

Floor Amendment to SB 54-FN

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

2
3 AN ACT relative to refusal of consent to testing to determine alcohol concentration and
4 penalties for aggravated driving while intoxicated, and relative to optional firearms
5 safety training in public schools.
6

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

8
9 1 Driving or Operating Under the Influence of Drugs or Liquor; Refusal of Consent; Driving
10 Privileges. Amend RSA 265-A:14, I and II to read as follows:

11 I. If a person under arrest for any violation or misdemeanor under RSA 265 or RSA 215-A
12 refuses upon the request of a law enforcement officer~~[-, authorized agent, or peace officer]~~ to submit
13 to ~~[physical tests or to]~~ a test of blood, urine, or breath ~~[designated by the law enforcement officer,~~
14 ~~authorized agent, or peace officer to]~~ as provided in RSA 265-A:4, none shall be given, but:

15 (a) If this is the first refusal with no prior driving or operating while intoxicated or
16 aggravated driving or operating while intoxicated convictions:

17 (1) The director shall suspend his or her license to drive or nonresident driving
18 privilege for a period of ~~[180]~~ **270** days; or

19 (2) If the person is a resident without a license or permit to drive a motor vehicle in
20 this state, the director shall deny ~~[to the person]~~ the privilege to drive and the issuance of a license
21 for a period of ~~[180]~~ **270** days after the date of the alleged violation.

22 (b) ~~[If the person has a prior driving or operating while intoxicated or aggravated driving~~
23 ~~or operating while intoxicated conviction]~~ ***If the person has one or more prior convictions under***
24 ***RSA 265-A:2, I, RSA 265-A:3, RSA 630:3, II, or equivalent out-of-state offenses,*** or a prior
25 refusal of consent under this section:

26 (1) The director shall suspend his or her license to drive or nonresident driving
27 privilege for a period of 2 years; or

28 (2) If the person is a resident without a license or permit to drive a motor vehicle in
29 this state, the director shall deny ~~[to the person]~~ the privilege to drive and the issuance of a license
30 for a period of 2 years after the date of the alleged violation.

31 II. ~~[Except as provided in paragraph VI,]~~ The ~~[180-day]~~ **270-day** or 2-year suspension period
32 or denial of issuance period imposed pursuant to this section shall not run concurrently with any
33 other penalty imposed under the provision of this title. Any such suspension or denial of a license or

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1 privilege to drive shall be imposed in addition to any other penalty provided by law, subject to review
2 as provided in RSA 265-A:31.

3 2 New Paragraph; Driving or Operating Under the Influence of Drugs or Liquor; Incentives for
4 Consent. Amend RSA 265-A:14 by inserting after paragraph VI the following new paragraphs:

5 VII. If a person consents to a test of blood, urine, or breath as provided in RSA 265-A:4 and
6 is subsequently convicted under RSA 265-A:2 or RSA 265-A:3, the court shall reduce the license
7 suspension period imposed under this title by:

8 (a) Up to 180 days for a first offense; or

9 (b) Up to 1 year for a subsequent offense, provided the person completes a substance use
10 disorder evaluation within 30 days of conviction and complies with any recommended service plan
11 developed by an impaired driver care management program (IDCMP).

12 VIII. A person who consents to testing and is not convicted under RSA 265-A:2 or RSA 265-
13 A:3 shall have no administrative license suspension imposed for the act of testing, provided no other
14 violations are found.

15 IX. A person who consents to testing may petition the court for limited driving privileges,
16 such as privileges pursuant to RSA 263:57-b, provided the person installs an ignition interlock device
17 and comply with IDCMP requirements.

