

HB 506-FN - AS AMENDED BY THE SENATE

20Feb2025... 0182h
06/05/2025 2166s
06/05/2025 2685s
06/05/2025 2591s

2025 SESSION

25-0556
09/02

HOUSE BILL

506-FN

AN ACT relative to background checks during motions to return firearms and ammunition and relative to invalidating out-of-state driver's licenses issued to undocumented immigrants and relative to requiring schools to engage an owner's project manager for construction of school building aid projects at the time of application.

SPONSORS: Rep. D. Mannion, Rock. 25; Rep. Gorski, Hills. 2; Rep. Roy, Rock. 31; Rep. Tenczar, Hills. 1; Sen. McGough, Dist 11

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill:

I. Provides a procedure for conducting a discretionary background check prior to the return of firearms and/or ammunition in a court proceeding.

II. Invalidates out-of-state driver's licenses issued specifically to undocumented immigrants.

III. Requires schools to have engaged the services of an owner's project manager at the time they apply for school buiding aid.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to background checks during motions to return firearms and ammunition and relative to invalidating out-of-state driver's licenses issued to undocumented immigrants and relative to requiring schools to engage an owner's project manager for construction of school building aid projects at the time of application.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Criminal Background Checks; Motions for the Return of Firearms and
2 Ammunition. Amend RSA 159-D by inserting after section 3 the following new section:

3 159-D:4 Motions for the Return of Firearms and Ammunition.

4 I. In any matter pending before a court in New Hampshire where firearms and/or
5 ammunition have been seized or removed from an individual in connection with a restraining order
6 issued under RSA 173-B or RSA 633:3-a, an order pertaining to a criminal proceeding such as a bail
7 order, or any other order issued pursuant to the statutory or equitable authority of a court, the
8 individual whose firearms and/or ammunition property has been seized or removed shall be entitled
9 to the prompt return of his or her property upon the termination or expiration of the relevant order,
10 unless such individual is explicitly prohibited from receiving said property by a state or federal
11 statute.

12 II. A court shall not be required to request, conduct, or receive the results of a background
13 check prior to returning firearm property to its owner. Should any New Hampshire court require, at
14 its discretion, that a background check be conducted on an individual prior to the return of his or her
15 firearm property, the following conditions shall apply:

16 (a) Upon receipt of a motion or other request for the return of firearms, whether written
17 or oral, the court shall request a National Instant Criminal Background Check System (NICS) check
18 with the New Hampshire department of safety within 2 business days.

19 (b) The department of safety shall initiate a NICS check and shall provide a conclusive
20 response to the court within 10 business days of receiving the court's request stating either "proceed"
21 or "deny." A "deny" response shall only be provided if the NICS check depicts that the individual is
22 prohibited from possessing a firearm pursuant to state or federal law or it is known to the
23 department of safety that such individual is explicitly prohibited from possessing said property by a
24 state or federal statute. If the NICS check is inconclusive and the department of safety cannot
25 explicitly demonstrate that the individual is prohibited from possessing a firearm within 10 business
26 days of the court's request, the department of safety may provide a "proceed" response to the
27 requesting court.

1 (c) If the department of safety issues a "deny" response, it must provide a specific
2 citation to statute, such as one of the prohibited categories included in 18 U.S.C. section 922(g), and
3 a narration of the specific facts relied upon for finding that the individual is prohibited from
4 possessing a firearm. The narration supporting a "deny" response shall be held in a confidential
5 record with the court and only accessible to court staff, the individual seeking the return of firearms,
6 and his or her designated legal counsel.

7 (d) Should the court receive a "deny" response from the department of safety, the
8 individual seeking the return of firearms property shall be promptly notified and may, within 10
9 business days of receiving notice, request that the court hold a hearing on the matter. Any such
10 hearing shall be scheduled within 10 business days of the court's receiving such a request. At the
11 hearing, the department of safety shall attend and shall hold the burden to demonstrate, by clear
12 and convincing evidence, that the individual seeking the return of firearms property is prohibited
13 from receiving said property under state or federal law. Should the department of safety fail to
14 attend or to meet its burden, the court shall order that the firearms property at issue be returned.

15 (e) Should any person seeking the return of firearms be aggrieved by an order made by
16 the trial court pursuant to the department of safety's determination pursuant to subparagraph II(c),
17 or the court's determination after conducting a hearing as set forth in subparagraph II(d), such
18 person shall be entitled to appeal the court's decision within 30 days, and have his or her case heard
19 by the New Hampshire supreme court. In any such case, a transcript of the proceedings and the
20 trial court's record shall be transmitted to the supreme court in full, without any fee charged to the
21 petitioner.

