

HB 211-FN - AS AMENDED BY THE HOUSE

20Feb2025... 0073h

2025 SESSION

25-0081

08/02

HOUSE BILL **211-FN**

AN ACT relative to the use of air rifles for hunting game.

SPONSORS: Rep. Spillane, Rock. 2; Rep. Cole, Hills. 26; Rep. Darby, Hills. 11; Rep. Kofalt, Hills. 32; Rep. Popovici-Muller, Rock. 17; Rep. Roy, Rock. 31; Rep. McFarlane, Graf. 18; Sen. Pearl, Dist 17; Sen. Watters, Dist 4

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill:

I. Allows the taking of game in New Hampshire with air rifles.

II. Further defines "air rifle."

III. Requires the fish and game commission to make rules creating and administering a hunting tag program for air rifle hunting.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the use of air rifles for hunting game.

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

1 1 Lawful Methods of Taking. Amend RSA 207:3, I to read as follows:

2 I. Wildlife shall be taken in the daytime between 1/2 hour before sunrise and 1/2 hour after
 3 sunset with a gun, firearm, muzzleloader, or **an** air rifle **which produces a quantity of foot-**
 4 **pounds of kinetic energy at the muzzle set by the executive director in rules adopted under**
 5 **RSA 541-A**, fired at arm's length, bow and arrow or crossbow, or a rifle chambered in a straight-
 6 walled pistol cartridge of .357 caliber or greater in any area where hunting is restricted to handgun
 7 or pistol, unless otherwise specifically permitted. An air rifle may be used to take small game. [~~but~~
 8 ~~shall not be used to take~~] **An air rifle may be used to take** moose, bear, [~~turkey,~~] or deer,
 9 **however, the foot-pounds of kinetic energy at the muzzle required for each type of animal**
 10 **shall be set by the executive director in rules adopted under RSA 541-A.** The executive
 11 director shall specify the method and manner of taking small game, **moose, bear, or deer** with an
 12 air rifle in rules adopted pursuant to RSA 541-A.

13 2 Illegal Night Hunting; Air Rifles. Amend RSA 208:8, I(b) to read as follows:

14 (b) Knowingly uses an artificial light between 1/2 hour after sunset and 1/2 hour before
 15 sunrise to illuminate, locate, or attempt to locate wild birds or wild animals while possessing on the
 16 person or in a motor vehicle, OHRV, snowmobile, boat, aircraft, or other craft propelled by
 17 mechanical power, a bow and arrow, crossbow and bolt, rifle, pistol, revolver, shotgun, or muzzle-
 18 loading firearm with live ammunition to fit the weapon, whether loaded or unloaded, **or an air rifle**
 19 **with ammunition which fits the rifle on the person.**

20 3 Definitions; Air Rifle; Loaded. Amend RSA 207:1, I to read as follows:

21 I. Air rifle: A gun operated by compressed air or nonflammable gas cylinder by which a
 22 projectile of any size or kind can be discharged or propelled. For use in taking small game, such
 23 device shall be not less than .22 caliber and shall deliver not less than 12 foot-pounds of kinetic
 24 energy at the muzzle. **An air rifle shall be considered loaded when a projectile is inserted in**
 25 **the chamber. "Air rifle" also means air gun and pneumatic rifle.**

26 4 Unauthorized Use of Firearms; Air Rifles. Amend RSA 644:13 to read as follows:

27 644:13 Unauthorized Use of Firearms.

28 I. A person is guilty of a violation if, within the compact part of a town or city, such person
 29 fires or discharges any cannon, gun, pistol, **air rifle** or other firearm, except by written permission
 30 of the chief of police or governing body.

31 II. For the purposes of this section:

HB 211-FN - AS AMENDED BY THE HOUSE

- Page 2 -

1 (a) "Blank ammunition" means a cartridge loaded with propellant and a wad, but no
2 projectile.

3 (b) "Compact part" means the territory within a town or city comprised of the following:

4 (1) Any nonresidential, commercial building, including, but not limited to, industrial,
5 educational, or medical buildings, plus a perimeter 300 feet wide around all such buildings without
6 permission of the owner.

7 (2) Any park, playground, or other outdoor public gathering place designated by the
8 legislative body of the city or town.

9 (3) Any contiguous area containing 6 or more buildings which are used as either
10 part-time or permanent dwellings and the spaces between them where each such building is within
11 300 feet of at least one of the others, plus a perimeter 300 feet wide around all the buildings in such
12 area.

13 III. Paragraph I shall not apply to the firing or discharge of a cannon, gun, pistol, *air rifle*,
14 or other firearm within the compact part of a town or city for the following events, provided that the
15 person responsible for organizing the event notifies the police department and the fire department
16 prior to the following events using blank ammunition:

17 (a) The celebration of, or practice for the celebration of, military events, military
18 funerals, national holidays, or other military or veterans commemorations, conducted by United
19 States armed forces personnel; or

20 (b) Military re-enactors registered with the secretary of state's office and who meet the
21 requirements of the state fire code pursuant to RSA 153:5; or

22 (c) Funerals or commemorative events conducted by law enforcement agencies, fire
23 departments, emergency medical services, or other public safety agencies, or official veterans
24 organizations including, but not limited to the American Legion or Veterans of Foreign Wars.

25 5 Issuance of License; License Agents; Tags for Air Rifle. Amend RSA 214-A:2, VI to read as
26 follows:

27 VI. The executive director may adopt rules, pursuant to RSA 541-A, for the electronic
28 issuance of licenses, permits, and tags under the provisions of this title, by an agent or by the
29 department. Any such rules shall include procedures for verification of residency, the determination
30 of sufficient proof of hunter education or other certification requirements, and any requirements of
31 the licensee as to the use of the license, permit, or tag acquired electronically. *The executive*
32 *director may further adopt rules pursuant to RSA 541-A to create, issue, and sell a tag*
33 *specifically for hunting with an air rifle.*

34 6 Effective Date. This act shall take effect 60 days after its passage.

**HB 211-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0073h)**

AN ACT relative to the use of air rifles for hunting game.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Immaterial Increase (Less Than \$10K Per Year)		
<i>Revenue Fund</i>	Fish and Game Fund			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund, Fish and Game 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

The Fish and Game Department states it is unable to estimate the number of people who would use air rifles, therefore unable to estimate this bill's impact on revenues from the licenses or the required expenditures for creating licenses. The Department states it expects any impact to be immaterial (less than \$10,000 per year).

AGENCIES CONTACTED:

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