

**HB 512-FN - AS INTRODUCED**

2023 SESSION

23-0679

04/05

HOUSE BILL ***512-FN***

AN ACT exempting firearms manufactured in New Hampshire from federal laws and regulations.

SPONSORS: Rep. Gerhard, Merr. 25; Rep. Janvrin, Rock. 40

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill exempts firearms, firearms accessories, and ammunition manufactured in New Hampshire from interstate commerce and from regulation by the federal government.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0679

04/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT exempting firearms manufactured in New Hampshire from federal laws and regulations.

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

1 New Chapter; Lawful Commerce in Firearms. Amend RSA by inserting after chapter 159-E the following new chapter:

CHAPTER 159-F

## LAWFUL COMMERCE IN FIREARMS

159-F:1 Definitions. As used in this chapter:

I. “Firearms accessories” means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, ammunition carriers, optics for target identification, bump stocks, pistol braces, forced reset triggers, binary triggers, and lights for target illumination.

II. “Generic and insignificant parts” includes but is not limited to springs, screws, nuts, and pins.

III. “Manufactured” means that a firearm, a firearm accessory, or ammunition has been created from basic materials for functional usefulness, including but not limited to forging, casting, machining, molding, or other processes for working materials.

159-F:2 Prohibitions.

I. Notwithstanding any other law to the contrary, a personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in New Hampshire and that remains within the state of New Hampshire shall not be subject to federal law or taxation, or federal regulation, including registration, under the authority of Congress to regulate interstate commerce.

II. This section shall apply to a firearm, a firearm accessory, or ammunition that is manufactured in New Hampshire from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state. Generic and insignificant parts that have other manufacturing or consumer product applications are not firearms, firearms accessories, or ammunition, and their importation into New Hampshire and incorporation into a firearm, a firearm accessory, or ammunition manufactured in New Hampshire shall not subject the firearm, firearm accessory, or ammunition to federal regulation. It is declared by the legislature that basic materials, such as, but not limited to, unmachined steel and unshaped wood, are not firearms, firearms accessories, or ammunition and shall not be subject to Congressional authority to regulate firearms, firearms accessories, and ammunition under interstate commerce as if they were actually firearms, firearms accessories, or ammunition.

III. The authority of Congress to regulate interstate commerce in basic materials shall not include authority to regulate firearms, firearms accessories, and ammunition made in New Hampshire from those materials.

IV. Firearms accessories that are imported into New Hampshire from another state and that are subject to federal regulation as being in interstate commerce shall not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in New Hampshire.

159-F:3 Marketing of Firearms. A firearm manufactured or sold in New Hampshire under this chapter shall have the words “Made in New Hampshire” clearly stamped, inscribed, or otherwise marked on a central part of the firearm, such as the receiver or frame.

159-F:4 Penalty.

I. Any public servant of the state of New Hampshire as defined in RSA 640:2 that enforces or attempts to enforce a act, order, law, statute, rule, or regulation of the government of the United States upon a personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in New Hampshire and that remains within the state of New Hampshire shall be guilty of a class A misdemeanor.

II. Any official, agent, or employee of the government of the United States, or employee of a corporation providing services to the government of the United States that enforces or attempts to enforce a act, order, law, statute, rule, or regulation of the government of the United States upon a personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in New Hampshire and that remains within the state of New Hampshire shall be guilty of a class B felony.

159-F:5 Applicability. This chapter shall apply to firearms, firearms accessories, and ammunition that are manufactured, as defined in this chapter, and retained in New Hampshire immediately upon passage.

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

LBA  
23-0679  
1/6/23

**HB 512-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT exempting firearms manufactured in New Hampshire from federal laws and regulations.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill contains penalties 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 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
Complex Felony Case	\$3,195	\$3,244	\$3,366
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 - Felony	\$825/Case \$105 administrative fee \$200 incarceration fee (If applicable)	\$825/Case \$105 administrative fee \$200 incarceration fee (If applicable)
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 - Felony. Homicide including capital cases. Travel time to court does not count toward the cap.	\$125/Hour up to \$20,000	\$125/Hour up to \$20,000
Assigned Counsel - Felony. Travel time to court does not count toward the cap.	\$90/Hour up to \$5,500	\$90/Hour up to \$5,500
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

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.		
Department of Corrections	FY 2023	FY 2024
FY 2022 Average Cost of Incarcerating an Individual	\$64,223	\$64,223
FY 2022 Annual Marginal Cost of a General Population Inmate	\$6,123	\$6,123
FY 2022 Average Cost of Supervising an Individual on Parole/Probation	\$688	\$688
The Department notes any increase in the incarcerated population will have a direct impact on overtime costs given the Department's history of challenges associated with recruitment. In addition, the New Hampshire State Prison for Men has a degrading infrastructure which will only be exacerbated if an increase in the incarcerated population were to occur.		
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, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties