

Amendment to HB 159-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT authorizing the state to report mental health data for firearms background check  
4 purposes, criminalizing possession of firearms or dangerous weapons following  
5 certain mental health-related court proceedings, and providing processes for relief  
6 from mental health-related firearms disabilities.  
7

8 Amend RSA 159-G:4 and 159-G:5 as inserted by section 3 of the bill by replacing it with the  
9 following:

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11 159-G:4 Transfer of Firearms; Voluntary Relinquishment.

12 I. The court may simultaneously with any order of commitment issue an order directing the  
13 person to transfer any firearms to another person, who is not himself or herself a prohibited person,  
14 and to whom the court determines such transfer should be permitted.

15 II. Firearms voluntarily relinquished may be transferred to a federally licensed firearms  
16 dealer, at the person's own expense, for further disposition at the request of the owner and upon  
17 order of the court.

18 159-G:5 Notifications.

19 On the conclusion of a proceeding under RSA 135:17-a establishing dangerousness under RSA  
20 159-G:3, or on an order of commitment under RSA 135-C:34-54, 135-E:5, or 171-B:2, or upon the  
21 entry of a judgment of not guilty by reason of insanity, the court shall notify the person that such  
22 person is prohibited under state and federal law from purchasing, possessing, carrying, or  
23 transporting a firearm unless a petition for relief from disability is subsequently granted pursuant to  
24 RSA 159-H. The court shall further notify the person that if it is discovered that the person  
25 unlawfully retained any firearms, he or she may be subject to criminal prosecution and any firearms  
26 found in his or her possession will be subject to confiscation by the state and may not be returned  
27 pursuant to RSA 159:3.

28

29 Amend the bill by replacing all after section 5 with the following:

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31 6 Convicted Felons and Persons Adjudicated Dangerously Mentally III. Amend RSA 159:3 to  
32 read as follows:

33 159:3 Convicted Felons *and Persons Adjudicated Dangerously Mentally III.*

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1 I. A person is guilty of a class B felony if he:

2 (a) Owns or has in his possession or under his control, a pistol, revolver, or other  
3 firearm, or slungshot, metallic knuckles, billies, stiletto, switchblade knife, sword cane, pistol cane,  
4 blackjack, dagger, dirk-knife, or other deadly weapon as defined in RSA 625:11, V; and *either*

5 (b) Has been convicted in either a state or federal court in this or any other state, the  
6 District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United  
7 States of:

8 (1) A felony against the person or property of another; or

9 (2) A felony under RSA 318-B; or

10 (3) A felony violation of the laws of any other state, the District of Columbia, the  
11 United States, the Commonwealth of Puerto Rico or any territory or possession of the United States  
12 relating to controlled drugs as defined in RSA 318-B; *or*

13 (c) *Has been subject to the reporting requirements of RSA 159-G due to mental*  
14 *illness and has not had his or her rights restored pursuant to the provisions of that*  
15 *chapter or RSA 159-H. This subparagraph shall apply to a person who, having been*  
16 *afforded due process, has been prohibited from possessing such weapons due to mental*  
17 *health reasons and whose rights have not been restored pursuant to the law in any other*  
18 *state or United States territory or military command.*

19 I-a. A person is guilty of a class B felony if such person *knowingly falsely* completes and  
20 signs an application for purchase of a firearm and the person is a convicted felon under the  
21 provisions of paragraph I; *has been the subject of a court-ordered nonemergency involuntary*  
22 *commitment to a mental health facility after having been determined to be a danger to*  
23 *themselves or others pursuant to RSA 135-C:34 - 135-C:54 or a commitment pursuant to RSA*  
24 *171-B:2 and the order is one that qualifies under 18 U.S.C. section 922(g)(4); found not*  
25 *guilty by reason of insanity; found mentally unfit to stand trial; or otherwise been the*  
26 *subject of the reporting requirements by the court pursuant to RSA 159-G and whose rights*  
27 *have not been restored.*

28 II. The state shall confiscate to the use of the state the weapon or weapons of persons  
29 convicted under this section.

30 III. It is an affirmative defense to a charge under this section that a felony of which a  
31 defendant has been convicted in another jurisdiction would not have constituted a felony in the state  
32 of New Hampshire at the time such felony was committed; *or the defendant's rights have been*  
33 *restored pursuant to RSA 159-G or RSA 159-H or its equivalent in whatever state, territory,*  
34 *or military command their rights were suspended; or the defendant's rights were*  
35 *suspended in another jurisdiction because of the defendant being a federally prohibited*  
36 *person due to mental health, without the defendant having first been afforded due process*  
37 *to contest such suspension.*

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1           7 Application Required. The attorney general shall make application for approval of section 5 of  
2 this act to the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, or other such  
3 agency as may be required by federal law in order to ensure New Hampshire citizens are provided  
4 with the ability to have their rights restored. RSA 159-G shall not take effect until the attorney  
5 general receives federal approval of the restoration of rights process.

6           8 Contingency. Sections 2 - 6 of this act shall take effect on the date the attorney general  
7 certifies to the secretary of state and director of the office of legislative services that the state has  
8 received approval from the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives,  
9 pursuant to section 7 of this act. If the attorney general does not receive such approval, sections 2 -  
10 6 of this act shall not take effect.

11           9 Appropriation; New Hampshire Judicial Branch. The sum of \$1 for the fiscal year ending  
12 June 30, 2025, is hereby appropriated to the New Hampshire judicial branch for the cost of  
13 independent psychiatrist evaluations. The governor is authorized to draw a warrant for said sum  
14 out of any money in the treasury not otherwise appropriated.

15           10 Repeal. RSA 126-AA:2, VI, relative to submission of information to NICS, is repealed.

16           11 Effective Date.

17           I. Sections 2 - 6 of this act shall take effect as provided in section 8 of this act.

18           II. The remainder of this act shall take effect 60 days after passage.

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2025-0487h

AMENDED ANALYSIS

This bill authorizes the state to report mental health data for firearms background check purposes, criminalizes possession of firearms or dangerous weapons following certain mental health-related court proceedings, and provides processes for relief from mental health-related firearms disabilities.