LEGAL ADVICE DISCLAIMER

Legal information is not the same as legal advice -- the application of law to an individual's specific circumstances. Although I go to great lengths to make sure this information is accurate and useful, I recommend you consult a lawyer if you want professional assurance that this information, and your interpretation of it, is appropriate, accurate, and complete with respect to your particular situation. This not a comprehensive review of the law, but rather a brief overview, and is far from complete. Please note that a cursory review of this document may appear to find “contradictions”. The law is far from consistent, uniform and seamless.

This information has been prepared for informational purposes only with no warranty as to accuracy or applicability to a particular set of circumstances. The questions and answers are not intended, and should not be considered to be legal advice, and do not create an attorney-client relationship with any reader of the information. Readers should not act upon any content in this material without obtaining legal advice from competent, independent, legal counsel in the relevant jurisdiction.

Although I have provided questions and answers based on New Hampshire law (with some Federal Law citations), your situation may differ in important respects from these questions, perhaps in ways that are not apparent, and in some instances the differences could make the difference between a lawful act and an unlawful one. Please also note that the law can change daily, and thus, what is lawful today may not be lawful tomorrow, so this information must be verified and updated. In closing, I am providing legal information NOT legal advice.

I apologize for the format and omissions of this document it is in the process of being reorganized and re-formatted, and I misunderstood the time constraints for submission.

I. BUYING AND SELLING

1. Do I need a “permit” to buy a firearm (long or hand) in New Hampshire?

- No, as long as you are legally able to own firearms, and for handgun purchases (under federal law from a federally licensed dealer) you are a New Hampshire resident and 21 years of age for a handgun and 18 for a long gun.

2. How long is the waiting period before one can purchase a firearm in New Hampshire?

- There is no state mandated ‘waiting period’ before a New Hampshire resident can purchase a handgun or long gun.
Noteworthy is the National Instant Check, (which is really a amendment to 18 U.S.C. § 922 (103 (e)(1) of Brady) was supposed to keep firearms out of the hands of bad guys and if a person was denied the right to purchase, to tell them why. Nothing can be further from reality as the FBI does not follow the law. They have no problem issuing a denial-forbidding the federal firearms licensee from transferring the firearm, but refuse to tell the denied party, why in violation of what was supposed to be federal protective law-unless the denied party “proves” their identity with fingerprints. Funny thing, they were sure enough of the denied person’s identity to forbid the transfer!

3. Why can’t I buy a NEW machinegun? The police buy them all the time, I see it in my local town budget.

- As of May 19, 1986, it is no longer legal to manufacture or import machineguns in the United States (with certain law enforcement exceptions).

4. I was in trouble when I was younger, but I have had a clean record for years now, may I lawfully purchase a firearm?

- Maybe. Be careful, if you have ever been arrested or been to court, you MAY NOT be allowed to own (possess, control, use, etc.) firearms, ammunition and ammunition components and SHOULD NOT attempt to purchase a firearm and fill out a 4473- Firearms Transaction Record (copy of form in appendix) form ‘just to see’ if you “pass” or they let you purchase the firearm. Making any false statement or furnishing false identification in acquiring any firearm or ammunition from a licensee [gun store] is a crime. There are more laws (both federal and state) defining and prohibiting lying and false statements than Carter has pills. Ten years worth of pills.

Some of those such as 18 U.S.C. § 1001 provide for 5-8 years imprisonment and other penalties for “false statements” (this one has never been applied to 4473s but….) what this means is DO NOT GUESS on ANY federal form, no matter how inconsequential and unimportant the question may seem, you do not want to be wrong and charged with some variant of “false swearing”.

- New Hampshire law-RSA 159:11 False Information. – provides:

> “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.”


- The best thing to do is consult an attorney experienced in firearms law to review your record. Even if you may lawfully own firearms, in some states if you have any prior
convictions that have not been annulled, sealed or expunged you cannot obtain a license or permit to carry a concealed firearm. The good news is that in many states there is a process called annulment, sealing or expunction, pardon, setting aside, restoration of civil rights (the right to vote, hold office or set on a jury Caron v. U.S., 524 U.S. 308, 316 (1998)) (the terms and conditions of these words are VERY different from state to state so do NOT assume that an annulment in one state is the same as an annulment in another state or that sealing in one state means the same as sealing in another state. . . ) that can “clear” up your record.  

