

Senate Judiciary Committee

Brendan Bunnell 271-4063

HB 1697-FN, exempting certain firearms and firearm accessories manufactured and retained in New Hampshire from federal regulation.

Hearing Date: March 10, 2026

Time Opened: 1:01 p.m.

Time Closed: 1:20 p.m.

Members of the Committee Present: Senators Abbas, Altschiller and Reardon

Members of the Committee Absent: Senators Carson and Gannon

Bill Analysis: This bill exempts certain firearms and firearm accessories manufactured and retained in New Hampshire from federal regulation.

Sponsors:

Rep. Belcher

Rep. Corcoran

Rep. Granger

Rep. Tom Mannion

Rep. Roy

Rep. Spillane

Rep. McFarlane

Rep. Sabourin dit
Choiniere

Rep. Perez

Who supports the bill: Representative Mike Belcher, Representative Donald McFarlane, Representative Daniel Popovici-Muller, Representative Terry Roy, JR Hoell, Daniel Richardson, Simon Berrio, Curtis Howland, Timothy Finney, Pamela Harders, Teresa Brooks and Bill Alleman.

Who opposes the bill: 63 people signed in opposition, for a complete list of those who signed please email brendan.bunnell@gc.nh.gov.

Who is neutral on the bill: None.

Summary of testimony the presented:

Representative Mike Belcher introduced the bill, explaining that it was not just a bill to protect firearms rights but a direct challenge to the 1942 decision of the Supreme Court in *Wickard v. Filburn* that strengthened the Commerce Clause and gave the federal government oversight on the manufacturing and growing of goods.

- Stated that a similar bill was brought forward from the House last year, but was subject to a replace-all amendment by the Judiciary Committee.

- Explained that firearms are the only property protected by name in the constitution, and that this status grants a presumptive right for citizens to challenge the authority of the commerce clause.
- Explained that the bill would create a new and entirely voluntary category of manufacturing for firearms and their accessories within the state. Firearms in this category would be entirely regulated within the state and not able to be exported outside New Hampshire. This special category would be used to begin a legal case to challenge the Commerce Clause.
- Explained that the category would be regulated to require serialization and special markings. He elaborated that this category would be voluntary and would not require participation by firearms manufacturers.
- Stated that the bill would have no impact on machine guns or anything regulated by the National Firearms Act. The federal government would retain the right to regulate machine guns under their taxation authority.
- Argued that this bill was about challenging the idea that the federal government has the right to regulate everything that occurs within a state.
- Stated that this bill enjoyed the support of a few firearms organizations including the Gun Owners of America and local organizations.
- Explained that there would not be a major cost to the state with this bill, as it would primarily serve to open up a legal avenue for other organizations and individuals to bring their own legal suites against the commerce clause.
- Senator Abbas asked whether the bill would create a restriction on a firearm that doesn't exist and then create a criminal penalty if an individual violates that restriction.
 - o Representative Belcher answered that it would.
- Senator Abbas asked if this penalty would limit the ability of the offender to own a firearm.
 - o Representative Belcher answered that it would not, as the penalty specified was a Class B misdemeanor.
 - o Explained that the idea was to show the federal government that New Hampshire is very serious about having the authority to regulate these things, and to take a separate approach to the more “gung-ho” challenges that have been offered by some other states so far that attempt to simply deny the federal government the power to regulate firearms manufacturing. The restrictions in the bill from moving or damaging the identifying

markings on the classified firearms would demonstrate that New Hampshire is taking the issue seriously.

- Senator Abbas stated that it was very common in his district, which is on the border with Massachusetts, to accidentally travel through that state and potentially open themselves up to legal liability under this bill.
 - o Representative Belcher argued that individuals in such a situation would be protected by the concept of “mens rea,” as they are unaware of the crime that they are committing. The bill includes language like “export” that implies a specific intention that would not be possessed by an individual that takes a wrong turn.
 - o Representative Belcher argued that this bill was an expansion in freedom because it created a new option for firearms manufacturers, and the restrictions it imposes can be ignored by opting not to engage with items in this category.
- **Representative Terry Roy** spoke as a representative of the House’s Criminal Justice Committee and in support of the bill. He explained that the current makeup of the Supreme Court presented an opportunity to go forwards with a challenge to the Commerce Clause and that the organizations and individuals that pursue these challenges require this bill as a vehicle to do so.
- Argued that the idea that something could be manufactured in the state and subject primarily to the laws of the federal government was worthy of debate and discussion.
- Senator Abbas asked why they chose to base the bill on firearms.
 - o Representative Roy answered that there were a few other things that could provide such a vehicle, including bullets or suppressors, but that it was important to provide this challenge due to the current makeup of the Supreme Court that they may not have in the future.

The Honorable JR Hoell, a representative of the New Hampshire Firearms Coalition, spoke in support of the bill. He explained that New Hampshire has many firearms manufacturers and that this bill would support them with the new category for regulation. He also spoke in support of the goal of using this bill to challenge federal overreach.

- Argued that Article 1 Section 8 of the US Constitution limits the authority of the federal government and does not include the regulation of firearms. Despite this, the federal government has continued to regulate firearms via acts like the NFA. This bill would provide a mechanism to challenge this authority.

- Stated that he would like the bill to include a few more protections for citizens. He explained that there had been an incident in Kansas where a disabled veteran had attempted to purchase a suppressor made legally under Kansas law but had faced federal consequences at the felony level.
- Stated that the Attorney General could be asked to start the necessary paperwork to know that the state is in compliance with state law that is challenging the federal law. He explained that, despite these recommendations, his organization supports the bill and would like to see it passed.
- Senator Abbas stated that he understood the long-term goal behind the bill, but asked whether this was creating a short-term restriction on firearms owners needlessly.
- Mr. Hoell stated that this was voluntary and that language like “purposefully” could be added on line 12 to reinforce the mens rea in the bill. He expressed that having the attorney general verify that New Hampshire citizens would not be opened up to federal legal liability as a result of this law could be effective.
- Senator Abbas asked if similar bills passed in other states were currently heading to the Supreme Court.
 - o Mr. Hoell stated that there was merit in proceeding with this alternate approach given that other states had attempted this with differing legislation and with limited success with the court.
- Senator Altschiller questioned why the bill did not include a fiscal note with all of the costs associated with the state having to defend the bill with the Supreme Court.
 - o Mr. Hoell stated that there might only be a cost associated with instructing the Attorney General to contact the Supreme Court to verify the legal liability of New Hampshire residents.