

New Hampshire State Law

NH Rev. Stat. Ann.

Title XII, Chapter 159. Public Safety - 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 pinfire, but no pistol gun cane, or revolver which utilizes readily available centerfire or rimfire 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 * * * pistol cane, * * * 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 three 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. Exception. 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. * * * *

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 record 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 provision 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 person 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 the 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 licensess 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.