➢ Be very careful consulting an attorney that is not familiar with firearms law, as I have seen very good and well intentioned attorneys make horrible mistakes (for which a client could well pay with his/her freedom) because they did not understand all the nuances of firearms law. One small point is “definitions” of the same items can be found in many places….(federal law, state law, and multiple places in both!).

i.e. New Hampshire RSA 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. Source. 1923, 118:1. PL 149:1. RL 179:1. RSA 159:1. 1967, 220:1. 1992, 273:1, eff. July 17, 1992. http://www.gencourt.state.nh.us/rsa/html/XII/159/159-1.htm

5. May you sell your gun to your neighbor?

➢ Yes, IF your neighbor is a New Hampshire resident, as are you, and is known to you, and has not been convicted of a felony that has not been annulled or expunged or sealed, depending on the state of conviction.  

Please also note that many state court misdemeanors can bar a person under federal law from owning a firearm. Under federal law, a person may not possess a firearm that has traveled in interstate commerce if the person “has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.” 18 U.S.C. § 922 (g). A “crime punishable by imprisonment for a term exceeding one year” does not include an offense which a state classifies as a misdemeanor and is punishable by a term of imprisonment of two years or less.” 18 U.S. C. § 921 (a)(20)(B). This is probably the most confusing area for attorneys who do not practice in the firearms arena (which includes many prosecutors)! Moreover, an otherwise qualifying conviction
does not count as a predicate offense if the defendant has had his civil rights restored by the state, unless the restoration expressly provides that the person may not ship, transport, posses, or receive firearms. 18 U.S.C. § 921 (a)(20); see generally Caron v. U.S. 10

- Although RSA 159:10 prohibits sale without a license, 11 New Hampshire RSA 159:14 provides an 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.”


- Note that the Federal penalty for possession of a stolen firearm is 10 years…so know your seller 12

- What does this mean? I think (*w/out the benefit of a good case to prove me right or wrong) that retail advertising or display of pistols or revolvers w/out a license issued pursuant to RSA 159:8 13 is prohibited.

http://www.gencourt.state.nh.us/rsa/html/XII/159/159-10.htm

6. I want to sell a firearm directly to a resident of another state, may I do it?

- NO 14, unless you possess a federal firearms license, you cannot sell a personally owned firearm to a resident of another state, 15 the transfer must be through a federally licensed dealer. However, you CAN ship your firearm 16 to a federally licensed dealer in the state where the buyer resides 17 but NOT VIA the UNITED STATES POSTAL SERVICE. (five year federal penalty may apply) 18 The receiver of a firearm shipped illegally also has liability. 19 Furthermore, you MUST give the common carrier written notice to the carrier that such firearm is being transported or shipped. 20 There is a potential for a five year federal term for a violation of this law. 21

Q: May a nonlicensee ship a firearm through the U.S. Postal Service?

A nonlicensee may not transfer a firearm to a non-licensed resident of another State. A nonlicensee may mail a shotgun or rifle to a resident of his or her own State or to a licensee in any State. The Postal Service recommends that long guns be sent by registered mail and that no marking of any kind which would indicate the nature of the contents be placed on the outside of any parcel containing firearms. Handguns are not mailable. A common or contract carrier must be used to ship a handgun.
Q: May a nonlicensee ship a firearm by common or contract carrier?

A nonlicensee may ship a firearm by a common or contract carrier to a resident of his or her own State or to a licensee in any State. A common or contract carrier must be used to ship a handgun. In addition, Federal law requires that the carrier be notified that the shipment contains a firearm and prohibits common or contract carriers from requiring or causing any label to be placed on any package indicating that it contains a firearm.


Q: May a nonlicensee ship firearms interstate for his or her use in hunting or other lawful activity?

Yes. A person may ship a firearm to himself or herself in care of another person in the State where he or she intends to hunt or engage in any other lawful activity. The package should be addressed to the owner. Persons other than the owner should not open the package and take possession of the firearm.

Q: May a person who is relocating out of State move firearms with other household goods?

Yes. A person who lawfully possesses a firearm may transport or ship the firearm interstate when changing his or her State of residence.

