

SB 144-FN - AS INTRODUCED

2025 SESSION

25-1116

09/05

SENATE BILL        ***144-FN***

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.

SPONSORS:        Sen. Altschiller, Dist 24; Sen. Fenton, Dist 10; Sen. Long, Dist 20; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21

COMMITTEE:      Judiciary

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ANALYSIS

This bill authorizes the state to report mental health data for firearms background check purposes and provides processes for the confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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.

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

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

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

5 159-D:1 Sale of Firearms; Criminal History Record **Check, Mental Health Record Check**, and  
6 Protective Order Check. The department of safety may become the point of contact for the federal  
7 government for the purposes of the National Instant Criminal Background Check System (NICS).

8 3 New Chapter; Mental Health Reporting for Firearm Background Checks. Amend RSA by  
9 inserting after chapter 159-F the following new chapter:

10 CHAPTER 159-G

11 MENTAL HEALTH REPORTING FOR FIREARM BACKGROUND CHECKS

12 159-G:1 Short Title. This chapter shall be known as "Bradley's Law" in honor of retired Police  
13 Chief Bradley Haas who was shot and killed while defending the lives and safety of the patients and  
14 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;

22 II. Adjudicated as incompetent to stand trial and found by the court to be a danger to  
23 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.

26 I. Notwithstanding any other provision of law, including the requirement of a closed hearing  
27 and file under RSA 135-C:43, when a judge orders a nonemergency involuntary admission pursuant  
28 to RSA 135-C:34-54 or a commitment pursuant to RSA 171-B:2, and the order is one that qualifies  
29 under 18 U.S.C. section 922(g)(4), the court shall retain a record of the court order and promptly

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

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

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

13 159-G:4 Notifications; Confiscation of Firearms.

14 I. Before the close of the hearing conducted pursuant to RSA 135:17-a, RSA 135-C:34-54,  
15 RSA 135-E:5, or RSA 171-B:2, the court shall inquire of the person if he or she currently owns or has  
16 access to any firearms, and if so, where they are located. If the person answers affirmatively, the  
17 court shall inform the person that the court may order law enforcement to confiscate those firearms  
18 or ammunition. In addition, the court shall offer the opportunity for the person to make voluntary  
19 arrangements to relinquish possession of his or her firearms or ammunition to law enforcement or to  
20 another individual in accordance with paragraph III.

21 II. On the conclusion of a proceeding under RSA 135:17-a establishing dangerousness under  
22 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  
23 entry of a judgment of not guilty by reason of insanity, the court shall notify the person that such  
24 person is prohibited under federal law from purchasing, possessing, carrying, or transporting a  
25 firearm unless a petition for relief from disability is subsequently granted pursuant to RSA 159-H.

26 III. The court may simultaneously with any order of commitment issue an order:

27 (a) Directing the person to make arrangements to voluntarily relinquish possession of  
28 any firearms or ammunition he or she owns to law enforcement;

29 (b) Directing the person to transfer any firearms to another person with whom the  
30 person committed does not cohabituate, who is not himself or herself a prohibited person, and to  
31 whom the court determines such transfer should be permitted; or

32 (c) Directing law enforcement to confiscate any firearms or ammunition owned by the  
33 person no later than 48 hours after the order is issued.

34 IV. Firearms voluntarily relinquished or confiscated by law enforcement may be transferred  
35 to a federally licensed firearms dealer, at the person's own expense, for further disposition at the  
36 request of the owner and upon order of the court. Retrieval and disposal of any firearms not

1 transferred to an individual or federally licensed firearms dealer shall be through the process as set  
2 forth in RSA 595-A:6.

3 159-G:5 Notifications; Confiscation of Firearms.

4 I. On the conclusion of a proceeding under RSA 135:17-a establishing dangerousness under  
5 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  
6 entry of a judgment of not guilty by reason of insanity, the court shall notify the person that such  
7 person is prohibited under federal law from purchasing, possessing, carrying, or transporting a  
8 firearm unless a petition for relief from disability is subsequently granted pursuant to RSA 159-H.  
9 The court shall inquire of the person if they currently own or have access to any firearms, and if so,  
10 where they are located.

11 II. The court may simultaneously with any order of commitment issue an order to law  
12 enforcement to confiscate any firearms or ammunition owned by the person. Law enforcement shall  
13 carry out the order of the court as soon as possible, but in no case later than 48 hours after the order  
14 is issued. The person may transfer any firearms to another person with whom the person committed  
15 does not cohabitate and who is not themselves a prohibited person, and upon an order of the court  
16 permitting such transfer. The department of safety shall provide the court with the information  
17 necessary to make this notification. Alternatively, the firearms may be transferred to a federally  
18 licensed firearms dealer, at the person's own expense, for further disposition at the request of the  
19 owner and upon order of the court. Retrieval and disposal of any firearms not transferred to an  
20 individual or federally licensed firearms dealer shall be through the process as set forth in RSA 595-  
21 A:6.

22 159-G:6 Exclusions.

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

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

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

31 IV. Neither the court nor the department of safety shall submit the name of any person to  
32 NICS signifying a prohibition under 18 U.S.C. section 922(g) except pursuant to the processes  
33 outlined in this chapter.

