

Floor Amendment to HB 159-FN

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

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3 AN ACT authorizing the state to report mental health data for firearms background check
4 purposes and providing for processes for voluntary surrender of firearms following
5 certain mental health-related court proceedings and for relief from mental health-
6 related firearms disabilities.

7

8 Amend the bill by replacing all after the enacting clause with the following:

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10 1 Short Title. This bill shall be known as "The Chief Bradley Haas Mental Health Firearms
11 Reporting Act".

12 2 Sale of Firearms; Criminal History Record Check, Mental Health Record Check, and
13 Protective Order Check. Amend RSA 159-D:1 to read as follows:

14 159-D:1 Sale of Firearms; Criminal History Record **Check, Mental Health Record Check**, and
15 Protective Order Check. The department of safety may become the point of contact for the federal
16 government for the purposes of the National Instant Criminal Background Check System (NICS).

17 3 New Chapter; Mental Health Reporting for Firearm Background Checks. Amend RSA by
18 inserting after chapter 159-F the following new chapter:

19

CHAPTER 159-G

20

MENTAL HEALTH REPORTING FOR FIREARM BACKGROUND CHECKS

21 159-G:1 Short Title. This chapter shall be known as "Bradley's Law" in honor of retired Police
22 Chief Bradley Haas who was shot and killed while defending the lives and safety of the patients and
23 staff of the New Hampshire Hospital.

24 159-G:2 Mental Health Reporting Authorized. In compliance with the federal NICS
25 Improvement Amendments Act of 2007, Public Law 110-180 and the Brady Handgun Violence
26 Prevention Act of 1993, Public Law 103-159, the New Hampshire judicial branch and the
27 department of safety are authorized to report to the National Instant Criminal Background Check
28 System (NICS) records concerning persons who have been disqualified from possessing or receiving a
29 firearm under 18 U.S.C. section 922(g)(4) because they have been:

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I. Adjudicated as not guilty of a crime by reason of insanity;

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II. Adjudicated as incompetent to stand trial and found by the court to be a danger to
32 themselves or others pursuant to RSA 171-B:2, 135-E:5 or 135:17-a; or

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III. Involuntarily committed to a mental health facility pursuant to RSA 135-C:34-54.

Floor Amendment to HB 159-FN
- Page 2 -

1 159-G:3 Entry Into the National Instant Criminal Background Check System.

2 I. Notwithstanding any other provision of law, including the requirement of a closed hearing
3 and file under RSA 135-C:43, when a judge orders a nonemergency involuntary admission pursuant
4 to RSA 135-C:34-54 or a commitment pursuant to RSA 171-B:2, and the order is one that qualifies
5 under 18 U.S.C. section 922(g)(4), the court shall retain a record of the court order and promptly
6 cause the disposition to be entered in the NICS Indices. When a person is found not guilty by reason
7 of insanity, or incompetent to stand trial and found by the court to be a danger to himself or herself
8 or others pursuant to RSA 135-E or 135:17-a, as provided in this section, the department of safety
9 shall promptly cause that disposition to be entered in the NICS Indices, in accordance with
10 paragraph II.

11 II. The court or the department of safety shall report only the person's name, an identifier
12 signifying the applicable prohibition under 18 U.S.C. section 922(g), the person's social security
13 number, and date of birth.

14 III. If a court determines that a person is not competent to stand trial and finds that the
15 person is also a danger to themselves or others, but, after 90 days, the person is not committed
16 pursuant to RSA 171-B:2, 135-C:34-54, or 135-E:5, upon the motion of any party or sua sponte, the
17 court may transmit that finding to the department of safety for entry into the NICS Indices.

18 159-G:4 Notifications; Surrender of Firearms.

19 I. On the conclusion of a proceeding under RSA 135:17-a establishing dangerousness under
20 RSA 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 federal law from purchasing, possessing, carrying, or transporting a
23 firearm unless a petition for relief from disability is subsequently granted pursuant to RSA 159-H.
24 No additional inquiry into firearm ownership or dangerousness beyond the commitment finding shall
25 be required.