Certain NFA firearms must have prior approval from the Bureau of ATF before they may be moved interstate. The person must notify the mover that firearms are being transported. He or she should also check State and local laws where relocating to ensure that movement of firearms into the new State does not violate any State law or local ordinance.[18 U.S.C. 922(a)(4) and 922(e), 27 CFR 478.28 and 478.31]

- New Hampshire law specifically prohibits a licensee from selling a pistol or revolver to a non-resident. 22

7. People in New Hampshire have been criminally charged in the past for selling a single .22 caliber pistol to another person without being licensed to do so- the case was dismissed, but beware. I am a New Hampshire resident and I want to sell my handgun to my neighbor who is a New Hampshire resident, over 21 and not a prohibited person….what do I need to know?

- New Hampshire has a law, RSA 159:10 that provides “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.”
This law was recently fleshed out and explained to mean that . . . “A license was not required for a person who made only occasional or sporadic sales of pistols and revolvers but was not a dealer in these firearms. See 1 N.H.Op.A.G. 224, 225 (1966) (wherein the Attorney General opined that if the licensing authorities "decide not to issue a license, such dealers or persons may not engage in the business of selling pistols and revolvers and by doing so they would be subject to the prohibitions and penalties set forth in RSA 159:10” (emphasis added)). Indeed, it is obvious that if the legislature had intended to require anyone selling a pistol or revolver to obtain a license there would have been no reason to include the words "at retail" within the statute. 2 See, e.g., Winnacunnet Cooperative School Dist. v. Town of Seabrook, 148 N.H. 519, 525-26, 809 A.2d 1270 (2002) ("When construing a statute, we must give effect to all words in a statute and presume that the legislature did not enact superfluous or redundant words.").” . . . State v. Geddes, 2004 N.H. Super. LEXIS 7 (Lynn, Chief Justice). This is a Hillsborough South Superior Court decision which is NOT binding on other trial court justices or masters and are subject to appellate review by the New Hampshire Supreme Court.

In short, the Court (Lynn, J.) found that the law prohibiting the sale of pistol or revolvers was intended to be read in conjunction with RSA 159:8 “permitting the licensee to sell at retail pistols and revolvers”, and not to prohibit the a person who is not engaged in the business of selling firearms who made only sporadic or occasional sales of pistols or revolvers but who was not a dealer in these firearms. There is a parallel federal law, that provides penalties for willful engagement in firearms business without a license.23

MODIFICATION OF HANDGUNS

8. “Is it legal to attach a vertical fore grip to a handgun?”

- Short answer no, but there is a legal way to do so. One of the largest dangers I see is the attachment of a vertical foregrip to a handgun. I have lifted the law verbatim from the ATF website in hopes that dissemination and education will save at least one needless prosecution. http://www.atf.gov/firearms/faq/firearms-technology.html

“Handgun” is defined under Federal law to mean, in part, a firearm which has a short stock and is designed to be held and fired by the use of a single hand… Gun Control Act of 1968, 18 U.S.C. § 921(a)(29).

Under an implementing regulation of the National Firearms Act (NFA), 27 C.F.R. § 479.11, “pistol” is defined as:

... a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s).
The NFA further defines the term “any other weapon” (AOW) in 26 U.S.C. § 5845(e) as:

... any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

ATF has long held that by installing a vertical fore grip on a handgun, the handgun is no longer designed to be held and fired by the use of a single hand. Therefore, if individuals install a vertical fore grip on a handgun, they are “making” a firearm requiring registration with ATF’s NFA Branch. Making an unregistered “AOW” is punishable by a fine and 10 years’ imprisonment. Additionally, possession of an unregistered “AOW” is also punishable by fine and 10 years’ imprisonment.

To lawfully add a vertical fore grip to a handgun, a person must make an appropriate application on ATF Form 1 (5320.1), “Application to Make and Register a Firearm.” The applicant must submit the completed form, along with a fingerprint card bearing the applicant’s fingerprints; a photograph; and $200.00. The application will be reviewed by the NFA Branch. If the applicant is not prohibited from possessing a firearm under Federal, State, or local law, and possession of an “AOW” is not prohibited in the applicant’s State of residence, the form will be approved. Only then may the person add a vertical fore grip to the designated handgun.

A person may also send the handgun to a person licensed to manufacture NFA weapons. The manufacturer will install the fore grip on the firearm and register the

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Note that New Hampshire DOES NOT have “local law” pertaining to firearms.

