HB 305 - AS INTRODUCED

2023 SESSION

23-0472
04/08

HOUSE BILL ***305***

AN ACT relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms.

SPONSORS: Rep. T. Mannion, Hills. 1

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill limits the ability of state, local, or county law enforcement officials to aid federal officials in the investigation of criminal violations for federal firearms laws to cases where the state criminal violation is a class A felony only.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 305 - AS INTRODUCED

23-0472
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms.

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

1 Presidential Executive Orders and Statutory Laws Relating to the Right to Keep and Bear Arms. Amend RSA 159-E:2 to read as follows:

159-E:2 Application. In light of the long-standing practice of cooperation between federal, state, and local law enforcement agencies, nothing in this chapter shall prevent a state, county, or local official from cooperating with or rendering aid or assistance to federal officials in any circumstance where there is reasonable suspicion to believe that a person who is the subject of an investigation for violation of federal firearms law covered by RSA 159-E:1 also has committed, is committing, or is about to commit a [~~violation of~~] ***class A felony as defined in*** New Hampshire law. Nothing in this chapter shall prevent a state, county, or local official from providing authorized federal officials, upon their request, with official state, county, or local records that are available to the public or which constitute criminal history records maintained by an agency of state, county, or local government, or taking any other action necessary to fulfill or comply with the state's obligations under the National Crime Prevention and Privacy Compact approved and ratified in RSA 106-B:14, III, provided that the provisions of this chapter shall not provide for the distribution of information required to be destroyed pursuant to 18 U.S.C. section 922(t)(2)(C). Nothing in this chapter shall prohibit the judicial branch from entering protective order information into law enforcement databases.

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

CONSENT CALENDAR

March 10, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Criminal Justice and Public Safety to which was referred HB 305,

AN ACT relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Jeffrey Tenczar

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Criminal Justice and Public Safety**
Bill Number:	**HB 305**
Title:	**relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms.**
Date:	**March 10, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill would have amended RSA 159-E:2. It sought to strike "violation of" and replace it with "class A felony as defined in." A subcommittee work session was held with five members of the criminal justice committee. The committee wished to give the prime sponsor additional time to further explain the bill as prior testimony was confusing. The sponsor noted that the current language in RSA 159-E:2 was too broad and would allow federal law enforcement officers the ability to enforce presidential executive orders governing the keeping or bearing of arms when any violation of New Hampshire law occurred. By restricting it to class A felonies only, it would prevent overreach by the federal government. While the committee agreed that the bill was filed was with good intention and would reduce federal intrusion on a citizen's second amendment right, it was determined that the bill was being presented too soon. The prior bill, HB 1178 (2022), which was signed into law in 2022 by Governor Sununu, was a large undertaking that was heard through several channels and ultimately contains the present agreed upon language.

Vote 20-0.

Rep. Jeffrey Tenczar
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 305, relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Tenczar for Criminal Justice and Public Safety. This bill would have amended RSA 159-E:2. It sought to strike "violation of" and replace it with "class A felony as defined in." A subcommittee work session was held with five members of the committee. The committee wished to give the prime sponsor additional time to further explain the bill as prior testimony was confusing. The sponsor noted that the current language in RSA 159-E:2 was too broad and would allow federal law enforcement officers the ability to enforce presidential executive orders governing the keeping or bearing of arms when any violation of New Hampshire law occurred. By restricting it to class A felonies only, it would prevent overreach by the federal government. While the committee agreed that the bill was filed was with good intention and would reduce federal intrusion on a citizen's second amendment right, it was determined that the bill was being presented too soon. The prior bill, HB 1178 (2022), which was signed into law in 2022 by Governor Sununu, was a large undertaking that was heard through several channels and ultimately contains the present agreed upon language.

Vote 20-0.

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 305 Date: 2/10/23

Committee: Criminal Justice and Public Safety

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
BRIAN BLACKBOW	488 N STATE	CONCORD 6038480221	SELF	X	
Joe Hannon	Lee, NH	603-659-5591	GO-NH	X	
JAMES GAFFNEY	WARNER		SELF	X	
Elizabeth Sargent, NH Association of Chiefs of Police					X

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 305

BILL TITLE: **relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms.**

DATE: **February 10, 2023**

LOB ROOM: **202-204** **Time Public Hearing Called to Order:** **10:16 a.m.**

Time Adjourned: **10:28 a.m.**

Committee Members: Reps. Roy, Rhodes, A. Murray, Pratt, Sytek, Proulx, Janvrin, D. Mannion, Reid, Stone, Tenczar, Harriott-Gathright, Meuse, Bouldin, Bradley, N. Murphy, R. Newman, Newell, Selig and Wheeler

