

HB 1178 - AS AMENDED BY THE HOUSE

15Mar2022... 0479h

2022 SESSION

22-2352

04/08

HOUSE BILL **1178**

AN ACT prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

SPONSORS: Rep. Burt, Hills. 39; Rep. Stapleton, Sull. 5; Rep. Hopper, Hills. 2; Rep. Silber, Belk. 2; Rep. Nunez, Hills. 37; Rep. True, Rock. 4; Rep. Hill, Merr. 3; Rep. Kelsey, Hills. 7; Rep. Folsom, Graf. 11; Rep. Kofalt, Hills. 4; Sen. Avard, Dist 12; Sen. Ricciardi, Dist 9

COMMITTEE: Criminal Justice and Public Safety

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ANALYSIS

This bill prohibits the state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law from using any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the United States Government or Executive Order of the President of the United States that is inconsistent with any law of this state regarding the regulation of firearms, ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies, or knives.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

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

1 1 New Chapter; Federal Statutes, Regulations, and Presidential Executive Orders Relating to  
2 the Right to Keep and Bear Arms. Amend RSA by inserting after chapter 159-D the following new  
3 chapter:

4 CHAPTER 159-E

5 PRESIDENTIAL EXECUTIVE ORDERS AND STATUTORY LAW

6 RELATING TO THE RIGHT TO KEEP AND BEAR ARMS

7 159-E:1 Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right  
8 to Keep and Bear Arms. Pursuant to the general court’s authority under Part II, Article 5 of the  
9 New Hampshire Constitution, the state of New Hampshire, a political subdivision of this state, or  
10 any person acting under the color of state, county, or municipal law shall be prohibited from using  
11 any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule,  
12 order, or regulation of the United States Government or Executive Order of the President of the  
13 United States that is inconsistent with any law of this state regarding the regulation of firearms,  
14 ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies,  
15 or knives. Silence in the New Hampshire Revised Statutes Annotated pertaining to a matter  
16 regulated by federal law shall be construed as an inconsistency for the purposes of this chapter.

17 159-E:2 Application. In light of the long-standing practice of cooperation between federal, state,  
18 and local law enforcement agencies, nothing in this chapter shall prevent a state, county, or local  
19 official from cooperating with or rendering aid or assistance to federal officials in any circumstance  
20 where there is reasonable suspicion to believe that a person who is the subject of an investigation for  
21 violation of federal firearms law covered by RSA 159-E:1 also has committed, is committing, or is  
22 about to commit a violation of New Hampshire law or a violation of a federal law, regulation, order,  
23 or practice not covered by RSA 159-E:1. Nothing in this chapter shall prevent a state, county, or  
24 local official from providing authorized federal officials, upon their request, with official state,  
25 county, or local records that are available to the public or which constitute criminal history records  
26 maintained by an agency of state, county, or local government, or taking any other action necessary  
27 to fulfill or comply with the state’s obligations under the National Crime Prevention and Privacy  
28 Compact approved and ratified in RSA 106-B:14, III, provided that the provisions of this chapter

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1 shall not provide for the distribution of information required to be destroyed pursuant to 18 U.S.C.  
2 section 922(t)(2)(C).

3 159-E:3 Severability. If any provision of this chapter or the application thereof to any person or  
4 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the  
5 chapter which can be given effect without the invalid provision or application, and to this end the  
6 provisions of this chapter are declared to be severable.

7 2 Effective Date. This act shall take effect upon its passage.