

by them, showing the purpose for which the same is to be used and to whom sold.

3. No such sale of such commodities shall be made to any person except upon a signed order delivered to the merchant dealing in the same, stating the purpose and use to which the same is to be put.

4. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Title 54. Professions, Occupations and Businesses

Chapter 647. Dealers in Junk and Secondhand Materials

647.018 "Secondhand dealer" defined.

1. "Secondhand dealer" means any person engaged in whole or in part in the business of buying and selling metal junk, melted metals or secondhand personal property, other than used books, including, without limitation, antiques and collectibles.

2. The term does not include a person who engages in the business of buying or selling secondhand firearms or any antique parts, accessories or other equipment relating to those firearms if:

(a) The person engages in that business at a show that:

(1) Is held at:

(I) A convention facility which is owned or operated by and located on the premises of a resort hotel; or

(II) A recreational facility which is owned or operated by a county fair and recreation board; and

(2) Is conducted for not more than 7 days during any 6-month period; and

(b) The person has been issued a license as a manufacturer, importer, dealer or collector pursuant to the provisions of 18 U.S.C. § 923.

[Current through 1999 Legislative Session]

Publisher's Notes:

Clark County and Las Vegas restrict the age at which it is legal for a person to purchase or receive a pistol and prohibit the sale, possession, or receipt of pistols by a particular class of persons (e.g. convicted felons, fugitives, illegal aliens, mental incompetents, illegal drug users or addicts).

Clark County and Las Vegas restrict the sale, possession, or receipt of pistols with altered manufacturer's identification numbers and homemade pistols.

Clark County and Las Vegas require a 72 hour waiting period before pistols may be delivered to purchasers and require a local license and recordkeeping to sell pistols.

Firearms must be registered with the chief of police by the seller or transferor prior to their transfer in Henderson.

NEW HAMPSHIRE N.H. REV. STAT.

Title XII. Public Safety and Welfare

Chapter 159. Pistols and Revolvers

159:1. Definition. Pistol or revolver, as used herein, means any firearm with barrel less than 16 inches in length. It does not include antique pistols, gun canes, or revolvers. An antique pistol, gun cane, or revolver, for the purposes of this chapter means any pistol, gun cane, or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol, gun cane, or revolver which utilizes readily available center fire or rim-fire cartridges which are in common, current use shall be deemed to be an antique pistol, gun cane, or revolver. Nothing in this section shall prevent antique pistols, gun canes, or revolvers from being owned or transferred by museums, antique or arms collectors, or licensed gun dealers at auctions, gun shows, or private premises provided such ownership or transfer does not conflict with federal statutes.

159:3. Convicted Felons.

I. A person is guilty of a class B felony if he:

(a) Owns or has in his possession or under his control, a pistol, revolver, or other firearm, or slungshot, metallic knuckles, billies, stiletto, switchblade knife, sword cane, pistol cane, blackjack, dagger, dirk-knife, or any other dangerous weapon; and

(b) Has been convicted in either a state or federal court in this or any other state, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States of:

(1) A felony against the person or property of another; or

(2) A felony under RSA 318-B; or

(3) A felony violation of the laws of any other state, the District of Columbia, the United States, the Commonwealth of Puerto Rico or any territory or possession of the United States relating to controlled drugs as defined in RSA 318-B.

II. The state shall confiscate to the use of the state the weapon or weapons of persons convicted under this section.

III. It is an affirmative defense to a charge under this section that a felony of which a defendant has been convicted in another jurisdiction would not have constituted a felony in the state of New Hampshire at the time such felony was committed.

159:5. Exceptions. The provisions of RSA 159:3 and 4 shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

159:7. Sales to Felons. No person shall sell, deliver, or otherwise transfer a pistol, revolver or any other firearm, to a person who has been convicted, in any jurisdiction, of a felony. Whoever violates the provisions of this section shall be guilty of a class B felony.

159:8. License to Sell. The selectmen of a town and the chief of police of a city may grant licenses, the form of which shall be prescribed by the director of the division of state police, effective for not more than 3 years from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the licensee shall be subject to forfeiture:

I. The business shall be carried on only in the building designated in the license or at any organized sporting show or arms collectors' meeting sponsored by a chartered club or organization.

II. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

III. No pistol, revolver, or other firearm shall be delivered to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor to a person who has been convicted of a felony.

159:8-a. Sales to Nonresidents; Attorney General. No person holding a license issued under the provisions of RSA 159:8 shall sell a pistol or revolver to a nonresident unless such nonresident has authority under the laws of the state of his residence, to purchase a pistol or revolver in the state of his residence, or unless the director of the division of state police, for good cause shown, has issued to such nonresident a permit for the purchase of a pistol or revolver. The attorney general shall, at least once annually, file with the secretary of state a summary of the laws of each state of the United States relative to the purchase of pistols and revolvers in such states; and a licensee may rely upon such summary in determining if a nonresident offering to purchase a pistol or revolver has authority to make such purchase under the laws of the state of his residence.