26 II. The individual may, through counsel at the hearing, request to voluntarily surrender
27 firearms to a trusted third party, such as a family member or friend.

28 III. Law enforcement shall not confiscate firearms under this section unless the individual is
29 separately convicted of a disqualifying criminal offense.

30 IV. Firearms voluntarily relinquished may be transferred to a federally licensed firearms
31 dealer, at the person's own expense, for further disposition at the request of the owner and upon
32 order of the court.

33 159-G:5 Exclusions.

34 I. Neither the court nor the department of safety shall transmit information on persons
35 seeking voluntary treatment or on persons involuntarily hospitalized for assessment or evaluation.

36 II. Information the court or the department of safety causes to be transmitted to NICS
37 pursuant to this chapter shall not be considered as public records pursuant to RSA 91-A.

Floor Amendment to HB 159-FN
- Page 3 -

1 III. The records entered into the NICS Indices pursuant to this chapter shall only be used
2 for purposes of determining eligibility to purchase, possess, carry, or transfer a firearm or
3 ammunition. Information furnished shall not include confidential medical or treatment records,
4 confidential tax or financial data, or library records.

5 IV. Neither the court nor the department of safety shall submit the name of any person to
6 NICS signifying a prohibition under 18 U.S.C. section 922(g) except pursuant to the processes
7 outlined in this chapter. Only persons prohibited from possessing firearms by federal law pursuant
8 to 18 U.S.C section 922(g) may be transmitted to NICS.

9 159-G:6 Appointment of Attorney. Unless otherwise provided in statute, a person may be
10 appointed an attorney by the court for the purposes of any hearing referred to in this chapter.

11 4 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-
12 A:5 by inserting after paragraph I-a the following new paragraph:

13 I-b. Information caused to be transmitted by the court to the National Instant Criminal
14 Background Check System pursuant to RSA 159-G:5, II.

15 5 New Chapter; Relief from Disabilities. Amend RSA by inserting after chapter 159-G the
16 following new chapter:

CHAPTER 159-H

RELIEF FROM DISABILITIES

19 159-H:1 Relief from Disabilities Petition. Any person who has a non-emergency involuntary
20 commitment under RSA 135-C:34-54 or has been found not guilty by reason of insanity or
21 incompetent to stand trial and found by the court to be a danger to himself or herself or others
22 pursuant to RSA 171-B:2, 135-E:5 or 135:17-a, as outlined in RSA 159-G, and who is subject to the
23 firearm disabilities of 18 U.S.C. section 922(g)(4), may petition for a review of the person's mental
24 capacity to possess or purchase a firearm no sooner than the following time frames. Individuals
25 found not guilty by reason of insanity may file for relief with the court 6 months after the finding of
26 not guilty by reason of insanity status, unless the person was committed to an institution pursuant
27 to RSA 651:8-b, in which case the person may file for relief 15 days after absolute discharge.
28 Individuals found incompetent to stand trial and found by the court to be a danger to themselves or
29 others under RSA 135:17-a, as outlined in RSA 159-G, may file for relief with the court 6 months
30 after the finding of incompetency, unless the person was committed to an institution pursuant to
31 RSA 171-B:2 or RSA 135-C:34-54, in which case the person may file for relief 15 days from when an
32 absolute discharge order has been filed with the probate court. A person committed under RSA 135-
33 E:5 may petition for relief 15 days after absolute discharge. There shall be a rebuttable presumption
34 that any petitioner filing for relief from disability within 90 days of their absolute discharge is not a
35 danger to themselves or others and no psychiatric examination is required.

36 159-H:2 Psychiatric Examination. Upon receipt of a petition for relief, the court shall schedule a
37 hearing no later than 60 days after the date the petition was filed. Simultaneously, if it has been

Floor Amendment to HB 159-FN
- Page 4 -

1 longer than 90 days since the date of absolute discharge, the court shall order an independent
2 psychiatric examination be completed no more than 45 days from the date of the court's order. The
3 independent psychiatrist shall provide the court with an opinion as to whether the person is disabled
4 by a mental illness and is likely to act in a manner dangerous to public safety.

