a tube prior to firing. Any person who violates the provisions of this section shall be guilty of a  
7 misdemeanor.

8 2 Definition of Permissible Fireworks. Amend RSA 160-C:1, V to read as follows:

9 V. "Permissible fireworks" means consumer fireworks, except for those items that are  
10 prohibited pursuant to RSA 160-B:16, 160-B:16-b, [~~and~~] 160-B:16-c, **and 160-B:16-d.**

11 3 Effective Date. This act shall take effect January 1, 2016.

**HB 490-FN - FISCAL NOTE**

AN ACT prohibiting the retail sale of reloadable aerial shell fireworks.

**FISCAL IMPACT:**

The Department of Safety, Judicial Branch, and the New Hampshire Association of Counties state this bill, **as introduced**, may have an indeterminable impact on state expenditures, and may increase county expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no impact on local expenditures, or state, county, and local revenue.

**METHODOLOGY:**

The Department of Safety states this bill prohibits the sale of reloadable aerial shell fireworks. The Department states this bill could reduce state restricted expenditures as it would perform fewer investigations into accidents involving aerial shell fireworks as they would no longer be sold in retail stores.

The Judicial Branch states this bill contains an unspecified misdemeanor, which can either be a class A or class B, with the presumption being a class B misdemeanor. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the Branch has provided the potential costs associated with the penalties contained in this bill, where they can be determined, in the table below:

	FY 2016	FY 2017
<b><u>Judicial Branch*</u></b>		
Class B Misdemeanor	\$48	\$51
Class A Misdemeanor	\$69	\$71
*It should be noted average case cost estimates for FY 2016 and FY 2017 are based on data that is more than nine years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		

The New Hampshire Association of Counties states this bill could increase county expenditures by an indeterminable amount as a result of increased prosecution activity. However, the Association is unable to determine how many more individuals would be charged as a result of this bill.