Bill Sponsors:
Rep. T. Mannion

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Representative Tom Mannion introduces his bill

- Prevents violent criminals from using
- Rep Meuse asks what the intent it, Rep Mannion says it makes clear that it must be a Class A felony for our law enforcement to cooperate with the federal government in enforcing unconstitutional gun laws. Rep Meuse asks if this bill would prevent our LEOs from cooperating with federal LEOs in the case of a kidnapping that crosses state lines, Rep Mannion says no.
- Chairman Roy asks for a scenario of how this law would apply, Rep Mannion says as a hypothetical
- Rep Newman asks for an example of what constitutes an unconstitutional firearm law

Rep Timothy Horrigan

- Opposes the bill
- HB 1178 has related a lot of irrational situations, not sure why guns are treated differently than any other dangerous weapon

Respectfully submitted,

Rep. Alissandra Murray, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB305 on 2023-

Support: 10 Oppose: 60 Neutral: 1 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane
TEST, TEST	TEST, NH TEST@TEST.COM	State Agency Staff	Myself	Neutral	No	No
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Oppose	No	No
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Oppose	No	Yes
Alexander, Christine	Cornish, NH calex8@gmail.com	A Member of the Public	Myself	Oppose	No	No
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Oppose	No	No
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Oppose	No	No
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Oppose	No	No
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No
Straiton, Marie	Pembroke, NH m.straiton@comcast.net	A Member of the Public	Myself	Oppose	No	No
HALLOCK, LINDA	Cornish, NH lindash@mail.com	A Member of the Public	Myself	Oppose	No	No
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Oppose	No	No
Spielman, Kathy Sue	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Oppose	No	No
Satterfield, Peter	Pembroke, NH psatterfield@comcast.net	A Member of the Public	Myself	Oppose	No	No
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Oppose	No	No
Caton, Mark	Merrimack, NH markcaton55@outlook.com	A Member of the Public	Myself	Support	No	No
Brown, Nancy	Hopkinton, NH wcbnpb@comcast.net	A Member of the Public	Myself	Oppose	No	No
Lindpaintner, Lyn	Concord, NH lynlin@bluewin.ch	A Member of the Public	Myself	Oppose	No	No
Raspiller, Cindy	Mont Vernon, NH raspicl@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Brown, Howard	Mont Vernon, NH hobro39@hotmail.com	An Elected Official	Myself	Oppose	No	No
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Oppose	No	No
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	No

Bissex, Hannah	Rindge, NH hannahinrindge@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Merlone, Lynn	Rindge, NH prulone@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Martin, Patricia	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Oppose	No	No	
Wessels, Susan	RINDGE, NH slwessels2010@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Hershey, Jane	Rindge, NH janelhershey@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Thomas, A	Rindge, NH annekerosie@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Rogers, Mary	Winchester, NH tiplady2001@yahoo.com	A Member of the Public	Myself	Support	No	No	
Thomas, William	Auburn, NH nhvfp@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Wood, Zephan	Pembroke, NH zephanw@gmail.com	A Member of the Public	Myself	Support	No	No	
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Parshall, Lucius	Marlborough, NH lucius.parshall@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	
Bishop, Nancy	Plaistow, NH nanbis71@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Campbell, Karen	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Spier, Carry	Nashua 03064, NH carry.spier@hotmail.com	An Elected Official	Myself	Oppose	No	No	
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Support	No	No	
Walker, Deborah Klein	Meredith, NH deb.publichealth@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Wikstrom, Kathleen	Exeter, NH kjwikstrom@gmail.com	A Member of the Public	Myself	Support	No	No	
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No	
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Oppose	No	No	
DeMark, Harriet	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Oppose	No	No	
Schuett, Dianne	Pembroke, NH dianne.schuett@leg.state.nh.us	An Elected Official	Myself and my constituents	Oppose	No	No	
Weston, Joyce	Plymouth, NH jweston14@roadrunner.com	A Member of the Public	Myself	Oppose	No	No	
Economakid, Melissa	Newton, NH Meliscsj@protonmail.com	A Member of the Public	Myself	Support	No	No	
Widerstrom, Sally	Plymouth, NH sallyswid@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Fudge, Kim Marie	NORTH CONWAY, NH kimfudge20@gmail.com	A Member of the Public	Myself	Oppose	No	No	