34 159-G:7 Appointment of Attorney. Unless otherwise provided in statute, a person may be  
35 appointed an attorney by the court for the purposes of any hearing referred to in this chapter.

36 4 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-  
37 A:5 by inserting after paragraph I-a the following new paragraph:

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

3 5 New Chapter; Relief from Disabilities. Amend RSA by inserting after chapter 159-G the  
4 following new chapter:

5 CHAPTER 159-H

6 RELIEF FROM DISABILITIES

7 159-H:1 Relief from Disabilities Petition. Any person who has a non-emergency involuntary  
8 commitment under RSA 135-C:34-54 or has been found not guilty by reason of insanity or  
9 incompetent to stand trial and found by the court to be a danger to himself or herself or others  
10 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  
11 firearm disabilities of 18 U.S.C. section 922(g)(4), may petition for a review of the person's mental  
12 capacity to possess or purchase a firearm no sooner than the following time frames. Individuals  
13 found not guilty by reason of insanity may file for relief with the court 6 months after the finding of  
14 not guilty by reason of insanity status, unless the person was committed to an institution pursuant  
15 to RSA 651:8-b, in which case the person may file for relief 15 days after absolute discharge.  
16 Individuals found incompetent to stand trial and found by the court to be a danger to themselves or  
17 others under RSA 135:17-a, as outlined in RSA 159-G, may file for relief with the court 6 months  
18 after the finding of incompetency, unless the person was committed to an institution pursuant to  
19 RSA 171-B:2 or RSA 135-C:34-54, in which case the person may file for relief 15 days from when an  
20 absolute discharge order has been filed with the probate court. A person committed under RSA 135-  
21 E:5 may petition for relief 15 days after absolute discharge.

22 159-H:2 Psychiatric Examination. Upon receipt of a petition for relief, the court shall schedule a  
23 hearing no later than 60 days after the date the petition was filed. Simultaneously, the court shall  
24 order an independent psychiatric examination be completed no more than 45 days from the date of  
25 the court's order. The independent psychiatrist shall provide the court with an opinion as to  
26 whether the person is disabled by a mental illness and is likely to act in a manner dangerous to  
27 public safety.

28 159-H:3 Hearing; Order; Appeals.

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

36 II. The court shall grant the relief requested in the petition if the judge finds by clear and  
37 convincing evidence that the petitioner will not be likely to act in a manner that is dangerous to

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1 public safety and that granting the relief would not be contrary to the public interest. If the final  
2 order grants relief, the court shall, as soon as possible, request that the NICS entry be redacted and  
3 shall notify the United States Attorney General that the basis for the record being made available no  
4 longer applies. The petitioner may appeal a final order denying relief within 30 days of the order to  
5 the New Hampshire supreme court. The supreme court shall review the case de novo and has  
6 discretion to review additional evidence.

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

10 6 Application Required. The attorney general shall make application for approval of section 5 of  
11 this act to the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, or other such  
12 agency as may be required by federal law in order to ensure New Hampshire citizens are provided  
13 with the ability to have their rights restored. RSA 159-G shall not take effect until the attorney  
14 general receives federal approval of the restoration of rights process.

15 7 Contingency. Sections 2 - 5 of this act shall take effect on the date the attorney general  
16 certifies to the secretary of state and director of the office of legislative services that the state has  
17 received approval from the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives,  
18 pursuant to section 6 of this act. If the attorney general does not receive such approval, sections 2 -  
19 5 of this act shall not take effect.

20 8 Appropriation; New Hampshire Judicial Branch. The sum of \$1 for the fiscal year ending  
21 June 30, 2025, is hereby appropriated to the New Hampshire judicial branch for the cost of  
22 independent psychiatrist evaluations. The governor is authorized to draw a warrant for said sum  
23 out of any money in the treasury not otherwise appropriated.

24 9 Repeal. RSA 126-AA:2, VI, relative to submission of information to NICS, is repealed.

25 10 Effective Date.

26 I. Sections 2 - 5 of this act shall take effect as provided in section 7 of this act.

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

**SB 144-FN- FISCAL NOTE**  
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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
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase		
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$1	\$0	\$0	\$0
<i>Funding Source(s)</i>	General Fund			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill authorizes the state to report mental health data for firearms background check purposes and provides processes for the confiscation of firearms following certain mental health related court proceedings and for relief from mental health-related firearms disabilities. The Judicial Branch states this would increase the volume of information that needs to be recorded and reported out of the domestic violence and protective order registries. The National Center for States Courts' weighted caseload study for New Hampshire found that there were insignificant registry staff for the current workloads. In the most recent budget, the legislature took action to address this, but adding additional critical reporting would require additional resources to be dedicated. However, the Branch believes the current and additional workload can be handled by adding a single new staff member at an estimated cost of \$82,000 in FY 2026, \$84,000 in FY 2027, and \$87,000 in FY 2028. In addition, the Branch states it does not currently pay for psychiatric evaluations when performed and may need to hire additional staff, although the Branch does not have estimates to provide at this time. This bill appropriates \$1 in FY 2025 to the Judicial Branch for the cost of independent psychiatric evaluations (it should be noted that this bill is expected to be effective in FY 2026).

The Department of Safety and Department of Justice have identified no costs relative to this bill.

**AGENCIES CONTACTED:**

Judicial Branch, Department of Safety, and Department of Justice