18 3 New Section; Driving or Operating Under the Influence of Drugs or Liquor; Education and
19 Outreach. Amend RSA 265-A by inserting after section 14 the following new section:

20 265-A:14-a Education and Outreach. The department of safety shall develop and distribute
21 educational materials to drivers, at the time of license issuance or renewal, explaining:

22 (a) That driving is a privilege, not a right, and that consent to alcohol concentration
23 testing is a condition of maintaining that privilege;

24 (b) The administrative consequences of refusing a blood, urine, or breath test, pursuant
25 to RSA 265-A:14, compared to granting consent to a blood, urine, or breath test;

26 (c) The incentives for consenting to testing, including reduced license suspensions,
27 exoneration without penalty upon acquittal, and eligibility for limited driving privileges; and

28 (d) That refusing an alcohol concentration test is not protected by the Fifth Amendment,
29 as established by judicial precedent.

30 4 Aggravated Driving or Operating Under the Influence of Drugs or Liquor; Penalties. RSA 265-
31 A:18, I(b) is repealed and reenacted to read as follows:

32 (b) Any person who is convicted of any aggravated DWI offense under RSA 265-A:3,
33 except as provided in subparagraph (c) or (d), shall be:

34 (1) Guilty of a class B misdemeanor;

35 (2) Fined not less than \$500;

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1 (3) Ordered to complete a substance use disorder evaluation within 30 days of
2 conviction and comply with any recommended service plan developed by an IDCMP. Failure to
3 comply may result in a license suspension of up to 6 months;

4 (4) Subject to a license revocation for not less than 9 months, which may be reduced
5 by up to 3 months upon completion of the substance use disorder evaluation and compliance with the
6 service plan; and

7 (5) Ordered to install an ignition interlock device in accordance with RSA 265-A:36
8 for a period of not less than 6 months, provided all fees are paid.

9 5 New Subparagraph; Driving or Operating Under the Influence of Drugs or Liquor; Penalties
10 for Aggravated DWI with High Alcohol Content. Amend RSA 265-A:18, I by inserting after
11 subparagraph (c) the following new subparagraph:

12 (d) Any person who is convicted of aggravated DWI with a breath, blood, or urine alcohol
13 concentration of 0.16 or higher under RSA 265-A:3, III shall be:

14 (1) Guilty of a class A misdemeanor;

15 (2) Fined not less than \$750;

16 (3) Ordered to complete a substance use disorder evaluation within 30 days of
17 conviction and comply with any recommended service plan developed by an IDCMP. Failure to
18 comply may result in a license suspension of up to 1 year;

19 (4) Subject to a license revocation for not less than 12 months, which may be reduced
20 by up to 6 months upon completion of the substance use disorder evaluation, compliance with the
21 service plan, and installation of an ignition interlock device;

22 (5) Ordered to install an ignition interlock device in accordance with RSA 265-A:36
23 for a period of not less than 12 months, provided all fees are paid; and

24 (6) Subject to court-ordered random urinalysis or other tests only if the court finds
25 clear evidence of ongoing substance abuse, with testing limited to a period of 6 months and
26 conducted in a manner that protects the individual's privacy.

27 6 New Chapter; Firearms Training in Public Schools. Amend RSA by inserting after chapter
28 159-F the following new chapter:

29 CHAPTER 159-G

30 FIREARMS TRAINING IN PUBLIC SCHOOLS

31 159-G:1 Short Title. This chapter shall be known as the "New Hampshire Firearms Safety
32 Education Act."

33 159-G:2 Purpose and Intent. The purpose of this chapter is to promote public safety and
34 responsible citizenship by ensuring that all students in New Hampshire public schools receive age-
35 appropriate education on firearms safety in order to foster an understanding of safe handling,
36 storage, and the legal responsibilities associated with firearms ownership and use, consistent with
37 the state's commitment to individual rights and community well-being.

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1 159-G:3 Definitions.

2 In this chapter:

3 I. "Firearms safety training" means an educational curriculum designed to teach students
4 the principles of safe firearm handling, storage, and avoidance, including but not limited to the
5 National Rifle Association's Eddie Eagle GunSafe Program or equivalent programs approved by the
6 department of education.

7 II. "Public school" means all public and chartered public schools in the state. The head of
8 any accredited private or religious school, grades K-12, may contact the department of safety and
9 request the training for their school. The department shall coordinate the same training as provided
10 at public schools. Instructors for such training at private or religious schools shall be obtained from
11 among the approved trainers on a volunteer basis.

