

Amendment to SB 451

1 Amend RSA 212-C:1, IV-V as inserted by section 1 of the bill by replacing them with the following:

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3 IV. "Sale" or "sell" means any act of selling, trading, or bartering for monetary or
4 nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a
5 commercial transaction, but does not include a transfer of ownership by way of gift, donation, or
6 bequest.

7 V. "Total value" means the actual price paid for a covered animal species part or product.
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9 Amend RSA 212-C:2, I as inserted by section 1 of the bill by replacing it with the following:
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11 I. Except as provided in paragraph II, no person shall knowingly purchase, sell, offer for
12 sale, or possess with intent to sell, any item that the person knows or should know is a covered
13 animal species part or product.
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15 Amend RSA 212-C:2, II(b) as inserted by section 1 of the bill by replacing it with the following:
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17 (b) When the activity, and any sport-hunted item that is legally obtained in accordance
18 with federal or state law, are authorized by federal or state law.
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20 Amend RSA 212-C:2, II(d) as inserted by section 1 of the bill by replacing it with the following:
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22 (d) When the covered animal species part or product is a fixed component of an antique,
23 or is an antique that is wholly or primarily of the covered animal species part or product, provided
24 that the antique status is established by the owner or seller thereof with documentation evidencing
25 reasonable provenance and showing the covered animal species part or product to be not less than
26 100 years old.
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28 Amend RSA 212-C:2, II(i) as inserted by section 1 of the bill by replacing it with the following:
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30 (i) To a knife or firearm, or a component thereof, that contains an animal part or
31 byproduct derived from any species listed in paragraph I if:

32 (1) The animal part or byproduct is a fixed or integral part of the knife or firearm,

Amendment to SB 451
- Page 2 -

1 or the component thereof; and

2 (2) All the requirements for the sale of the knife or firearm, or the component
3 thereof, set forth in federal and state law are met.

4
5 Amend RSA 212-C:2, III-IV as inserted by section 1 of the bill by replacing them with the following:

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7 III. There is a presumption of possession with intent to sell a covered animal species part or
8 product when the part or product is possessed by a retail or wholesale establishment or other forum
9 engaged in the business of buying or selling of similar items, and a finding of intent to sell is
10 supported by other evidence which independently establishes such intent.

11 IV. A person who violates this section shall be guilty of a violation. The circuit court and
12 the superior court shall have concurrent jurisdiction to hear matters brought under this chapter. If
13 the appraised value of the covered animal species part or product exceeds \$25,000 or if the
14 prosecuting entity seeks relief unavailable in the circuit court, the matter shall be transferred to the
15 superior court for adjudication.

16
17 Amend RSA 212-C:2, VII as inserted by section 1 of the bill by replacing it with the following:

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19 VII. The executive director of the fish and game department may adopt rules pursuant to
20 RSA 541-A relative to:

21 (a) The purchase, sale, offer for sale, or possession with intent to sell, of parts or
22 products of any covered animal species.

23 (b) The method and manner to be used in appraising the value of any covered animal
24 species part or product seized by law enforcement or abandoned into the care or custody of the
25 department.

26 (c) The method and manner used to determine ownership of any covered animal species
27 part or product abandoned to its care or custody other than by order of a court of competent
28 jurisdiction.

29 (d) The noncommercial disposition of covered animal species parts or products to:

30 (1) A legal beneficiary of an estate, trust, or other inheritance;

31 (2) A bona fide scientific or educational institution for scientific or educational
32 purposes;

33 (3) Any enrolled member of a federally-recognized Indian tribe; or

34 (4) Any other person that has claimed right of ownership.

35 (e) The destruction of covered animal species parts or products not otherwise disposed
36 of in accordance with this chapter.

Amendment to SB 451

- Page 3 -

1 Amend the bill by replacing section 2 with the following:

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3 2 Effective Date. This act shall take effect January 1, 2019.