159:26 Firearms, Ammunition, and Knives; Authority of the State. –
I. To the extent consistent with federal law, the state of New Hampshire shall have authority and jurisdiction over the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, firearms supplies, or knives in the state. Except as otherwise specifically provided by statute, no ordinance or regulation of a political subdivision may regulate the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Nothing in this section shall be construed as affecting a political subdivision's right to adopt zoning ordinances for the purpose of regulating firearms or knives businesses in the same manner as other businesses or to take any action allowed under RSA 207:59.

II. Upon the effective date of this section, all municipal ordinances and regulations not authorized under paragraph I relative to the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearm components, ammunition, firearms supplies, or knives shall be null and void.

http://www.gencourt.state.nh.us/rsa/html/XII/159/159-26.htm
firearm on an ATF Form 2 (5320.2). The manufacturer can then transfer the firearm back to the individual on an ATF Form 4 (5320.4), which results in a $5.00 transfer tax. If the manufacturer is out of State, the NFA Branch will need a clarification letter submitted with the ATF Form 4 so that the NFA Branch Examiner will know the circumstances of the transfer. Questions can be directed to the NFA Branch or the Firearms Technology Branch.”

9. May I purchase more than one handgun at a time?

- Yes, you can, however I would not recommend purchasing more than one handgun from a federally licensed firearms dealer during a period of five consecutive business days as the purchasing of more than one handgun from a federally licensed dealer triggers the mandatory reporting of a separate federal report- Report of Multiples Sales or Other Disposition of Pistols or Revolvers (Form 3310.4) by the Federal Firearms Licensee (“FFL”) that is required to be sent to state and federal agencies. 24 http://www.atf.gov/forms/download/atf-f-3310-4.pdf

- This form is form of gun registration in that it requires the date of transfer, name and address of licensee, name and residence address of transferee (that’s you), your gender, ethnicity, race, state of residence, DOB, place of birth, type of firearm purchased, serial number of firearm purchased, manufacturer, model, importer, caliber and name of employee filling out the form. This form is then sent to the New Hampshire State Police and:

  U.S. Department of Justice
  Bureau of Alcohol, Tobacco, Firearms and Explosives
  National Tracing Center
  P.O. Box 0279
  Kearneysville, WV 25430-0279

10. I am looking for a used firearm, and I saw a gun that is so “used” that I can barely read the serial number, is this a problem?

- Be careful, it is illegal to transport, ship or receive (that includes purchase) a firearm with an obliterated serial number. 2526 State law also prohibits this as well.

RSA 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. Source. 1923, 118:12. PL 149:13. RL 179:13. RSA 159:13. 1973, 528:88, eff. Oct. 31, 1973 at 11:59 p.m. http://www.gencourt.state.nh.us/rsa/html/XII/159/159-3.htm

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11. What about short barreled rifles (barrels under 16”) and short barreled shotguns (barrels under 18”), handguns with shoulder stocks and AOW (any other weapons)?

- You can have ‘em all PROVIDING you comply with federal law. Under the NFA (National Firearms Act) “firearm” is a term of art, and includes the above as well as destructive devices (you guessed it more definitions 27), and machine guns. 28

12. Does that mean I can go to the local gun store and buy a fully automatic firearm?

- You can “purchase” it, but it will be many months before you may take physical possession of the firearm. It will sit in the dealer’s store until you receive an approved Form 4 from the BATFE. You gotta have LOTS of money, as they’re not cheap and federal law must be complied with (be prepared to wait for the required federal approval(s)) and Form 4 http://www.atf.gov/forms/pdfs/f53204.pdf. You must submit two full sets of fingerprints, a recent full color passport sized photograph, and a signature from the “Chief law enforcement official in your jurisdiction” for each ‘Class 3’ item you are purchasing. So, if you are purchasing 3 suppressors at one time, that will be six full sets of fingerprints to be taken only by a law enforcement official! Ridiculous, yes, the law, yes.

13. Isn’t there an easier legal way to purchase NFA items?

- Only one that I know of. Legal entities may purchase NFA property (as they may all firearms). A NFA Trust (a very unique and specific type of instrument), a corporation etc. may purchase NFA property. They don’t require multiple fingerprints, photographs, and best yet, avoid the local politics and whims of the “chief law enforcement person” in your jurisdiction as they do not require approval/signature by law enforcement (don’t forget the Form 4 transfer still must be approved by the BATFE)

14. What is an “infernal machine”?

- I don’t know, but that won’t stop the state from prosecuting you for having one. NH RSA 158:35 Possession of Infernal Machine; Penalty. – Whoever, other than a police or other law enforcement officer acting in the discharge of his official duties, or fire or military personnel while in performance of their duties, has in his possession or under his control an infernal machine or a similar instrument, contrivance, or device shall be subject to the following penalty:
  I. If the offense occurs prior to November 1, 1973, he shall be fined not more than $1,000 or imprisoned in the state prison for not more than 10 years, or both.
  II. If the offense occurs on or after November 1, 1973, he shall, if a natural
person, be guilty of a Class A felony, and any other person shall be guilty of a felony.

