

1 Committee of Conference Report on HB 609-FN, relative to the general court's authority over the
2 sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, and other
3 matter pertaining to firearms, stun guns, Tasers, pepper spray devices, knives and other self-defense
4 tools.

5
6 Recommendation:

7 That the House recede from its position of nonconcurrency with the Senate amendment, and
8 concur with the Senate amendment, and

9 That the Senate and House adopt the following new amendment to the bill as amended by the
10 Senate, and pass the bill as so amended:

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

13
14 1 Preemption and Right of Action. Amend RSA 159:26 to read as follows:

15 159:26 Firearms, Ammunition, and Knives; Authority of the State.

16 I. To the extent consistent with federal law, the state of New Hampshire shall have
17 authority and jurisdiction over the sale, purchase, ownership, use, possession, transportation,
18 licensing, permitting, taxation, or other matter pertaining to firearms, firearms components,
19 ammunition, firearms supplies, ***stun guns, Tasers, pepper spray devices,*** ~~knives,~~ ***or other***
20 ***self-defense tools*** in the state. Except as otherwise specifically provided by statute, no ordinance or
21 regulation of a political subdivision may regulate the sale, purchase, ownership, use, possession,
22 transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms
23 components, ammunition, ~~firearms supplies,~~ ***stun guns, Tasers, pepper spray devices,***
24 ***knives, or other self defense tools*** in the state. Nothing in this section shall be construed as
25 affecting a political subdivision's right to adopt zoning ordinances for the purpose of regulating
26 firearms or knives businesses in the same manner as other businesses or to take any action allowed
27 under RSA 207:59.

28 II. Upon the effective date of this section, all municipal ordinances and regulations not
29 authorized under paragraph I relative to the sale, purchase, ownership, use, possession,
30 transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearm
31 components, ammunition, firearms supplies, ***stun guns, Tasers, pepper spray devices,*** ~~knives,~~
32 ***or other self-defense tools*** shall be null and void.

33 ***III.(a) No public official, public employee, political subdivision, or any other public***
34 ***or quasi-public entity shall adopt or enact, or enforce or cause to be enforced, any charter***

35 *provision, ordinance, bylaw, rule, regulation, or policy that is repugnant to, or inconsistent*
36 *with, the general court's occupation of the whole field of the regulation of firearms and*
37 *ammunition, as declared in paragraph I of this act.*

38 *(b) Any person aggrieved by a violation of paragraph III of this act may bring*
39 *an action for damages, declaratory judgment, and/or equitable relief, including a*
40 *temporary restraining order, preliminary injunction, or permanent injunction. If the*
41 *court finds for the plaintiff, recovery shall be in the amount of actual damages or \$1,000,*
42 *whichever is greater. If the court finds that the violation of this section willful or knowing,*
43 *it shall award as much as 3 times, but not less than 2 times, such amount. In addition, in*
44 *all cases a prevailing plaintiff shall be awarded the costs of the suit and reasonable*
45 *attorney's fees, as determined by the court.*

46 *(c) It shall not be a defense under this section that in adopting or enforcing any*
47 *charter amendment or provision, or any ordinance or bylaw, that the local government was*
48 *acting in good faith or upon advice of counsel.*

49 *(d) Except as required by applicable law, public funds may not be used to*
50 *defend or reimburse the unlawful conduct of any person found to have knowingly and*
51 *willfully violated this section.*

52 *(e) If, after the filing of a petition or complaint under this section, a respondent*
53 *or defendant voluntarily changes the charter provision, ordinance, bylaw, rule, regulation,*
54 *or policy, with or without court action, the petitioner or plaintiff shall be considered a*
55 *prevailing party for purposes of this section.*

56 *IV.(a) To the extent consistent with federal law, the general court of New*
57 *Hampshire shall have exclusive authority and jurisdiction to make laws and delegate*
58 *authority to executive branch agencies and quasi-public agencies to adopt rules,*
59 *regulations, and policies regarding the sale, purchase, ownership, use, possession,*
60 *transportation, licensing, permitting, or other matters relating to firearms, firearm*
61 *components, ammunition, firearms supplies, stun guns, Tasers, pepper spray devices,*
62 *knives, or other self-defense tools, including but not limited to state employees or on state*
63 *property.*

64 *(b) No rules, regulations, and policies shall be adopted except under express*
65 *authority delegated by the general court pursuant to this section. Such rules, regulations,*
66 *and policies shall be adopted pursuant to RSA 541-A, notwithstanding exemptions from*
67 *rulemaking in RSA 541-A:1, XV and RSA 541-A:21. If a state agency or quasi-public entity*
68 *proposes a rule pursuant to RSA 541-A:3, 541-A:18, 541-A:19, 541-A:19-a, 541-A:19-b, 541-*
69 *A:19-c or 541-A:19-d, it may not rely upon implied authority and shall identify the statute*
70 *expressly authorizing rulemaking related to the sale, purchase, ownership, use, possession,*
71 *transportation, licensing, permitting, taxation, or other matter pertaining to firearms,*

72 *firearms components, ammunition, firearms supplies, stun guns, Tasers, pepper spray*
73 *devices, knives, or other self-defense tools.*

74 *(c) No rule, regulation, or policy adopted or instituted by a state agency or any*
75 *other entity established by state statute regarding the sale, purchase, ownership, use,*
76 *possession, transportation, licensing, permitting, or other matters relating to firearms,*
77 *firearm components, ammunition, firearms supplies, stun guns, Tasers, pepper spray*
78 *devices, knives, or other self-defense tools, including but not limited to state employees or*
79 *on state property, shall continue or remain in effect after July 1, 2029, unless renewed or*
80 *re-adopted pursuant to this section.*

81 2 New Section; Firearms; Severability. Amend RSA 159 by inserting after section 27 the
82 following new section:

83 159:28 Severability. If any provision of this chapter or the application thereof to any person or
84 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the
85 chapter which can be given effect without the invalid provision or application, and to this end the
86 provisions of this chapter are declared to be severable.

87 3 Effective Date. This act shall take effect upon its passage.

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The signatures below attest to the authenticity of this Report on HB 609-FN, relative to the general court's authority over the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, and other matter pertaining to firearms, stun guns, Tasers, pepper spray devices, knives and other self-defense tools.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Abbas, Dist. 22

Rep. Roy, Rock. 31

Sen. Lang, Dist. 2

Rep. Rhodes, Ches. 17

Sen. Reardon, Dist. 15

Rep. Paquette, Hills. 25

Rep. Layon, Rock. 13

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AMENDED ANALYSIS

This bill provides that the state has authority and jurisdiction over the regulation of firearms, stun guns, Tasers, pepper spray devices, knives, and other self-defense tools, to the extent consistent with federal law and provides remedies for violations by government officials. This bill provides that the general court has exclusive authority and jurisdiction to make laws and delegate authority to adopt rules regarding the same. This bill also provides that no rule, regulation, or policy adopted or instituted by an executive branch agency regarding the sale, purchase, ownership, use, possession, transportation, licensing, permitting or other matters relating to firearms, firearm component, ammunition, firearms supplies, stun guns, Tasers, pepper spray devices, knives, or other self-defense tools, by state employees or on state property shall continue or remain in effect after July 1, 2029, unless renewed or re-adopted.