

HB 56-FN - AS INTRODUCED

2025 SESSION

25-0020
09/06HOUSE BILL ***56-FN***

AN ACT requiring a background check and mandatory waiting period during certain firearm transfers.

SPONSORS: Rep. Meuse, Rock. 37; Rep. Gregg, Hills. 7; Rep. Grote, Rock. 24; Rep. Petrigno, Hills. 43; Rep. Selig, Straf. 10; Rep. M. Smith, Straf. 10; Rep. Vail, Hills. 6; Rep. Mandelbaum, Rock. 21; Rep. Seibert, Hills. 21; Sen. Altschiller, Dist 24

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill requires firearm transfers to be subject to a criminal background check and a mandatory waiting period, subject to 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

25-0020
09/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT requiring a background check and mandatory waiting period during certain firearm transfers.

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

1 Purpose. It is the purpose and intent of the general court in enacting RSA 159-G to require firearm transfers in New Hampshire to be processed through a licensed firearms dealer, who will conduct a background check and create a record of each transfer in accordance with federal law. The objective of the general court is to protect public safety by reducing the risk of firearms from being obtained by felons, domestic abusers, those adjudicated to be mentally ill, and other individuals prohibited by law from purchasing or possessing firearms.

2 New Chapter; Background Checks for Firearms Transfers. Amend RSA by inserting after chapter 159-F the following new chapter:

CHAPTER 159-G

BACKGROUND CHECKS FOR FIREARMS TRANSFERS

159-G:1 Definitions. In this chapter:

I. "Antique firearm" has the same meaning as in 18 U.S.C. section 921(a)(16) and 27 C.F.R. section 478.11.

II. "Curio or relic" has the same meaning as in 27 C.F.R. section 478.11.

III. "Firearm" means any weapon or device designed to be used as a weapon which will or is designed to or may be readily converted to expel a projectile by the action of an explosive, explosion, or other means of combustion, or the frame or receiver of such a device. The term "firearm" shall not include "antique firearm," a "curio or relic," or a weapon that has been rendered permanently inoperable and is incapable of being readily restored to a firing condition.

IV. "Gift" means a change in ownership of an item from one person to another without an exchange of something of value, including but not limited to, money.

V. "Immediate family member" has the same meaning as in RSA 397-A:1.

VI. "Law enforcement officer" has the same meaning as RSA 106-L:2.

VII. "Licensed firearms dealer" means a licensed dealer as defined in 18 U.S.C. section 923, and who has any additional licenses required by state or local law to engage in the business of selling firearms.

VIII. "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other entity, and shall include any entity that engages in business in this state, in whole or part, through Internet or mail order sales.

- IX. "Prohibited person" means any individual or person who is prohibited from owning or possessing a firearm pursuant to 18 U.S.C. section 922(g) or pursuant to state law.
- X. "Proposed transferee" means a person other than a licensed firearms dealer to whom a proposed transferor intends to transfer a firearm.
- XI. "Proposed transferor" means a person other than a licensed firearms dealer who intends to transfer a firearm to another person other than a licensed firearms dealer.
- XII. "Sale" means a change of ownership of an item from one person to another in exchange for money.
- XIII. "Trade" means a change of ownership of an item from one person to another in exchange for something of value other than money.
- XIV. "Transfer" means a change of possession of an item from one person to another by means of sale, trade, or gift.

159-G:2 Firearms Transfers to be Conducted Through a Licensed Firearms Dealer.

- I. No person shall transfer a firearm unless the requirements of paragraph II are met.
- II. When neither party to a prospective firearms transfer is a licensed firearms dealer, a licensed firearms dealer shall facilitate the transfer between the proposed transferor and proposed transferee as follows:
- (a) The proposed transferor and proposed transferee shall appear at the business premises of a licensed firearms dealer, along with the firearm they intend to transfer, and request that the licensed firearms dealer facilitate the transfer in accordance with this section. When facilitating a firearm transfer pursuant to this section, the licensed firearms dealer shall process the transfer as if he or she were transferring the firearm from their own inventory.
- (b) The proposed transferor may remove the firearm from the business premises of the licensed firearms dealer after the licensed firearms dealer has initiated the background check, provided that the proposed transferor must return to the business premises of the licensed firearms dealer and deliver the firearm to the licensed firearms dealer prior to the completion of the transfer.
- (c) The licensed firearms dealer shall not complete the transfer of the firearm until it is determined, through the completion of the proposed transferee's background check, that the proposed transferee is not a prohibited person.
- (d) If the background check reveals that the proposed transferee is a prohibited person, the licensed firearms dealer shall notify the proposed transferor and proposed transferee that the transfer cannot proceed.
- (e) If the proposed transferee is not a prohibited person and all other legal requirements are met, the proposed transferor shall deliver the firearm to the licensed firearms dealer at their business premises, so that the licensed firearms dealer may complete the transfer.
- (f) The licensed firearms dealer may charge a reasonable fee to cover administrative costs incurred by the licensed firearms dealer for facilitating the transfer of the firearm.

159-G:3 Successful Completion of Background Check. No firearm shall be transferred to a proposed transferee until the applicable state or federal agency responsible for conducting the background check has determined that the proposed transferee is not a prohibited person and has communicated such results to the licensed firearms dealer.

159-G:4 Purchase and Delivery of Firearms; Mandatory Waiting Period.

A seller shall not knowingly deliver a firearm to a purchaser sooner than 72 hours after the initiation of a background check by a licensed firearms dealer. The waiting period shall expire after 72 hours or upon the successful completion of the background records check, whichever occurs later.

159-G:5 Exceptions.

The provisions of this chapter shall not apply when:

- I. The firearm owner temporarily transfers the firearm to another person while hunting, target shooting, or attempting to prevent imminent harm to any person for the duration that the threat of imminent harm exists, provided neither party is a prohibited person.
- II. The firearm transfer is between immediate family members, including as an inheritance, provided neither party is a prohibited person;
- III. The firearm transfer is by or to the holder of a valid federal license under 18 U.S.C. section 923 as a firearms manufacturer, importer, dealer, or collector;
- IV. The firearm transfer is by or to a law enforcement agency; or
- V. The firearm transfer is by or to a law enforcement officer or member of the United States Armed Forces acting within the course of his or her official duties.

159-G:6 Penalties.

- I. Any individual or person who violates any provision of this chapter shall be guilty of a class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent offense.
- II. The local law enforcement agency shall report all violations of this chapter by a licensed firearms dealer to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

159-G:7 Other Laws.

- I. Nothing in this chapter shall be construed to modify or change the duties of the department of safety pursuant to RSA 159-D.
- II. Nothing in this chapter shall be construed to require or authorize any state, county, or local law enforcement agency to establish or maintain a registry of firearms sold or transferred in accordance with this chapter.
- 3 Applicability. The provisions of section 2 of this act shall apply to the sale of a firearm on or after the effective date of this act and shall not apply to sales completed prior to the effective date of this act.
- 4 Effective Date. This act shall take effect January 1, 2026.

LBA
25-0020
10/31/24

**HB 56-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring a background check and mandatory waiting period during certain firearm transfers.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill *Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

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/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

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