12 159-G:4 Mandatory Firearms Safety Training.

13 I. The department of safety, in consultation with the department of education and qualified
14 firearms instructors, shall develop or adopt standardized firearms safety training pursuant to RSA
15 159-G:5 for public school students in grades K-12 by January 1, 2026.

16 II. The department of safety shall provide curricular material to the department of
17 education, who shall in turn provide such curricular material to each school district at no cost to the
18 district. The department shall actively seek federal funds, state and federal grants, and other
19 sources of funding to support the costs associated with firearms safety training. The department
20 shall develop guidelines regarding individual donations to the department from individuals, groups,
21 or organizations to support training efforts and costs.

22 159-G:5 Mandatory Firearms Safety Training; Requirements and Delivery.

23 I. Beginning with the 2026-2027 school year, firearms safety training shall be offered at
24 every public school for every child. The parents of each child shall be provided a copy of the
25 curriculum for each year and may sign a form opting their child in to the training. The school shall
26 provide a study period in their regularly scheduled classes for student not opting to take the class.
27 No school shall discourage or in any way obstruct the offering of this training, to include not
28 providing the necessary permission forms at the beginning of the year, not providing an appropriate
29 venue for the number of students requesting the training, or scheduling any other events at the
30 same time as the training.

31 II. The training shall be age-appropriate for each grade level, with students in grades K-5
32 receiving instruction focused on avoidance and reporting and students in grades 6-12 receiving
33 expanded instruction to include basic firearm mechanics, safe handling principles, secure storage
34 practices, and an overview of state and federal firearms laws. Firearms safety training shall not
35 include live firearms or ammunition in the classroom but may incorporate training aids such as
36 dummy firearms or multimedia resources.

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1 III. The training shall be administered by external instructors certified in firearms safety
2 education by a nationally recognized organization such as the National Rifle Association, the
3 National Law Enforcement Training Center, the Second Amendment Firearms Training &
4 Education Association, the United States Concealed Carry Association, or the Sig Sauer Academy, or
5 by a school resource officer if the officer has or obtains certification as a firearms safety instructor
6 through a nationally recognized organization or the New Hampshire police standards and training
7 council.

8 IV. No school employee or other person affiliated with the school or training program shall
9 inquire of students if there are any firearms in their homes, and if a student reveals such
10 information, no record of this information may be made or shared for any purpose.

11 159-G:6 Compliance and Reporting.

12 I. Each school district shall submit an annual report to the department of education by the
13 final day of the school year, confirming compliance with this chapter and detailing the number of
14 students trained.

15 II. The department of education shall compile and submit a summary report detailing the
16 number of students trained to the speaker of the house of representatives and the president of the
17 senate by September 1 of each year, beginning in 2027.

18 159-G:7 Severability. If any provision of this chapter, or the application thereof to any person or
19 circumstance is held invalid, the invalidity does not affect the other provisions or applications of the
20 chapter which can be given effect without the invalid provisions or applications and to this end the
21 provisions of this chapter are severable.

22 7 New Paragraph; Duties of the State Board of Education; Firearms Safety Training. Amend
23 RSA 186:11 by inserting after paragraph XXXVI the following new paragraph:

24 XXXVI-a. Firearms Safety Training. Adopt and distribute to school districts, an educational
25 curriculum designed to teach students the principles of safe firearm handling, storage, and
26 avoidance, as required under RSA 159-G.

27 8 Effective Date.

28 I. Sections 6 and 7 of this act shall take effect upon its passage.

29 II. The remainder of this act shall take effect January 1, 2026.

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2025-2691h

AMENDED ANALYSIS

This bill:

I. Modifies periods of suspension under different circumstances stemming from a refusal of consent to testing to determine alcohol concentration and modifies the penalties for aggravated driving while intoxicated.

II. Requires the department of education to create or adopt standardized firearms safety training for optional instruction in public schools.