

HB 1101-FN - AS AMENDED BY THE HOUSE

19Feb2020... 0205h

2020 SESSION

20-2003
04/08

HOUSE BILL ***1101-FN***

AN ACT imposing a waiting period between the purchase and delivery of a firearm.

SPONSORS: Rep. Rogers, Merr. 28; Rep. Abbott, Ches. 1; Rep. Berch, Ches. 1; Rep. Josephson, Graf. 11; Rep. Muscatel, Graf. 12; Rep. Heath, Hills. 14; Rep. Chretien, Hills. 42; Rep. Bunker, Rock. 18; Rep. Horrigan, Straf. 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes a waiting period for the delivery of a firearm.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT imposing a waiting period between the purchase and delivery of a firearm.

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

1 New Chapter; Purchase and Delivery of a Firearm. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E

PURCHASE AND DELIVERY OF A FIREARM

159-E:1 Purchase and Delivery of a Firearm.

I. No licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall transfer, sell, trade, give, transport, or deliver a firearm to any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector until a waiting period of 3 days has expired. "Licensed importer," "licensed manufacturer," "licensed dealer," "licensed collector," and "firearm" shall have the same meaning as in 18 U.S.C. section 921.

II. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall make available records of firearm sales for inspection by the Bureau of Alcohol, Tobacco, Firearms, and Explosives during normal business hours.

III. The waiting period shall not apply in the following circumstances:

- (a) To the trade-in of a firearm to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.
- (b) To the purchase of a rifle or shotgun, upon a person's successfully completing a minimum of a 16-hour hunter education course offered by the department of fish and game. A person who is exempt from the hunter education course offered by the fish and game department and holds a valid New Hampshire hunting license shall be exempt from the waiting period under this section for the purchase of a rifle or shotgun.
- (c) When a rifle or shotgun is being purchased by any active duty state, county, or municipal law enforcement officer, active duty state or county correctional officer, or active duty member of the armed forces as defined in RSA 21:50, III.
- (d) A person who:

(1) Has obtained a valid restraining order from a court under circumstances where the person feared for his or her own personal safety;
or

(2) Expresses to a law enforcement officer a reasonable fear for his or her own personal safety.

159-E:2 Penalty. Any person who violates any provision of this chapter shall be guilty of a class B felony.

2 Effective Date. This act shall take effect January 1, 2021.

LBAO
20-2003
Amended 2/24/20

HB 1101-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2020-0205h)

AN ACT imposing a waiting period between the purchase and delivery of a firearm.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:				
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill, effective January 1, 2021, imposes a waiting period between purchase and deliver of a firearm in which violations shall be a class B felony that may have an impact on the New Hampshire judicial and correctional systems. 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 entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Simple Criminal Case	\$300	\$314
Routine Criminal Felony Case	\$484	\$498
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 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.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Assigned Counsel – Felony. Homicide (Including capital cases)	\$100/Hour up to \$20,000	\$100/Hour up to \$20,000
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent		

defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).

Department of Corrections		
FY 2019 Average Cost of Incarcerating an Individual	\$44,400	\$44,400
FY 2019 Annual Marginal Cost of a General Population Inmate	\$5,071	\$5,071
FY 2019 Average Cost of Supervising an Individual on Parole/Probation	\$576	\$576
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

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