

SB 116-FN - AS INTRODUCED

2015 SESSION

15-0872  
04/09

SENATE BILL        ***116-FN***

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

SPONSORS:        Sen. Bradley, Dist 3; Sen. Boutin, Dist 16; Rep. Hoell, Merr 23

COMMITTEE:        Judiciary

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    repealing the license 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 officer  
4 designated by them respectively, the county sheriff for a resident of an unincorporated place, or the  
5 county sheriff if designated by the selectmen of a town that has no police chief, upon application of  
6 any resident of such town, city, or unincorporated place, or the director of state police, or some  
7 person designated by such director, upon application of a nonresident, shall issue a license to such  
8 applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than  
9 [4] 5 years from the date of issue, if it appears that the applicant has good reason to fear injury to the  
10 applicant's person or property or has any proper purpose, ~~and that the applicant is a suitable person~~  
11 ~~to be licensed~~, ***unless the applicant is prohibited by New Hampshire statute from both***  
12 ***owning and possessing a firearm***. Hunting, target shooting, or self-defense shall be considered a  
13 proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for  
14 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 following  
19 the date of issuance. The license shall be issued within 14 days after application, and, if such  
20 application is denied, the reason for such denial shall be stated in writing, the original of which such  
21 writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the  
22 application was made. The fee for licenses issued to residents of the state shall be \$10, which fee  
23 shall be for the use of the law enforcement department of the town or city granting said licenses; the  
24 fee for licenses granted to out-of-state residents shall be \$100, which fee shall be for the use of the  
25 state. The director of state police is hereby authorized and directed to prepare forms for the licenses  
26 required under this chapter and forms for the application for such licenses and to supply the same to  
27 officials of the cities and towns authorized to issue the licenses. ***The form shall require no more***  
28 ***information than was required on the state of New Hampshire application for***  
29 ***pistol/revolver license, form DSSP 85, as revised in December 2009***. No other forms shall be  
30 used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from  
31 nonresident licenses.

1           II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew  
2 a license to carry for a resident or nonresident, unless requested by the applicant.

3           ***III. The availability of a license to carry a loaded pistol or revolver under this***  
4 ***section or under any other provision of law shall not be construed to impose a prohibition***  
5 ***on the unlicensed transport or carry of a firearm in a vehicle, or on or about one's person,***  
6 ***whether openly or concealed, loaded or unloaded, by a resident, nonresident, or alien if***  
7 ***that individual is not otherwise prohibited by statute from possessing a firearm in the state***  
8 ***of New Hampshire.***

9           2 Pistols and Revolvers; Reciprocity. RSA 159:6-d is repealed and reenacted to read as follows:

10          159:6-d Reciprocity. The director of the division of state police shall negotiate and enter into  
11 reciprocal agreements with other jurisdictions to recognize in those jurisdictions the validity of the  
12 license issued under RSA 159:6. The director shall apply to every jurisdiction with which  
13 New Hampshire does not have a reciprocity agreement, at least once every 5 years to obtain  
14 recognition in those jurisdictions of the license issued under RSA 159:6. Any such agreement  
15 executed shall not expire unless an expiration date is required under the statutes of the reciprocal  
16 jurisdiction.

17          3 Repeal. RSA 159:4, relative to requiring a license to carry a concealed pistol or revolver, is  
18 repealed.

19          4 Effective Date. This act shall take effect upon its passage.  
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**SB 116-FN FISCAL NOTE**

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

**FISCAL IMPACT:**

The Department of Safety, the Judicial Branch, the New Hampshire Municipal Association, the Judicial Council, and the Department of Corrections state this bill, **as introduced**, will decrease state general fund revenue, local revenue, and state expenditures by an indeterminable amount in FY 2016 and each fiscal year thereafter. There will be no impact on county revenue, or county and local expenditures.

**METHODOLOGY:**

The Department of Safety (Department), the Judicial Branch, the New Hampshire Municipal Association (Association), and the Judicial Council state this bill increases the length of time for which a license to carry a concealed pistol or revolver is valid, and repeals the requirement to obtain a license to carry a concealed pistol or revolver.

Assuming an effective date of July 1, 2015, the Department and Association state the repeal of the requirement to obtain a license to carry a concealed pistol or revolver would limit the need for a permit to those individuals who desire to utilize the permit to participate in reciprocity agreements with other states. Simultaneously, the extension of the life of the permit from a four to a five year period would also negatively impact the demand for both resident and non-resident permits.

The Department states it currently issues approximately 9,800 non-resident permits per year at \$100 per permit. The Department estimates the proposed legislation would reduce the number of non-resident permits issued annually by as many as 9,000 per year thereby reducing state general fund revenue by as much as \$900,000 in FY 2016 and each fiscal year thereafter.

The Department and Association note resident permits are issued locally for a fee of \$10 each, however, they are unable to quantify the number of resident permits issued annually and therefore unable to estimate the decrease in local revenues in FY 2016 and each fiscal year thereafter as a result of the passage of the proposed legislation.

The Judicial Branch states the proposed legislation also repeals the associated penalties for carrying a concealed pistol or revolver without a permit. The Branch notes under current law carrying a concealed pistol or revolver without a permit is a misdemeanor for the first offense or a class B felony for subsequent offenses within seven years of the first offense. Judicial Branch statistics indicate an average of 64 misdemeanor prosecutions and 12 felony prosecutions resulting from offenses relating to carrying a concealed pistol or revolver without a permit over the past 10 years. Based on an estimated cost of prosecution of a class A misdemeanor level offense of \$68.71 in FY 2016 and \$70.95 in FY 2017; a class B misdemeanor level offense of \$48.47 in FY 2016 and \$50.63 in FY 2017; and a class B Felony of \$438.34 in FY 2016 and \$452.53 in FY 2017; the Department estimates the passage of this bill will decrease Branch expenditures by approximately \$10,000 in FY 2016 and each fiscal year thereafter. The Branch notes this estimate does not include consideration of any cost savings associated with fewer appeals resulting from fewer prosecutions which would inherently increase by an indeterminable amount the reduction in state expenditures resulting from the bill's passage.

The Judicial Council states to the extent less indigent defense is required as a result of the proposed legislation state expenditures would be reduced. However, the Judicial Council notes the proposed legislation would make concealed firearms more ubiquitous in public spaces and is unable to determine any impact an increased frequency of concealed firearms may have on demands for indigent defense.

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 not be subject to incarceration or supervision as a result of this legislation. The Department of Corrections states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2012 was \$35,071. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2012 was \$608.

The Department of Justice and Association of Counties state this bill will have no fiscal impact on revenue or expenditures.