III. The said machine, instrument, contrivance, or device shall be forfeited to the state. Notice of the seizure of any such machine, instrument, contrivance or device shall be sent forthwith to the director of state police and the article seized shall be subject to his order. **Source.** 1973, 419:1, eff. Aug. 29, 1973. [http://www.gencourt.state.nh.us/rsa/html/XII/158/158-35.htm](http://www.gencourt.state.nh.us/rsa/html/XII/158/158-35.htm)

15. Does New Hampshire have firearm surrender and destroy programs?

- NO! New Hampshire does not allow destruction of “voluntarily surrendered firearms.

**159:25 Voluntarily Surrendered Firearms.** – No state agency shall operate a firearms "voluntary surrender and destroy" program. Firearms which are voluntarily surrendered to a state agency shall be sold at public auction or kept by the state agency for its own use. Proceeds from firearms sold at public auction by the state shall be deposited in the general fund. **Source.** 1998, 380:1, eff. Aug. 25, 1998. [http://www.gencourt.state.nh.us/rsa/html/XII/159/159-25.htm](http://www.gencourt.state.nh.us/rsa/html/XII/159/159-25.htm)

**FELONS ARE PROHIBITED FROM OWNING…**

16. In New Hampshire felons are prohibited from possession much more than firearms. By violation of NH RSA **159:3**, a felon can easily add more “notches” (felony convictions) by the mere possession or control of enumerated items.

**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 other deadly weapon as defined in RSA **625:11**, V; 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**.

I-a. A person is guilty of a class B felony if such person completes and signs an application for purchase of a firearm and the person is a convicted felon under the provisions of paragraph I.

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. **Source.** 1923, 118:3. PL 149:3. RL 179:3. RSA 159:3. 1973, 405:1; 528:83. 1981, 553:4. 1993, 157:1. 2001, 189:1; 214:1, eff. Jan. 1, 2002.  
http://www.gencourt.state.nh.us/rsa/html/XII/159/159-3.htm

159:21 Possession by Felons Prohibited. – Any person who has been convicted of a felony in this or any other state who possesses an electronic defense weapon away from the premises where he resides shall be guilty of a class B felony. 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. **Source.** 1986, 46:1, eff. May 5, 1986.  
http://www.gencourt.state.nh.us/rsa/html/XII/159/159-21.htm

II. **HANDGUNS**

17. May I carry a loaded and concealed pistol or revolver in New Hampshire?

➢ Yes, if you first obtain a license to do so. See RSA 159:6. The application for a Resident Pistol/Revolver License is mandated by law (DSSP 85 (Rev. 08/04)) and can be found at  

III. **LONG GUNS**

18. I think my shotgun would look cool with a shorter barrel. May I shorten it or purchase an aftermarket barrel less than 18”?

➢ No-unless you get permission from the BATFE to do so first. A shotgun barrel that is less than 18 (eighteen) inches must be registered in the National Firearms Registration and Transfer Record PRIOR TO making. **26 U.S.C. § 5861 (d)**

> “to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record” is a crime, in short, it provides that the firearm or item in question MUST be registered to you. “Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of **unstamped** articles are extended to and made to apply to the articles taxed under this chapter, and the persons to whom this chapter applies.

(b) Disposal In the case of the forfeiture of any firearm by reason of a violation of this chapter, no notice of public sale shall be required; no such
firearm shall be sold at a public sale; if such firearm is forfeited for a violation of this chapter and there is no remission or mitigation of forfeiture thereof, it shall be delivered by the Secretary to the Administrator of General Services, General Services Administration, who may order such firearm destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it. 26 U.S.C. § 5821 (emphasis supplied) See also 49 U.S. C. § 3080302

19. What can happen to me if I don’t get permission and just put a shorter barrel on my firearm? No one will know, right?

