

HB 1084-FN - AS INTRODUCED

2026 SESSION

26-2581

09/08

HOUSE BILL ***1084-FN***

AN ACT relative to the relinquishment of deadly weapons by those subject to a domestic violence protective order.

SPONSORS: Rep. Meuse, Rock. 37; Rep. Gregg, Hills. 7; Rep. Mandelbaum, Rock. 21; Rep. Manos, Rock. 12; Rep. Newell, Ches. 4; Rep. Selig, Straf. 10; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill modifies the process for when a domestic violence order of protection is issued requiring the respondent to relinquish deadly weapons.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the relinquishment of deadly weapons by those subject to a domestic violence protective order.

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

1 1 New Paragraph; Protection of Persons from Domestic Violence; Definition Added. Amend RSA
2 173-B:1 by inserting after paragraph XV-a the following new paragraph:

3 XV-b. "Law enforcement officer" means state police officers, county sheriffs and sheriff's
4 deputies, or local police officers with the authority to preserve the public peace, enforce laws, and
5 make arrests within their designated jurisdiction.

6 2 Protection of Persons from Domestic Violence; Temporary Relief. Amend RSA 173-B:4, I(a)(9)
7 to read as follows:

8 (9) Directing the defendant to **immediately** relinquish to the peace officer **serv**
9 **ing** **the order**, in addition to the relief specified in RSA 173-B:4, I, any and all deadly weapons [~~specified~~
10 ~~in the protective order~~] that [~~are in the control, ownership, or possession of~~] the defendant, or any
11 other person on behalf of the defendant, **controls, owns, or possesses**, for the duration of the
12 protective order.

13 3 Protection of Persons from Domestic Violence; Temporary Relief. Amend RSA 173-B:4, II to
14 read as follows:

15 II. The defendant [~~may~~] **shall** be prohibited from purchasing, receiving, or possessing any
16 deadly weapons and any and all firearms and ammunition for the duration of the order. The court
17 [~~may~~] **shall** subsequently issue a search warrant authorizing the peace officer to seize any deadly
18 weapons specified in the protective order and any and all firearms and ammunition, if there is
19 probable cause to believe such firearms and ammunition and specified deadly weapons are kept on
20 the premises, [~~or~~] **curtilage, or vehicles** of the defendant and if the court has reason to believe that
21 all such firearms and ammunition and specified deadly weapons have not been relinquished by the
22 defendant.

23 4 Protection of Persons from Domestic Violence; Relief. Amend the introductory paragraph of
24 RSA 173-B:5, I to read as follows:

25 I. A finding of abuse shall mean the defendant represents a credible threat to the safety of
26 the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court
27 shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct the
28 defendant to **immediately** relinquish to the peace officer any and all firearms and ammunition [~~in~~
29 ~~the control, ownership, or possession of~~] **that** the defendant, or any other person on behalf of the

1 defendant, **controls, owns, or possesses**, for the duration of the protective order. Other relief may
2 include:

3 5 Protection of Persons from Domestic Violence; Relief. Amend RSA 173-B:5, I(a)(6) to read as
4 follows:

5 (6) Directing the defendant to **immediately** relinquish to the peace officer, in
6 addition to the relief specified in RSA 173-B:5, I, any and all deadly weapons specified in the
7 protective order that are in the control, ownership, or possession of the defendant, or any other
8 person on behalf of the defendant.

9 6 Protection of Persons from Domestic Violence; Relief. Amend RSA 173-B:5, II to read as
10 follows:

11 II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly
12 weapons and any and all firearms and ammunition for the duration of the order. The court [~~may~~]
13 **shall** subsequently issue a search warrant authorizing a peace officer to seize any deadly weapons
14 specified in the protective order and any and all firearms and ammunition, if there is probable cause
15 to believe such firearms and ammunition and specified deadly weapons are kept on the premises,
16 [~~or~~] **curtilage, or vehicles** of the defendant.

17 7 Protection of Persons from Domestic Violence; Relief. Amend RSA 173-B:5, IX-a to read as
18 follows:

19 IX-a. If a criminal records check conducted by the department of safety indicates that a
20 potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to a
21 protective order issued under this chapter, the department of safety shall notify the administrative
22 office of the courts of the denial. The administrative office of the courts shall immediately notify the
23 plaintiff, **police department, and county attorney with jurisdiction** that the defendant has
24 attempted to purchase or obtain a firearm in violation of the protective order.

