

In New Hampshire our deadliest crime is domestic violence. Over half the homicides in our state are also incidents of domestic violence; and the majority of those murders involve a firearm. A victim of domestic abuse is 5 times more likely to be killed by her abuser if there are firearms in the home.

These are some of the reasons why under New Hampshire’s domestic violence law, a judge has the option to order the subject of a protective order to temporarily surrender their weapons and ammunition.

But as we saw over the summer, even when judges order the surrender of weapons, gaps in the system and gaps in the law can lead to tragic results.

The purpose of this bill is simple. To better protect victims of domestic abuse in our state from being shot by their abusers. While what happened to Marisol Fuentes provided much of the motivation for me to file this bill, there is no legislation any of us can file that will bring her back. So to be clear, this bill is not about relitigating who was at fault for what happened to a good person who died a tragic and horrible death. It’s about addressing critical gaps in our law around the relinquishment of firearms in these cases that will only serve to create more victims if we fail to pass this bill.

Here’s the quick version of what the bill does:

- HB 1084 strengthens victim protection under both temporary and final protective orders.
- It also adds required notifications—so the police, the prosecutor, the court, and the victim are all kept in the loop.
- It takes the ambiguity out of the firearms relinquishment process by adding critical and specific new guardrails
- And finally it imposes penalties on subjects of protective orders who hide or fail to relinquish weapons that are later found to be in their possession along with any person who knowingly lends or gives a firearm

Now let’s drill down into how it accomplishes those things.

- When it comes to enhancing victim protection under both temporary and final protective orders, here’s what the bill does:
  - The bill clarifies that a person named in a protective order must immediately relinquish their firearms to the law enforcement officer serving the order.
  - It strengthens the part of RSA 173-B that prohibits defendant from purchasing, receiving or possessing deadly weapons by changing it from an option left to the discretion of a judge—to a statutory requirement. In other words, the “may” becomes a “shall”.
  - The bill also makes it a requirement and not an option for the court to issue a search warrant if the court finds probable cause to believe a defendant has not relinquished all of their deadly weapons. Currently, search warrants can allow searches of the defendant’s home and premises. This bill would add the defendant’s vehicles to the list of places that can be searched if the court suspects deadly weapons named by the victim were not relinquished when the initial order was served.
- The bill also makes sure that the right people are notified if the defendant tries to purchase a firearm after their weapons have been relinquished. Currently, RSA 173-B requires only the victim be notified. This bill also requires the court immediately notify the people who are in a position to protect her—the police department and the county attorney with jurisdiction.
- HB 1084 also adds a new section that clearly spells out the responsibilities in the relinquishment process of the defendant, police, prosecutors, and the court.
  - Under the bill, any person subject to a domestic violence protective order will be required to surrender their weapons “immediately, safely, and voluntarily” to the officer serving the order.
  - If the person chooses not to surrender their weapons, they can be immediately detained until

the relinquishment has been completed. If the person is subject to a criminal bail order of protection requiring the relinquishment of weapons and doesn't not comply, the person shall be detained pending a bail revocation hearing.

- Our current statute is silent on how quickly a protective order must be carried out. This bill is not. It requires law enforcement to carry out the order as soon as possible, but no later than 4 hours after the order is issued. It requires the officer serving the order to request a consensual search and take custody of any deadly weapons and ammunition found during that search or found on the subject's person. If the officer is unable to locate a weapon or ammunition known to the victim, the officer is required to immediately apply to the court for a search warrant.
- In all cases where relinquishment has been ordered, the law enforcement officer is required to report back to the court within 24 hours whether or not the defendant's weapons and ammunition have been relinquished. Currently, there is no deadline for reporting this information back to the court.
- The bill also adds the possibility of a class A misdemeanor penalty for defendants who know the location of weapons they have been ordered to surrender, but who refuse to relinquish them.
- Finally, the bill adds a penalty that will make a friend or family member think twice about knowingly lending, selling, giving, or transferring a firearm to a person subject to an protective order. Under this bill, a person who does that can be charged with a class a misdemeanor. But should the weapon be used to terrorize, threaten or assault the protected party or a law enforcement officer, the charge is elevated to a class b felony. To be clear, if your buddy is prohibited from possessing a firearm because of a protective order—and you know about the order and lend it to him anyway—there will be consequences.

Members of the committee, playing the blame game in these cases is easy. What's much harder is changing the law in ways that better protect the victims of abuse from being murders. That is what this bill seeks to do and I'm happy to take your questions.