

HB 444-FN - AS INTRODUCED

2023 SESSION

23-0751

04/10

HOUSE BILL ***444-FN***

AN ACT prohibiting possession of a firearm at a polling place.

SPONSORS: Rep. Horrigan, Straf. 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits possessing a firearm at a polling place and includes certain exceptions.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0751

04/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT prohibiting possession of a firearm at a polling place.

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

1 New Subdivision; Firearms Prohibited at Polling Places. Amend RSA 159 by inserting after section 26 the following new subdivision:

Firearms Prohibited at Polling Places

159:27 Firearms Prohibited at Polling Places.

I. No person shall knowingly carry a loaded or unloaded pistol, revolver, firearm, or other deadly weapon as defined in RSA 625:11, V, whether open or concealed, or whether licensed or unlicensed, within 100 feet of a polling place during a federal, state, or municipal election.

II. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.

159:28 Exceptions. The provisions of RSA 159:27 shall not apply to law enforcement officers on duty at the polling place, or to uniformed officers while they are exercising their right to vote, or to a person who secures an unloaded firearm in a motor vehicle while at the polling place.

2 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0751
12/28/22

**HB 444-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT prohibiting possession of a firearm at a polling place.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
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 prohibits firearms at polling places and creates a class A misdemeanor penalty that could have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges, if any, may 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 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
Violation and Misdemeanor Level Offense	\$119	\$122	\$122
Routine Criminal Case	\$644	\$657	\$779
Appeals	Varies	Varies	Varies

Judicial Council	FY 2023	FY 2024
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case \$70 administrative fee \$100 incarceration fee (If applicable)	\$300/Case \$70 administrative fee \$100 incarceration fee (If applicable)
Assigned Counsel- Misdemeanor. Travel time to court does not count toward the cap.	\$90/Hour up to \$2,000	\$90/Hour up to \$2,000
Assigned Counsel - Supreme Court Appeal	\$125/Hour up to \$10,000	\$125/Hour up to \$10,000
<p>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. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.</p>		
NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

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 may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Department of Justice, Judicial Council, and New Hampshire Association of Counties