Laker-Phelps, Gail	Chichester, NH lpsart@tds.net	A Member of the Public	Myself	Oppose	No	No	
Almy, Susan	Lebanon, NH susan.almy@comcast.net8	An Elected Official	Myself	Oppose	No	No	
Lane, Connie	Concord, NH connie.lane@leg.state.nh.us	An Elected Official	Constitutents	Oppose	No	No	
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Keegan, John	Boscawen, NH peoresnada@tds.net	A Member of the Public	Myself	Oppose	No	No	
Timmons, Gloria	Nashua, NH ldygt@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Gathright, Jahmar	NASHUA, NH gathrightjahmar@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Ealy, Elven	Litchfield, NH r_ealy@msn.com	A Member of the Public	Myself	Oppose	No	No	
Meeserve, Barbara	Jackson, NH Allsnowdays@yahoo.com	A Member of the Public	Myself	Oppose	No	No	
MacGregor, Leslie	Grantham, NH lsmacgregor@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Lamphier, Regan	Nashua, NH reganburkelamphier@gmail.com	An Elected Official	Myself	Oppose	No	No	
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Nelson, Deborah	Hanover, NH dbaconnelson@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	
Craig, Kevin	Lancaster, NH kbcraig@gmail.com	A Member of the Public	Myself	Support	No	No	
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Billingham, Carla	Salem, NH billingham2@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Chase, Karen	Hanover, NH kpchase@verizon.net	A Member of the Public	Myself	Oppose	No	No	
Alleman, Bill	Weare, NH gencourt@allemanse.com	A Member of the Public	Myself	Support	No	No	
LaMontagne, Jessica	Dover, NH finnlamontagne@gmail.com	An Elected Official	Myself	Oppose	No	No	
Racusin, Sharon	Hanover, NH sdracusin@gmail.com	A Member of the Public	Myself	Oppose	No	No	

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION on HB 305

BILL TITLE: relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms.

DATE: February 21, 2023

Subcommittee Members: Reps. Stone, Reid, Tenczar, D. Mannion and Wheeler

Comments and Recommendations: Testimony by T. Mannion. Al members with questions. Harriott-Gathright and Meuse subs for Reid & Wheeler. Recommended OTP 3-2

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Rep. Harriott-Gathright Seconded by Rep. Rep. Meuse Vote: 2-3

MOTIONS: OUGHT TO PASS

Moved by Rep. Rep. Stone Seconded by Rep. Rep. Tenczar Vote: 3-2

Respectfully submitted,

Rep. Jeffrey Tenczar
Subcommittee Chairman

Marie Straiton

Describe definition of obscene!

Nancy Brown

This bill will increase the burden on property taxpayers.

Zephan Wood

Dear Members of the Committee:

I am an NH citizen and a proponent of natural rights and SUPPORT this bill for the following reasons:

*The federal government has engaged in a significant curtailing of our second amendment rights with local law enforcement cooperating with them in violation of their oath.
* This strengthens an RSA chapter which intends to protect against the enforcement of federal acts designed to infringe upon the citizen's right to bear arms.
* The right to self-defense and to bear arms is fundamental to the citizens of the United States and the state of New Hampshire and those rights shall not be infringed upon.

Thank you for your time and consideration and I strongly urge you to recommend OTP on this bill.

Zephan Wood

Kim Marie Fudge

It makes sense to carve out cooperating with or rendering aid or assistance to federal officials where state criminal violation is a class A felony as defined in New Hampshire law.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 305

BILL TITLE: relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms.

DATE: March 10, 2023

LOB ROOM: 202-204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Tenczar Seconded by Rep. Harriott-Gathright Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Alissandra Murray, Clerk

OFFICE OF THE HOUSE CLERK

2/8/2023 2:28:37 PM
Roll Call Committee Registers Report

2023 SESSION

Criminal Justice and Public Safety

Bill #: 305 Motion: ITL AM #: _____ Exec Session Date: 3/10/23

Members	YEAS	Nays	NV
Roy, Terry Chairman	20		
Rhodes, Jennifer M. Vice Chairman	1		
Pratt, Kevin M.	2		
Sytek, John	3		
Proulx, Mark L.	4		
Janvrin, Jason A.	5		
Mannion, Dennis	6		
Reid, Karen A	7		
Stone, Jonathan F.	8		
Tenczar, Jeffrey	9		
Harriott-Gathright, Linda C.	10		
Meuse, David	11		
Bouldin, Amanda C.	12		
Bradley, Amy	13		
Murphy, Nancy A.	14		
Newman, Ray E.	15		
Murray, Alissandra Clerk	16		
Newell, Jodi K	17		
~~Selig, Loren~~ → Howard	18		
~~Wheeler, Jonah O~~ — Vogt	19		
TOTAL VOTE:	20	0	