

HB 56-FN - AS INTRODUCED

2025 SESSION

25-0020

09/06

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1 IX. "Prohibited person" means any individual or person who is prohibited from owning or
2 possessing a firearm pursuant to 18 U.S.C. section 922(g) or pursuant to state law.

3 X. "Proposed transferee" means a person other than a licensed firearms dealer to whom a
4 proposed transferor intends to transfer a firearm.

5 XI. "Proposed transferor" means a person other than a licensed firearms dealer who intends
6 to transfer a firearm to another person other than a licensed firearms dealer.

7 XII. "Sale" means a change of ownership of an item from one person to another in exchange
8 for money.

9 XIII. "Trade" means a change of ownership of an item from one person to another in
10 exchange for something of value other than money.

11 XIV. "Transfer" means a change of possession of an item from one person to another by
12 means of sale, trade, or gift.

13 159-G:2 Firearms Transfers to be Conducted Through a Licensed Firearms Dealer.

14 I. No person shall transfer a firearm unless the requirements of paragraph II are met.

15 II. When neither party to a prospective firearms transfer is a licensed firearms dealer, a
16 licensed firearms dealer shall facilitate the transfer between the proposed transferor and proposed
17 transferee as follows:

18 (a) The proposed transferor and proposed transferee shall appear at the business
19 premises of a licensed firearms dealer, along with the firearm they intend to transfer, and request
20 that the licensed firearms dealer facilitate the transfer in accordance with this section. When
21 facilitating a firearm transfer pursuant to this section, the licensed firearms dealer shall process the
22 transfer as if he or she were transferring the firearm from their own inventory.

23 (b) The proposed transferor may remove the firearm from the business premises of the
24 licensed firearms dealer after the licensed firearms dealer has initiated the background check,
25 provided that the proposed transferor must return to the business premises of the licensed firearms
26 dealer and deliver the firearm to the licensed firearms dealer prior to the completion of the transfer.

27 (c) The licensed firearms dealer shall not complete the transfer of the firearm until it is
28 determined, through the completion of the proposed transferee's background check, that the
29 proposed transferee is not a prohibited person.

30 (d) If the background check reveals that the proposed transferee is a prohibited person,
31 the licensed firearms dealer shall notify the proposed transferor and proposed transferee that the
32 transfer cannot proceed.

33 (e) If the proposed transferee is not a prohibited person and all other legal requirements
34 are met, the proposed transferor shall deliver the firearm to the licensed firearms dealer at their
35 business premises, so that the licensed firearms dealer may complete the transfer.

36 (f) The licensed firearms dealer may charge a reasonable fee to cover administrative
37 costs incurred by the licensed firearms dealer for facilitating the transfer of the firearm.

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1 159-G:3 Successful Completion of Background Check. No firearm shall be transferred to a
2 proposed transferee until the applicable state or federal agency responsible for conducting the
3 background check has determined that the proposed transferee is not a prohibited person and has
4 communicated such results to the licensed firearms dealer.

5 159-G:4 Purchase and Delivery of Firearms; Mandatory Waiting Period.

6 A seller shall not knowingly deliver a firearm to a purchaser sooner than 72 hours after the
7 initiation of a background check by a licensed firearms dealer. The waiting period shall expire after
8 72 hours or upon the successful completion of the background records check, whichever occurs later.

9 159-G:5 Exceptions.

10 The provisions of this chapter shall not apply when:

11 I. The firearm owner temporarily transfers the firearm to another person while hunting,
12 target shooting, or attempting to prevent imminent harm to any person for the duration that the
13 threat of imminent harm exists, provided neither party is a prohibited person.

14 II. The firearm transfer is between immediate family members, including as an
15 inheritance, provided neither party is a prohibited person;

16 III. The firearm transfer is by or to the holder of a valid federal license under 18 U.S.C.
17 section 923 as a firearms manufacturer, importer, dealer, or collector;

18 IV. The firearm transfer is by or to a law enforcement agency; or

19 V. The firearm transfer is by or to a law enforcement officer or member of the United
20 States Armed Forces acting within the course of his or her official duties.

21 159-G:6 Penalties.

22 I. Any individual or person who violates any provision of this chapter shall be guilty of a
23 class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent
24 offense.

25 II. The local law enforcement agency shall report all violations of this chapter by a licensed
26 firearms dealer to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

27 159-G:7 Other Laws.

28 I. Nothing in this chapter shall be construed to modify or change the duties of the
29 department of safety pursuant to RSA 159-D.

30 II. Nothing in this chapter shall be construed to require or authorize any state, county, or
31 local law enforcement agency to establish or maintain a registry of firearms sold or transferred in
32 accordance with this chapter.

33 3 Applicability. The provisions of section 2 of this act shall apply to the sale of a firearm on or
34 after the effective date of this act and shall not apply to sales completed prior to the effective date of
35 this act.

36 4 Effective Date. This act shall take effect January 1, 2026.

**HB 56-FN- FISCAL NOTE
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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