

HB 159-FN - AS AMENDED BY THE HOUSE

13Mar2025... 0487h
13Mar2025... 0930h

2025 SESSION

25-0701
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HOUSE BILL

159-FN

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

SPONSORS: Rep. Roy, Rock. 31; Rep. Lascelles, Hills. 14; Rep. Mandelbaum, Rock. 21

COMMITTEE: Criminal Justice and Public Safety

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.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

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

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

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

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

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

MENTAL HEALTH REPORTING FOR FIREARM BACKGROUND CHECKS

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

15 159-G:2 Mental Health Reporting Authorized. In compliance with the federal NICS
16 Improvement Amendments Act of 2007, Public Law 110-180 and the Brady Handgun Violence
17 Prevention Act of 1993, Public Law 103-159, the New Hampshire judicial branch and the
18 department of safety are authorized to report to the National Instant Criminal Background Check
19 System (NICS) records concerning persons who have been disqualified from possessing or receiving a
20 firearm under 18 U.S.C. section 922(g)(4) because they have been:

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

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

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

25 159-G:3 Entry Into the National Instant Criminal Background Check System.

I. Notwithstanding any other provision of law, including the requirement of a closed hearing and file under RSA 135-C:43, when a judge orders a nonemergency involuntary admission pursuant to RSA 135-C:34-54 or a commitment pursuant to RSA 171-B:2, and the order is one that qualifies

1 under 18 U.S.C. section 922(g)(4), the court shall retain a record of the court order and promptly
2 cause the disposition to be entered in the NICS Indices. When a person is found not guilty by reason
3 of insanity, or incompetent to stand trial and found by the court to be a danger to himself or herself
4 or others pursuant to RSA 135-E or 135:17-a, as provided in this section, the department of safety
5 shall promptly cause that disposition to be entered in the NICS Indices, in accordance with
6 paragraph II.

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

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

14 159-G:4 Notifications; Surrender of Firearms.

15 I. On the conclusion of a proceeding under RSA 135:17-a establishing dangerousness under
16 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
17 entry of a judgment of not guilty by reason of insanity, the court shall notify the person that such
18 person is prohibited under federal law from purchasing, possessing, carrying, or transporting a
19 firearm unless a petition for relief from disability is subsequently granted pursuant to RSA 159-H.
20 No additional inquiry into firearm ownership or dangerousness beyond the commitment finding shall
21 be required.

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

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

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

29 159-G:5 Exclusions.

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

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

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

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

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

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

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

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

CHAPTER 159-H

RELIEF FROM DISABILITIES

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

159-H:2 Psychiatric Examination. Upon receipt of a petition for relief, the court shall schedule a hearing no later than 60 days after the date the petition was filed. Simultaneously, if it has been longer than 90 days since the date of absolute discharge, the court shall order an independent psychiatric examination be completed no more than 45 days from the date of the court's order. The independent psychiatrist shall provide the court with an opinion as to whether the person is disabled by a mental illness and is likely to act in a manner dangerous to public safety.

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1 159-H:3 Hearing; Order; Appeals.

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

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

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

22 6 Application Required. The attorney general shall make application for approval of section 5 of
23 this act to the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, or other such
24 agency as may be required by federal law in order to ensure New Hampshire citizens are provided
25 with the ability to have their rights restored. RSA 159-G shall not take effect until the attorney
26 general receives federal approval of the restoration of rights process.

27 7 Directive; Department of Justice. Should the attorney general at any time become aware of
28 the failure to remove a record of mental health disability after a petitioner's rights have been
29 restored pursuant to this chapter, the attorney general shall immediately investigate the matter by
30 making an inquiry to NICS. If the investigation does not result in the timely removal of the record,
31 the attorney general shall notify the department of safety to cease submitting new records until such
32 time as the record in question is removed. The attorney general shall report any such incidents to
33 the governor, the president of the senate, and the speaker of the house of representatives. The
34 attorney general shall bring suit in federal court on behalf of any New Hampshire citizen whose
35 rights have been restored pursuant to this chapter if NICS refuses to remove said record. The
36 obligation to bring suit shall extend to the appellate level if necessary to restore the rights of any
37 New Hampshire citizen so aggrieved.

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1 8 Contingency. Sections 2 - 5 of this act shall take effect on the date the attorney general
2 certifies to the secretary of state and director of the office of legislative services that the state has
3 received approval from the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives,
4 pursuant to section 6 of this act. If the attorney general does not receive such approval, sections 2 -
5 5 of this act shall not take effect.

6 9 Appropriation; New Hampshire Judicial Branch. The sum of \$1 for the fiscal year ending
7 June 30, 2025, is hereby appropriated to the New Hampshire judicial branch for the cost of
8 independent psychiatrist evaluations. The governor is authorized to draw a warrant for said sum
9 out of any money in the treasury not otherwise appropriated.

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

11 11 Effective Date.

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

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

**HB 159-FN- FISCAL NOTE
AS INTRODUCED**

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

FISCAL IMPACT: This bill does not provide funding.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures*	\$0	Judicial Branch Costs Indeterminable, but likely to exceed \$82K in FY 26, \$84K in FY 27, and \$87K in FY 28		
Funding Source(s)	General Fund			
Appropriations*	\$1	\$0	\$0	\$0
Funding Source(s)	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

The Judicial Branch states this bill would increase the volume of information that needs to be recorded and reported out of the domestic violence and protective order registries. The Branch states the National Center for States Courts' weighted caseload study for New Hampshire found that there were insignificant registry staff for the current workloads and adding additional critical reporting would require additional resources to be dedicated. The Branch states the current and additional workload can be handled by adding one (1) new staff member at an estimated total cost of \$82,000 in FY 2026, \$84,000 in FY 2027, and \$87,000 in FY 2028. Also, the Branch states that it does not currently pay for psychiatric evaluations when performed and may need to hire additional staff and receive additional funding to cover these costs. The Branch states these costs are indeterminable. This bill provides a general fund appropriation of \$1 in FY 2025 to the Judicial Branch for independent psychiatrist evaluations.

This bill is not expected to impact the budgets of either the Department of Safety or the Department of Justice.

AGENCIES CONTACTED:

Judicial Branch, Department of Safety, and Department of Justice