

HB 1050-FN - AS INTRODUCED

2024 SESSION

24-2368
09/08HOUSE BILL ***1050-FN***

AN ACT relative to establishing a voluntary waiver of the right to purchase a firearm.

SPONSORS: Rep. Meuse, Rock. 37; Rep. R. Newman, Hills. 4; Rep. Brennan, Merr. 9; Rep. Selig, Straf. 10; Rep. Bradley, Hills. 41; Rep. Vellone, Rock. 5; Sen. Altschiller, Dist 24; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes the New Hampshire voluntary do not sell firearms list and prohibits the commercial sale or transfer of firearms to any person who voluntarily waives that person's right to purchase a firearm and registers to be enrolled onto the list and sets out penalties for violations thereof. This bill further protects from public disclosure any governmental documents relating to the list.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2368
09/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to establishing a voluntary waiver of the right to purchase a firearm.

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

1 Legislative Findings. The general court finds that:

I. In New Hampshire, 90 percent of all firearms deaths are suicides.

II. From 2015 through 2019, suicide was the second-leading cause of death in the Granite State among those aged 10 to 34.

III. With an approximate 90 percent mortality rate, death from firearms is the most lethal form of suicide.

IV. Suicides are preventable.

2 New Chapter; Voluntary Waiver of the Right to Purchase a Firearm. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E

VOLUNTARY WAIVER OF THE RIGHT TO PURCHASE A FIREARM

159-E:1 New Hampshire Voluntary Firearms Do Not Sell List Established.

I. New Hampshire residents aged 18 or older who do not wish to be allowed to purchase a firearm from a federally licensed firearms dealer may apply to be listed on the New Hampshire voluntary firearms do not sell list, referred to in this chapter as "the list".

- (a) The list shall be used in accordance with RSA 159-D to advise a dealer whether a buyer or transferee of firearms is prohibited from purchasing or otherwise taking possession of a firearm.
- (b) Any person enrolled onto the list shall be ineligible to purchase or otherwise receive ownership of a firearm from a dealer as long as that person's name appears on the list.
- (c) To request voluntary enrollment onto the list, or to request removal from the list, the applicant shall apply using forms prescribed by the department of safety. The department of safety shall make the forms available on the department's website.
- (d) After a minimum enrollment of 60 days, a listed person may apply for removal from the list.
- (e) Any person enrolled onto the list shall not be removed from the list until 21 days after an application has been received for removal.
- (f) Absent an application for removal from the list, a listed person will continue to appear on the list indefinitely.

159-E:2 Requirements of Department of Safety.

I. The department of safety shall:

- (a) Establish and maintain the list to prohibit the sale or transfer of firearms by a dealer to any natural person age 18 or older who voluntarily registers to be enrolled into the list.
- (b) Develop administrative policies and procedures as necessary to enroll applicants onto the list, remove those enrolled onto the list who apply to be removed, and to support the implementation, maintenance, and security of the list.
- (c) Develop administrative policies and procedures as needed to protect the confidentiality and privacy of those voluntarily enrolled on the list.
- (d) Maintain and update the list.
- (e) Ensure that the process is efficient, timely, and protective of the second amendment rights and the health of applicants.

159-E:3 List Process and Procedures.

I. Within one business day of receiving an enrollment application, the department of safety shall submit identification information for applicants who have submitted a form voluntarily waiving their right to purchase a firearm into the federal National Crime Information Center (NCIC) database via the state police online telecommunication system (SPOTS) for inclusion in the National Instant Criminal Background Check System.

II. The department of safety shall notify the applicant by mail with 7 days of being enrolled onto the list.

III. Within 7 business days of receiving an application from a listed person to remove the listed person from the list, the department of safety shall initiate the process to remove that person from any state or federal list or database that would identify them as a prohibited person for the purpose of purchasing or taking ownership of a firearm from a dealer. This section shall not apply to a listed person who is also prohibited from purchasing or possessing a firearm because of a criminal offense or protective order.

IV. Within 30 days of the end of each calendar year, the department of safety shall notify by mail all persons appearing on the list who have been listed for a minimum of 12 months as of December 31 of the previous year that they are listed on the New Hampshire voluntary firearms do not sell list. The notice shall include a reminder they are prohibited by law from purchasing firearms, information about applicable penalties should they attempt to purchase a firearm, information on how to apply for removal from the list, and additional suicide prevention resources.

159-E:4 Confidentiality and Privacy.

I. The department of safety shall withhold from public disclosure all information regarding a request to be enrolled onto or removed from the list and any other personal identifying information contained in or related to the list, except that such information may be disclosed to a law-enforcement officer acting in the performance of the officer's official duties or the applicant with respect to the applicant's own information.

II. Copies and records of the list and any voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies.

III. Neither a voluntary waiver of firearm rights nor a revocation of a voluntary waiver of firearm rights shall be considered by a court in any legal proceeding.

IV. A voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, housing, education, benefits, insurance, contracting, or other services.

V. All records obtained and all reports produced, as required by this section, are not subject to disclosure pursuant to RSA 91-A:5, XIV.

159-E:5 Prohibited Conduct; Penalty.

I. Any person appearing on the list with the knowledge that the person has voluntarily waived the person's right to purchase a firearm and who attempts to purchase a firearm from a federally licensed dealer shall be guilty of a violation.

II. Any person who knowingly gives any false information or makes any false statement with the intent of enrolling or removing another person onto or from the list shall be guilty of a class B misdemeanor.

III. Any person who discriminates against a person on the list with respect to health care services, employment, education, housing, insurance, governmental benefits, or contracting because that person is on the list, is not on the list, or has previously been on the list shall be guilty of a violation.

3 New Paragraph; Public Officers and Employees; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-A:5 by inserting after paragraph XIII the following new paragraph:

XIV. Records obtained and all reports produced pursuant to RSA 159-E.

4 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2368
10/13/23

HB 1050-FN- FISCAL NOTE AS INTRODUCED

AN ACT relative to establishing a voluntary waiver of the right to purchase a firearm.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures	\$0	\$70,000	\$140,000	\$144,000
<i>Funding Source(s)</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ No
- Does this bill authorize new positions to implement this bill? ☒ No

METHODOLOGY:

This bill establishes the New Hampshire voluntary do not sell firearms list and prohibits the commercial sale or transfer of firearms to any person who voluntarily waives their right to purchase a firearm and registers to be enrolled onto the list and sets out penalties for violations thereof. The bill further protects from public disclosure any governmental documents relating to the list.

The Department of Safety assumes this program would be established by and maintained in the Division of State Police, Permits and Licensing Unit. This unit is currently staffed by one Program Assistant II position. The Department indicates, in order to properly establish and maintain the program, two additional Program Assistant II positions may be needed. The Department would develop policies and procedures and promulgate administrative rules for the program. The Department states it may be possible for current staff to absorb the workload resulting from the bill, but doing so would result in currently assigned tasks taking longer to complete or not being done. The amount of additional work and the additional staff needed is indeterminable at this time. Based on the bill's effective date of January 1, 2025, the cost of the two additional positions is approximately \$70,000 in FY 2025, \$140,000 in FY 2026, and \$144,000 in FY 2027. In addition, the Department expects additional expenditures with the state messaging platform vendor to create and maintain a "hot file" in the state database to store the list, and additional costs to notify applicants within 7 days of being enrolled.

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: <https://gencourt.state.nh.us/lba/Budget/FiscalNotes/JudicialCorrectionalCosts.pdf>.

AGENCIES CONTACTED:

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