22 (f) Upon receipt of a "proceed" response from the department of safety, the court shall
23 immediately issue an order to return the property. The order shall be mailed to the law enforcement
24 agency and the petitioner. The court shall telephonically notify the petitioner that he or she may
25 pick up the order at the court. The law enforcement agency shall accept an original of the order from
26 the petitioner and return the property.

27 2 New Paragraph; Driver's License Penalty; Undocumented Immigrants; Invalid License.
28 Amend RSA 263:1 by inserting after paragraph III the following new paragraph:

29 IV. If a driver's license is of a class of licenses issued by another state exclusively to
30 undocumented immigrants who are unable to prove lawful presence in the United States when the
31 licenses are issued, the driver's license, or other permit purporting to authorize the holder to operate
32 a motor vehicle on public roadways, is invalid in this state and does not authorize the holder to
33 operate a motor vehicle in this state. Such classes of licenses include licenses that are issued
34 exclusively to undocumented immigrants or licenses that are substantially the same as licenses
35 issued to citizens, residents, or those lawfully present in the United States but have markings
36 establishing that the license holder is not lawfully present in the United States.

HB 506-FN - AS AMENDED BY THE SENATE

- Page 3 -

(a) Law enforcement officers or other authorized representatives of the department shall not initiate a traffic stop solely on suspicion of a violation of RSA 263:1, IV.

(b) The department, to facilitate the enforcement of this paragraph and to aid in providing notice to the public and visitors of invalid licenses, shall maintain on its website a list of out-of-state classes of driver's licenses that are invalid in this state. The department shall update this list no later than annually. Any state on this list may contact the department to have themselves removed from the list if the state can demonstrate in that state's laws or regulations that the type of license listed on the department's website is not issued exclusively to undocumented immigrants.

(c) Any person in violation of this statute shall be guilty of a violation. For a second or subsequent offense, the person shall be guilty of a class B misdemeanor.

3 Driver's License Compact; Undocumented Foreign State Licenses Invalid. Amend RSA 263:77, I(b)(2) to read as follows:

(2) *Except as specified in RSA 263:1, IV*, make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

4 School Building Aid; Approval of Plans; Specifications, and Costs of Construction or Purchase. Amend RSA 198:15-c, III to read as follows:

III. A school district or chartered public school that ~~[accepts]~~ ***applies for*** school building aid for construction shall ***have*** ~~[engage]~~ ***engaged*** the services of an owner's project manager for construction or reconstruction projects of \$1,000,000 or more, unless the commissioner waives such requirement as unnecessary. The owner's project manager shall have his or her own comprehensive liability and auto insurance, worker's compensation coverage, and professional liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to the required services, responsibilities, and qualifications for the owner's project manager.

5 Effective Date.

I. Section 1 of this act shall take effect January 1, 2026.

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

HB 506-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0182h)

AN ACT relative to background checks during motions to return firearms and ammunition.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures*	\$0	<u>Department of Safety Position Costs</u> \$92K in FY 2026, \$76K in FY 2027, and \$78K in FY 2028 <u>Judicial Branch Costs</u> Indeterminable Increase		
Funding Source(s)	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
Funding Source(s)	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill provides for conducting a discretionary background check prior to the court ordered return of firearms. The bill seeks to set time parameters by which the court must hold hearings on the return of firearms that have been seized pursuant to RSA 173-B and RSA 633:3, domestic violence/stalking criminal order of protection (“CBPO”) or any other order as issued by the court. Furthermore, the bill specifies how the Department of Safety shall operate relative to conducting checks and providing the court with responses to those checks and what information shall be contained in those responses. The bill also allows for an appeals process. The Department states it would need one new position (program assistant II, SOC 43-04) to handle the additional workload anticipated from this bill. Including salary, benefits, and necessary equipment, and a start date of July 1, 2025, it is estimated this position would cost \$92,000 in FY 2026 (includes \$20,000 in one-time costs for supplies and equipment), \$76,000 in FY 2027, and \$78,000 in FY 2028. This bill provides neither authority nor authorization for new personnel.

The bill requires that transcripts be provided free of charge to those who appeal to the Supreme Court. The Judicial Branch states that an outside company performs transcriptions at market rates and if it must bear this cost, it will be tens of thousands of dollars per year.

AGENCIES CONTACTED:

Department of Safety and Judicial Branch