159:10. Sale Without License. Any person who, without being licensed as herein provided, sells, advertises or exposes for sale, or has in his possession with intent to sell, pistols or revolvers shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

159:11. False Information. Any person who, in purchasing or otherwise securing delivery of a pistol, revolver, or other firearm, gives false information or offers false evidence of his identity, shall be guilty of a misdemeanor for the first offense, and be guilty of a class B felony for any subsequent offense.

159:12. Sale to Minors. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

159:13. Changing Marks. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed or obliterated shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the

same. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

159-14. Exemption. None of the provisions of this chapter shall prohibit an individual not licensed under the provisions thereof who is not engaged in the business of selling pistols or revolvers from selling a pistol or revolver to a person licensed under this chapter or to a person personally known to him.

159-17. Exceptions. The provisions of the preceding section shall not apply to officers of the law, to persons holding hunters' licenses when lawfully engaged in hunting, to employees of express companies while on duty, or to watchmen while on duty.

159-18. Felonious Use of Teflon-coated, Armor-piercing and Exploding Bullets and Cartridges.

I. A person is guilty of a class B felony if he uses or attempts to use any teflon-coated or armor-piercing bullet or cartridge, or any bullet or cartridge which contains any explosive substance in the projectile and is designed to explode upon impact, in the course of committing any misdemeanor or felony.

II. Neither the whole nor any part of a sentence of imprisonment imposed for a violation of this section shall be served concurrently with any other term of imprisonment.

Chapter 159-C. Sale of Handguns; Criminal Record Check

159-C:1. Sale of Handguns; Criminal History Record and Protective Order Check.

I. No importer, manufacturer, or dealer licensed pursuant to 18 U.S.C. 923 shall sell, transfer or deliver from his business inventory at his licensed premises any handgun to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until he has:

(a) Obtained a completed consent form from the potential buyer or transferee, which form shall have been adopted by the department of safety and provided by the licensed importer, manufacturer, or dealer, which shall include only the name, birth date, gender, race, and social security number or other identification number of such potential buyer or transferee;

(b) Inspected identification containing a photograph of the potential buyer or transferee;

(c) Requested, by means of a single premium telephone call-in service for each potential buyer or transferee, that the department conduct a criminal history record check and protective order check; and

(d) Received a unique approval number for that inquiry from the department, and recorded the date and such number on the consent form.

II. For the purposes of this chapter "handgun" means:

(a) A firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(b) Any combination of parts from which a firearm described in subparagraph (a) can be assembled.

159-C:2. Department of Safety Investigation.

I. Upon receipt of a request for a criminal history record check or protective order check, the department of safety, during the licensee's call or by return call shall:

(a) Review its criminal history records and any protective order records in its possession, if any, to determine if the potential buyer or transferee is prohibited from receipt or possession of a

handgun pursuant to state or federal law or protective order under RSA 173-B:6;

(b) Inform the licensee making the inquiry either that its records demonstrate that the potential buyer or transferee is so prohibited, or provide the licensee with a unique approval number.

II. In the event of electronic failure or similar emergency beyond the control of the department, the department shall immediately notify the requesting licensee of the reason for, and estimated length of, such delay. After such notification, the department shall, and in no event later than the end of the next business day of the licensee, either inform the licensee that its records demonstrate that the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the potential buyer or transferee is so prohibited, and without regard to whether he has received a unique approval number, the licensee may complete the sale or delivery and shall not be deemed in violation of this section with respect to such sale or delivery.

159-C:3. Confidentiality.

I. Any records containing any of the information set forth in RSA 159-C:1, I pertaining to a potential buyer or transferee who is not found to be prohibited from receipt or transfer of a handgun by reason of state or federal law which are created by the department of safety to conduct the criminal history record check or protective order check shall be confidential and may not be disclosed by the department or any officers or employees to any person or to another agency. The department shall destroy any such records after it communicates the corresponding approval number to the licensee and, in any event, such records shall be destroyed within 20 days after the day of the receipt of the licensee's request.

II. The department shall retain records containing any information set forth in RSA 159-C:1, I pertaining to a potential buyer or transferee who is prohibited from receipt or transfer of a handgun for 3 years.

III. Notwithstanding the provisions of this section, the department may maintain only a log of dates of requests for criminal history records checks and protective order checks and unique approval numbers corresponding to such dates for an indefinite period.

IV. Nothing in this section shall be construed to allow the department to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of handgun transactions, including the names or other identification of licensees and potential buyers or transferees, including persons not otherwise prohibited by law from the receipt or possession of handguns.