➢ A SBS (short barreled shotgun) sticks out like a sore thumb. Plus, failure to comply with the registration requirement is punishable by a fine of $10,000.00 and up to ten years imprisonment. 26 U.S.C. § 5871. You must obtain permission to make a short barreled shotgun BEFORE one finger is lifted, not after the firearm is made. This is not a case where one may ask for forgiveness, the law is very strict here. Remember the shotgun must be at least 26” overall as well. Please also remember that short of a Presidential pardon, there is currently no “forgiveness” for federal felonies, thus a federal felon is a felon for life.

IV. AMMUNITION AND RELOADING COMPONENTS

20. May I possess and use a 50 round magazine for my AR-15 or other semi-automatic firearm?

➢ Yes. There is no limit to the size or capacity of a magazine in New Hampshire, the only limitation is engineering and your physical strength…. can you carry a 5,000 round magazine?!

21. Where do I find the laws pertaining to ammunition?

➢ There are a myriad of federal laws and administrative regulations that arguably pertain to ammunition and ammunition components for example, See DOT 49 CFR 172.101 etc. seq.

22. What about transporting ammunition components?

➢ Just one of many laws pertaining to the transportation of ammunition components. NH RSA 158:11 With Passengers. – It shall be unlawful to transport, carry or convey, from one place to another in this state, any dynamite, gunpowder or other explosive on any vessel or vehicle of any description operated by a common carrier, which vessel or vehicle is carrying passengers for hire by railroad or on the public waters of the state; provided, that it shall be lawful to transport on any such vessel or vehicles small arms ammunition in any quantity, and such fuses,
torpedoes, rockets or other signal devices as may be essential to promote safety in operation, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of 1/2 pound each, and not exceeding 20 samples at one time in a single vessel or vehicle, but such samples shall not be carried in that part of a vessel or vehicle which is intended for transportation of passengers for hire. Nothing in this section shall prevent the transportation of military or naval forces with their accompanying munitions of war on passenger equipment vessels or vehicles.

23. What about armor piercing ammunition, where may I get it? Is it illegal?31 32

➢ There are several exceptions to the restrictions, shotgun shot required by Federal, State or environmental regulations for hunting purposes, frangible projectiles designed for target shooting, the ole “AG” exception x 2…good luck on that one. Although I do not currently find any laws prohibiting the private possession or private purchase33 of armor piercing rounds, better to get smoke, tracer, and other visible ammunition for fun at the range! In theory, 18 U.S.C. § 922(a)(7)-(8) re: the possession, use and transfer of armor piercing rounds that were already in existence on August 28, 1986. (Dealers see 22 C.F.R. § 478.99(e) for sale of business inventory-to government only-existing on August 28, 1986)

24. So I can just reload my own armor piercing ammunition then?

➢ NO34, unless you have been authorized by the Attorney General. Five years for that one.35

➢ New Hampshire RSA 159:18 provides that:

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. Source. 1983, 311:1, eff. Aug. 17, 1983.

25. What about reloading supplies? Is there a limit as to how much may I have?

➢ It depends on who you are and what you do with it, among other considerations. The ATF considers smokeless powder an explosive material subject to a whole pile o’ federal regulations if certain conditions are met- Subject to 18 U.S.C. § 40 & § 841, and 27 CFR 555.23 et. seq http://www.atf.gov/publications/download/p/atf-p-5400-7.pdf and New Hampshire administrative regulations
http://www.gencourt.state.nh.us/rules/state_agencies/saf-c1600.html, however, Saf-C 1601.01 (b) Notwithstanding (a) above, this chapter shall not apply in the following instances: (4) The transportation of small arms ammunition and components……

26. What about state law and regulations?^2

- New Hampshire has administrative regulations (which in many instances have the force of law) and like any good bureaucratic (an oxymoron if I ever heard one) gobbledy gook, the administrative rules in New Hampshire define “explosives” which are regulated, as defined in RSA 158:29 XI, and exclude components for handloading rifle, pistol, and shotgun ammunition and or rifle, pistol, and shotgun ammunition^3 (emphasis supplied). The exception was specifically enacted to protect citizens who reload their own ammunition. See also 158:9-b application, 158:9-c Fees and Disposition, and other assorted prohibitions.

