

SB 12-FN - AS INTRODUCED

2017 SESSION

17-0140
04/09

SENATE BILL **12-FN**

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

SPONSORS: Sen. Bradley, Dist 3; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Daniels, Dist 11; Sen. Gannon, Dist 23; Sen. Giuda, Dist 2; Sen. Gray, Dist 6; Sen. Innis, Dist 24; Sen. Morse, Dist 22; Sen. Reagan, Dist 17; Sen. Sanborn, Dist 9; Sen. Ward, Dist 8; Rep. Itse, Rock. 10; Rep. Spillane, Rock. 2; Rep. Pearl, Merr. 26; Rep. Hinch, Hills. 21; Rep. Harrington, Straf. 3

COMMITTEE: Judiciary

ANALYSIS

This bill:

I. Increases the length of time for which a license to carry a pistol or revolver is valid.

II. Allows a person to carry a loaded, concealed pistol or revolver without a license unless such person is otherwise prohibited by New Hampshire statute.

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

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

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

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

1 renew 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 a resident, nonresident, or alien if***
6 ***that individual is not otherwise prohibited by statute from possessing a firearm in the***
7 ***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 with 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 have a reciprocity agreement, at least once every 5 years to obtain
13 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 Repeal. RSA 159:4, relative to requiring a license to carry a concealed pistol or revolver, is
17 repealed.

18 4 Effective Date. This act shall take effect upon its passage.

**SB 12-FN- FISCAL NOTE
AS INTRODUCED**

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

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
Appropriation	\$0	\$0	\$0	\$0
Revenue	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

Revenue	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

This bill increases the length of time for which a license to carry a pistol or revolver is valid; allows a person to carry a loaded, concealed pistol or revolver without a license unless such person is otherwise prohibited by New Hampshire statute; 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; and repeals the requirement to obtain a license to carry a concealed pistol or revolver.

The State Police Permits and Licensing Unit issued 8,923 non-resident licenses in FY 2016. The four year license at a cost of \$100 has generated nearly \$1,000,000 of revenue deposited into the general fund in each of the last three fiscal years. The repeal of RSA 159:4 and the proposed change from a four year license to a five year license in RSA 159:6 would result in a significant decline in general fund revenue. Although a non-resident pistol license would still be available under the proposed law, and would extend the expiration from one year to five years, it would not be required under the amended version of RSA 159:6. Therefore, it would

be highly likely that the number of licenses issued would drop dramatically and result in a significant reduction of revenue to the general fund, likely to be close to the total amount of revenue currently received. There would be less permits to issue, therefore, there would be an expenditure decrease as less resources would be needed. However, the amount of revenue decrease is indeterminable, and as a result, the associated amount of the expenditure decrease is also indeterminable.

NH resident pistol licenses are issued locally with a cost of \$10 for a four-year license. This revenue total is indeterminable as there is no mechanism in place to track and obtain this figure. Currently, this revenue is designated for the use of the local law enforcement agencies. The amendment to RSA 159:6 extends the expiration of this license by one year, and as with non-resident pistol licenses, the need to obtain a resident pistol license would be obsolete other than for the purpose of utilizing reciprocity agreements within other states. The reenacted version of RSA 159:6 would dramatically reduce this funding source to local cities and towns. The NH Municipal Association states that most municipalities issue between 20 to 400 licenses annually, with smaller towns issuing fewer and larger cities issuing more. Cities like Manchester and Nashua typically issue about 1,500 resident pistol licenses each year. They would potentially also require less resources towards issuance of permits, however, the amount is unknown due to the revenue decrease being indeterminable.

This bill also removes penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges will not be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2018	FY 2019
Class B Misdemeanor	\$49	\$50
Class A Misdemeanor	\$71	\$72
Routine Criminal Felony Case	\$451	\$456
Appeals	Varies	Varies
It should be noted average case cost estimates for FY 2018 and FY 2019 are based on data that is more than ten 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. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Department of Corrections		
FY 2016 Average Cost of Incarcerating an Individual	\$35,832	\$35,832
FY 2016 Average Cost of Supervising an Individual on	\$573	\$573

Parole/Probation		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$85 to \$110	\$85 to \$110

The Judicial Council assumes the indigent delivery system handles an insignificant number of concealed carry cases that are not accompanied by some other criminal offense that trigger the right to appointed counsel at the State's expense. Therefore, the Council does not anticipate this bill will have an impact on the Council's expenditures.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. Therefore, it is not anticipated this bill will impact the Department's expenditures.

AGENCIES CONTACTED:

Judicial Branch, Departments of Safety, Corrections and Justice, Judicial Council, New Hampshire Association of Counties, New Hampshire Municipal Association