

# Senate Judiciary Committee

*Pete Mulvey 271-4063*

**HB 381-FN**, exempting firearms and firearm accessories manufactured for in-state use only from the National Firearm Act.

**Hearing Date:** April 10, 2025

**Time Opened:** 1:26 p.m.

**Time Closed:** 1:50 p.m.

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

**Members of the Committee Absent :** Senator McConkey

**Bill Analysis:** This bill exempts firearms and firearm accessories manufactured for in-state use only from the National Firearm Act.

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**Sponsors:**

Rep. Belcher

Rep. Corcoran

Rep. Tom Mannion

Rep. Sabourin

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**Who supports the bill:** 12 individuals signed in support of HB 381-FN. Contact [peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov) for further details.

**Who opposes the bill:** 153 individuals signed in opposition to HB 381-FN. Contact [peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov) for further details.

**Who is neutral on the bill:** N/A

**Summary of testimony:**

**Representative Mike Belcher**

**Carroll – District 4**

- HB 381-FN did not refer to or mention the National Firearms Act, despite what its title suggested.
- The foremost point of the bill was a legal battle according to Rep. Belcher.
- The impetus of HB 381-FN was the U.S Supreme Court decision Wickard v. Filburn.
- Rep. Belcher found the decision broad and overreaching. The decision consolidated what were meant to be powers reserved to the states within the federal government according to Rep. Belcher.
- Wickard v. Filburn concerns the commerce clause of the Constitution. The Court ultimately decided that Congress may regulate activities which affected interstate commerce.

- Rep. Belcher elaborated that intrastate commerce, as in, trade within a state, was affected by the decision despite the commerce clause strictly governing interstate commerce.
- Firearms were an appropriate vehicle for the legal petition given that the only article of private property protected by name under the constitution were firearms.
- It was important to signal that the State was serious about regulating these matters itself, within its own borders.
- HB 381-FN was purely enabling and would not impact firearm manufacturers in the state who do not wish to act on its provisions.
- Sen. Gannon asked Rep. Belcher if he believed whether weapons manufactured in-state under HB 381-FN could enter the stream of interstate commerce or not.
  - Rep. Belcher maintained that HB 381-FN was carefully written to argue that the weapons would not enter interstate commerce. If a Court determined that the bill did otherwise, the legislation would simply be struck down.
- Sen. Gannon asked how HB 381-FN dealt with the supremacy clause, and how it would contend with preexisting federal decisions regarding firearms.
  - Rep. Belcher stated that the supremacy clause only applied to matters specifically enumerated with the federal government. Rep. Belcher believed that the regulation of intrastate commerce was a reserved state power under the 10<sup>th</sup> amendment.
- Sen. Abbas asked if additional conflict with the commerce clause may arise if a weapon were manufactured and limited for sale in New Hampshire only, despite being legal to possess in a different state.
  - Rep. Belcher clarified that HB 381-FN did not require manufacturers to mark products as exclusive to the local market; such products could be sold for interstate commerce. If a builder chose to limit their product's availability under the bill, such would be within the State's right to govern intrastate commerce.
  - Rep. Belcher added that if a neighboring state may limit imports, alternatively the State of New Hampshire had the right to limit exports.
- Sen. Abbas stated that under the bill, someone could purchase something exclusive to the State of New Hampshire, and then move elsewhere, where it may be legal. That individual could not bring that product with them. Sen. Abbas questioned the benefit of such a situation.
  - Rep. Belcher said the restriction described would be true, and important, as it is the limitation of the product's import and export that contributed to the argument that the matter was considerably intrastate commerce.
- Sen. Abbas maintained that the export restriction described may constitute a restriction on an individual's right to possess a firearm in some places.
  - Rep. Belcher said some could view it that way given that a move out of state would require the product's sale or decommissioning.
- Sen. Abbas asked Rep. Belcher if he agreed that HB 381-FN amounted to a restriction on firearms.
  - Rep. Belcher said while the bill could do so hypothetically speaking, in reality it presented a valuable expansion of firearm rights as far as states were concerned.
- Sen. Altschiller asked Rep. Belcher if HB 381 was meant to provoke a legal battle and conflict with existing law.
  - Rep. Belcher said the bill was not meant to conflict with existing law, but was intended to ultimately petition the Supreme Court to reconsider a past decision.
- Sen. Altschiller asked Rep. Belcher if he believed that HB 381-FN would incur a legal fight at the taxpayer's expense, to hopefully reach the Supreme Court of the United States.
  - Rep. Belcher replied affirmatively.

## **Kirk Beswick**

### **Board member, New Hampshire Firearms Coalition**

- Similar legislation had passed in Texas with respect to suppressors.
- An individual may fabricate a suppressor in Texas, should the device stay in the State only.
- Suppressions, short barrel rifles, and short barrel shotguns would be covered by HB 381-FN. Currently, individuals may modify their weapons accordingly, albeit with federal National Firearms Act oversight and registry.
- Mr. Beswick spoke in support of HB 381-FN.
- Sen. Abbas asked Mr. Beswick if he believed that HB 381-FN may constitute a restriction on firearms possession for individuals traveling to another state with similar permissions.
  - Mr. Beswick did not agree with Sen. Abbas and elaborated on the preexisting distinctions between firearm laws from state to state. The removal of National Firearm Act interference would save consumers time and money.
- Sen. Abbas reiterated that if HB 381-FN were implemented, a local resident could not take their legal suppressor to Texas, despite it also being legal there, due to the export restriction.
  - Mr. Beswick said that the device would need to be sold or destroyed in such a scenario.
- Sen. Abbas agreed and asked Mr. Beswick why a lawful firearm owner would restrict their rights in such a way.
  - Mr. Beswick said despite potential travel implications, HB 381-FN was preferred for the ease it provided in manufacturing and marketing locally.
- Sen. McConkey asked if under current state law, a suppressor would require an engraved stamp, and a tax to be paid, whereas under HB 381-FN, that would no longer be the case.
  - Mr. Beswick said that was correct and added that serialization would be made unnecessary as well.
  - Mr. Beswick added that individuals cannot transfer items subject to the National Firearms Act.

## **Milo Mirate**

### **Pittsfield resident**

- Mr. Mirate spoke in support of the bill.
- Mr. Mirate found that suppressors were essential hearing protection devices.
- After firing less than 1000 rounds, Mr. Mirate developed tinnitus.
- Every car was required to be fitted with a muffler. Mr. Mirate believed that almost every firearm ought to have a suppressor as well.
- HB 381-FN presented a good step forward.
- The bill is enabling in that it was up to the manufacturer to mark for a product for New Hampshire only. Most pistols and revolvers wouldn't need to be marked and would continue to be treated under the present rules and regulations.

## Senate Judiciary Committee

*Pete Mulvey 271-4063*

**AMENDMENT # 2025-1481s, to HB 381-FN**, exempting firearms and firearm accessories manufactured for in-state use only from the National Firearm Act.

**Hearing Date:** April 10, 2025

**Time Opened:** 1:51 p.m.

**Time Closed:** 2:31 p.m.

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

**Members of the Committee Absent :** None

**Bill Analysis:** This bill exempts firearms and firearm accessories manufactured for in-state use only from the National Firearm Act.

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**Sponsors:**

Rep. Belcher

Rep. Corcoran

Rep. Tom Mannion

Rep. Sabourin

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**Who supports the amendment:**

**Who opposes the amendment:**

**Who is neutral on the amendment:**

**Summary of testimony presented in support:**

**Summary of testimony presented in opposition:**

**Neutral Information Presented:**

PM

Date Hearing Report completed: April 14, 2025