5 159-H:3 Hearing; Order; Appeals.

6 I. The petitioner may present evidence and call witnesses at the hearing on the petition.
7 The court shall make written findings of fact and conclusions of law on the issues before it and issue
8 a final order. The court may only consider applications for relief due to mental health adjudications
9 or commitments that occurred in New Hampshire. The court shall review the circumstances
10 regarding the firearms disabilities imposed by 18 U.S.C. section 922(g)(4), and records consisting of
11 at minimum mental health and any criminal record, if applicable, and the person's reputation
12 developed through character witness testimony, witness statements, or other character evidence.

13 II. The court shall grant the relief requested in the petition if the judge finds by a
14 preponderance of the evidence that the petitioner will not be likely to act in a manner that is
15 dangerous to public safety and that granting the relief would not be contrary to the public interest.
16 The burden of proof shall be on the state to rebut such a finding and prove by clear and convincing
17 evidence that the petitioner remains a prohibited person. If the final order grants relief, the court
18 shall, as soon as possible, request that the NICS entry be redacted and shall notify the United States
19 Attorney General that the basis for the record being made available no longer applies. The
20 petitioner may appeal a final order denying relief within 30 days of the order to the New Hampshire
21 supreme court. The supreme court shall review the case de novo and has discretion to review
22 additional evidence.

23 III. If the motion for relief is denied, unless a court finds good cause for considering a
24 petition for relief sooner, the person may petition the court for relief again after 2 years have
25 elapsed.

26 6 Application Required. The attorney general shall make application for approval of section 5 of
27 this act to the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, or other such
28 agency as may be required by federal law in order to ensure New Hampshire citizens are provided
29 with the ability to have their rights restored. RSA 159-G shall not take effect until the attorney
30 general receives federal approval of the restoration of rights process.

31 7 Directive; Department of Justice. Should the attorney general at any time become aware of
32 the failure to remove a record of mental health disability after a petitioner's rights have been
33 restored pursuant to this chapter, the attorney general shall immediately investigate the matter by
34 making an inquiry to NICS. If the investigation does not result in the timely removal of the record,
35 the attorney general shall notify the department of safety to cease submitting new records until such
36 time as the record in question is removed. The attorney general shall report any such incidents to
37 the governor, the president of the senate, and the speaker of the house of representatives. The

Floor Amendment to HB 159-FN
- Page 5 -

1 attorney general shall bring suit in federal court on behalf of any New Hampshire citizen whose
2 rights have been restored pursuant to this chapter if NICS refuses to remove said record. The
3 obligation to bring suit shall extend to the appellate level if necessary to restore the rights of any
4 New Hampshire citizen so aggrieved.

5 8 Contingency. Sections 2 - 5 of this act shall take effect on the date the attorney general
6 certifies to the secretary of state and director of the office of legislative services that the state has
7 received approval from the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives,
8 pursuant to section 6 of this act. If the attorney general does not receive such approval, sections 2 -
9 5 of this act shall not take effect.

10 9 Appropriation; New Hampshire Judicial Branch. The sum of \$1 for the fiscal year ending
11 June 30, 2025, is hereby appropriated to the New Hampshire judicial branch for the cost of
12 independent psychiatrist evaluations. The governor is authorized to draw a warrant for said sum
13 out of any money in the treasury not otherwise appropriated.

14 10 Repeal. RSA 126-AA:2, VI, relative to submission of information to NICS, is repealed.

15 11 Effective Date.

16 I. Sections 2 - 5 of this act shall take effect as provided in section 8 of this act.

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

Floor Amendment to HB 159-FN
- Page 6 -

2025-0930h

AMENDED ANALYSIS

This bill authorizes the state to report mental health data for firearms background check purposes, and provides processes for relief from mental health-related firearms disabilities.