25 8 New Section; Protection of Persons from Domestic Violence; Relinquishment of Firearms.
26 Amend RSA 173-B by inserting after section 5-a the following new section:

27 173-B:5-b Relinquishment of Firearms.

28 I. A person subject to a protective order pursuant to RSA 173-B:4 or RSA 173-B:5 or an
29 order pursuant to RSA 597:2 requiring the relinquishment of ammunition, firearms, and/or other
30 deadly weapons shall not own, purchase, receive, or possess any deadly weapons and any and all
31 firearms and ammunition for the duration of the order.

32 II. A person subject to a protective order pursuant to RSA 173-B:4 or RSA 173-B:5 requiring
33 the relinquishment of ammunition, firearms, and/or other deadly weapons shall not have the right to
34 refuse relinquishment of ammunition, firearms, and/or other deadly weapons. Refusal shall result in
35 immediate detention until such time as relinquishment has been completed.

1 III. A person subject to a criminal bail order of protection pursuant to RSA 597:2 requiring
2 the relinquishment of ammunition, firearms, and/or other deadly weapons who refuses to relinquish
3 shall be detained pending a bail revocation hearing.

4 IV. All forms providing notice that a protective order requiring the relinquishment of
5 firearms and ammunition has been requested or granted shall include a notice that, upon service of
6 the order, the respondent shall be ordered to relinquish possession or control of any firearms or
7 ammunition and not to purchase or receive or attempt to purchase or receive any firearms or
8 ammunition for a period not to exceed the duration of the protective order.

9 V. Law enforcement shall carry out the order of the court as soon as possible, but in no case
10 any later than 4 hours after the order is issued.

11 VI. If the judge has ordered the relinquishment of deadly weapons, consistent with the order
12 of the court, the peace officer serving the protective order shall demand that all of the defendant's
13 deadly weapons and ammunition be immediately surrendered to the peace officer serving the
14 protective order.

15 VII. A defendant who has been served with a protective order to relinquish firearms and
16 ammunition shall immediately, safely, and voluntarily surrender to the peace officer serving the
17 protective order all firearms, ammunition, and/or other deadly weapons under their control,
18 ownership, or possession, and identify any person or business storing or in possession of firearms
19 owned by the defendant.

20 VIII. The peace officer shall take custody of any and all ammunition, firearms, or other
21 deadly weapons in plain sight, those discovered pursuant to a consensual search, any which are
22 voluntarily surrendered by the defendant, and any discovered pursuant to a search authorized by
23 the protective order of the defendant's residence, curtilage, and vehicles.

24 IX. If a peace officer is unable to locate any firearm and ammunition known to the person
25 being granted protection by the court, the peace officer shall immediately apply to the court for a
26 search warrant for the limited purpose of seizing the firearm and ammunition. If the defendant
27 refuses to cooperate with the search or refuses to surrender the firearms and ammunition, the
28 defendant shall be considered to be in violation of the protective order and the peace officer shall
29 detain the defendant pending a bail revocation hearing.

30 X. In all cases where a protective order requiring relinquishment has been issued by the
31 court, the law enforcement officer shall report to the court within 24 hours whether or not the
32 defendant's weapons and ammunition have been relinquished.

33 XI.(a) A defendant who owns or is in possession of a firearm and knows the location of the
34 firearm, but refuses to surrender the firearm or disclose the location of the firearm, shall be guilty of
35 a class A misdemeanor in addition to a protective order violation.

36 (b) A person who knowingly lends, sells, gives, or transfers a firearm to an individual
37 subject to an active protective order pursuant to RSA 173-B:4 or RSA 173-B:5 or an order pursuant

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1 to RSA 597:2 where ownership, control, or possession of firearms has been prohibited by the court, is
2 guilty of a class a misdemeanor. The person shall be guilty of a class B felony pursuant to RSA 626:8
3 if the individual subject to the order uses the weapon to threaten, terrorize, or assault the protected
4 party or a law enforcement officer.

5 9 Effective Date. This act shall take effect January 1, 2027.

**HB 1084-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the relinquishment of deadly weapons by those subject to a domestic violence protective order.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

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

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association