

CHAPTER 280
HB 506-FN - FINAL VERSION

20Feb2025... 0182h
06/05/2025 2166s
06/05/2025 2685s
06/05/2025 2591s
26Jun2025... 2830CofC
26Jun2025... 2928EBA

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. Modifies the requirements for the use of owners' project managers for projects funded by school building 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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:

1 280:1 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 ammunition
5 have been seized or removed from an individual in connection with a restraining order issued under RSA
6 173-B or RSA 633:3-a, an order pertaining to a criminal proceeding such as a bail order, or any other
7 order issued pursuant to the statutory or equitable authority of a court, the individual whose firearms
8 and/or ammunition property has been seized or removed shall be entitled to the prompt return of his or her
9 property upon the termination or expiration of the relevant order, unless such individual is explicitly
10 prohibited from receiving said property by a state or federal statute.

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

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

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

26 (c) If the department of safety issues a "deny" response, it must provide a specific citation to
27 statute, such as one of the prohibited categories included in 18 U.S.C. section 922(g), and a narration of

CHAPTER 280
HB 506-FN - FINAL VERSION
- Page 2 -

1 the specific facts relied upon for finding that the individual is prohibited from possessing a firearm. The
2 narration supporting a "deny" response shall be held in a confidential record with the court and only
3 accessible to court staff, the individual seeking the return of firearms, and his or her designated legal
4 counsel.

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

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

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

24 280:2 New Paragraph; Driver's License Penalty; Undocumented Immigrants; Invalid License. Amend
25 RSA 263:1 by inserting after paragraph III the following new paragraph:

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

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

36 (b) The department, to facilitate the enforcement of this paragraph and to aid in providing
37 notice to the public and visitors of invalid licenses, shall maintain on its website a list of out-of-state
38 classes of driver's licenses that are invalid in this state. The department shall update this list no later than
39 annually. Any state on this list may contact the department to have itself removed from the list if the state

CHAPTER 280
HB 506-FN - FINAL VERSION
- Page 3 -

1 can demonstrate in that state's laws or regulations that the type of license listed on the department's
2 website is not issued exclusively to undocumented immigrants.

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

5 280:3 Driver's License Compact; Undocumented Foreign State Licenses Invalid. Amend RSA
6 263:77, I(b)(2) to read as follows:

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

12 280:4 School Building Aid; Approval of Plans; Specifications, and Costs of Construction or Purchase.
13 Amend RSA 198:15-c, III to read as follows:

14 III. A school district or chartered public school that accepts school building aid for construction
15 shall engage the services of an owner's project manager for construction or reconstruction/*renovation*
16 projects of [~~\$1,000,000~~] **\$1,250,000** or more, unless the commissioner waives such requirement as
17 unnecessary. The owner's project manager shall have his or her own comprehensive liability and auto
18 insurance, workers' compensation coverage, and professional liability coverage. The state board of
19 education shall adopt rules pursuant to RSA 541-A relative to the required services, responsibilities, and
20 qualifications for the owner's project manager *to ensure the project owner's best interests are carried out.*

21 280:5 Effective Date.

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

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

Approved: August 01, 2025

Effective Date:

I. Section 1 effective January 1, 2026

II. Remainder effective September 30, 2025