159-C:4. Premium Telephone Call-In Service. The department of safety shall establish a premium telephone call-in service which shall be operational 7 days a week between the hours of 8:00 a.m. and 10:00 p.m. for purposes of responding to inquiries as described in this section from licensed importers, manufacturers, and dealers. The department shall establish a minimum charge for the purpose of crediting the general fund \$5 for each telephone call and the department shall employ and train such personnel as are necessary to administer expeditiously the provisions of this section.

159-C:5. Appeal. Any person who is denied the right to receive or purchase a handgun as a

result of the procedures established by this chapter may request amendment of the record pertaining to him by petitioning the department of safety. If the department fails to amend the record within 7 days, the person requesting the amendment may petition the superior court of the county of residence for an order directing the department to amend the record. The court shall award the petitioner an attorney's fee if it determines that the record should have been amended by the department. If the record as corrected demonstrates that such person is not prohibited from receipt or possession of a handgun by state or federal law, the department shall destroy any records it maintains which contain any information derived from the criminal history records and protective order check set forth in RSA 159-C:1, I.

159-C:6. Rules. The department of safety shall adopt rules, pursuant to RSA 541-A, to ensure the identity, confidentiality, and security of all records and data provided pursuant to this chapter.

159-C:7. Exceptions to Reporting. A licensed importer, manufacturer, or dealer is not required to comply with the provisions of this chapter in the event of:

I. Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises, or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, or war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

II. Failure of the department of safety to comply reasonably with the requirements of RSA 159-C:2;

159-C:9. Handgun Exceptions. The provisions of this chapter shall not apply to:

I. Any handgun, including any handgun with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898.

II. Any replica of any handgun described in paragraph I if such replica is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

III. Any handgun which is a curio or relic as defined by 27 C.F.R. 178.11.

IV. Potential buyers or transferees who hold a valid permit to carry a concealed weapon pursuant to RSA 159:6 who exhibit such permit to a licensed importer, manufacturer, or dealer.

159-C:10. Penalties; Immunity.

I. Any licensed importer, manufacturer, or dealer who willfully and intentionally requests a criminal history record and protective order check from the department of safety for any purpose other than compliance with RSA 159-C:1, or willfully and intentionally disseminates any criminal history record or protective order information to any person other than the subject of such information shall be guilty of a misdemeanor.

II. Any person who, in connection with the purchase, transfer, or attempted purchase or transfer of a handgun pursuant to RSA 159-C:1, willfully and intentionally makes any materially false oral or written statement or willfully and intentionally furnishes or exhibits any false

identification intended or likely to deceive the licensee shall be guilty of a misdemeanor.

III. Any licensed importer, licensed manufacturer, or licensed dealer who willfully and intentionally sells, transfers or delivers a handgun in violation of this chapter shall be guilty of a misdemeanor.

IV. Any potential buyer or transferee who purchases a handgun for the purpose of transferring it to a person who is prohibited from possession of a handgun by state or federal law shall be guilty of a class B felony.

V. Any licensed importer, manufacturer, or dealer who in good faith relies upon a criminal history record and protective order check from the department pursuant to this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Title XVIII. Fish and Game

Chapter 207. General Provisions as to Fish and Game

207:4. Silencing Devices. No person shall sell, offer for sale, use, have in his possession, any gun, pistol, or other firearm fitted or contrived with any silencer or device for deadening the sound of explosion. Nothing in this section shall prohibit the use of a muzzle brake, polychoke, or compensator.

[Current through 1999 Legislative Session]

NEW JERSEY

N.J. REV. STAT.

Title 2C. The New Jersey Code of Criminal Justice

Chapter 1. Preliminary

2C:1-5. Abolition of common law crimes; all offenses defined by statute; application of general provisions of the code; limitation of local government laws. ...

d. Notwithstanding any other provision of law, the local governmental units of this State may neither enact nor enforce any ordinance or other local law or regulation conflicting with, or preempted by, any provision of this code or with any policy of this State expressed by this code, whether that policy be expressed by inclusion of a provision in the code or by exclusion of that subject from the code.

Chapter 39. Firearms, Other Dangerous Weapons, and Instruments of Crime

2C:39-1. Definitions. The following definitions apply to this chapter and to chapter 58:

a. "Antique firearm" means any rifle or shotgun and "antique cannon" means a destructive device defined in paragraph (3) of subsection c. of this section, if the rifle, shotgun or destructive device, as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.

c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce; (3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes. ...

e. "Explosive" means any chemical compound or mixture that is commonly used or is

possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

f. "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semiautomatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

g. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm. ...

i. "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom.

j. "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks and other nonmetal parts of firearms. The term does not include a person who repairs existing firearms or receives new and used raw materials or parts solely for the repair of existing firearms.

k. "Handgun" means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.

l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained

with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.

m. "Rifle" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

n. "Shotgun" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

o. "Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breech to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breech to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches. ...

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stiletos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sand-clubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

s. "Wholesale dealer" means any person, except a manufacturer, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumers, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

t. "Stun gun" means any weapon or other device which emits an electrical charge or