27. Are there any exceptions?

- Yes. Many. One example. 158:39 Exceptions. –
  I. Nothing contained in this subdivision shall apply to the regular military or naval forces or coast guard of the United States, or any federal agency, or the duly authorized militia of this state, nor to the police or fire departments of this state, provided they are acting within their official capacity and in the proper performance of their duties.
  II. Nothing contained in this subdivision shall apply to explosives while being transported by certified carriers in motor vehicles, railroad cars, or vessels in conformity with the regulations adopted by the federal government.
  III. Nothing contained in this subdivision shall apply to black powder used by an association or nonprofit entity organized to conduct historical reenactments, portrayals, or demonstrations, or to the storage of up to 50 pounds of black powder by such an association or entity, provided that no more than 50 pounds of black powder is contained in a type 4 magazine as defined in 27 C.F.R. 55.203 and 27 C.F.R. 55.210(b) located at least 50 feet from an occupied dwelling in such a way as to be secure from unauthorized persons. The location of such magazine shall be registered with the local fire department and such information shall be for local fire department or local law enforcement use only. Source. 1973, 419:1, eff. Aug. 29, 1973. 2007, 70:1, eff. June 11, 2007; 183:2, eff. June 11, 2007 at 12:01 a.m. http://www.gencourt.state.nh.us/rsa/html/XII/158/158-39.htm

28. Are there any further protections for the ammunition of those who reload and shoot?

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Yes 158:19 Control of Explosives. – Whenever in his judgment the common defense of public safety of the state requires such action, the governor is hereby authorized to direct the adjutant general of this state to control the storage, sale, and use of explosives, except small arms ammunition, for the purpose of preventing such explosives from endangering the public safety by coming into the possession of unfriendly forces, domestic or foreign, and for the purpose of advising the military, naval, and civil defense authorities of this state of the quantities and location of such explosives for use in the common defense of this state. Upon the governor so directing, the adjutant general is hereby authorized to promulgate regulations requiring dealers to register their stocks and sales of such explosives, and requiring boards of firewards, police officers, or selectmen, as the case may be, to assist in such control measures as he shall institute in the exercise of this authority. No records of the location and amounts of explosives compiled by the adjutant general hereunder shall be deemed public records, but shall be subject to such security classification and restricted to such military, naval, and civil defense uses as the adjutant general, with the approval of the governor and council, may prescribe. Source. 1951, 204:1, eff. Aug. 7, 1951. (emphasis supplied)

V. POSSESSION OF FIREARMS IN THE HOME

CHILDREN

29. What about possession of a firearm in my home, do I need any special permission to possess a firearm in my home in New Hampshire?

   NO! However, New Hampshire does have a law pertaining to negligent storage of firearms. Any person who stores or leaves on premises under that person's control a loaded firearm, and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian, is guilty of a violation if a child gains access to a firearm and:
   
   (a) The firearm is used in a reckless or threatening manner;
   
   (b) The firearm is used during the commission of any misdemeanor or felony; or
   
   (c) The firearm is negligently or recklessly discharged.

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4 Q: May a parent or guardian purchase firearms or ammunition as a gift for a juvenile (less than 18 years of age)?

Yes. However, possession of handguns by juveniles (less than 18 years of age) is generally unlawful. Juveniles generally may only receive and possess handguns with the written permission of a parent or guardian for limited purposes, e.g., employment, ranching, farming, target practice or hunting [18 U.S.C. 922(x)]. NB that “generally” does not encompass all of the methods allowed.
Any person who violates paragraph III shall be fined not more than $1,000.00.

There are exceptions pursuant to RSA 650-C:1 V.

(a) The child has completed firearm safety instructions by a certified firearms safety instructor or has successfully completed a certified hunter safety course.

(b) The firearm is kept secured in a locked box, gun safe, or other secure locked space, or in a location which a reasonable person would believe to be secure, or is secured with a trigger lock or similar device that prevents the firearm from discharging.

(c) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.

(d) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person.

(e) The person who keeps a loaded firearm on any premises which are under such person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(f) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner.

VI. A parent or guardian of a child who is injured or who dies of an accidental shooting shall be prosecuted under this section only in those instances in which the parent or guardian behaved in a grossly negligent manner.

“MINORS”

30. My teenagers bring their friends to our home. My teenagers have air rifles and paintball guns and want to use them with their friends. Are there any rules about letting their friends who are also teenager use them too?

- Yes lots of rules. 644:14 Selling Air Rifles or Paint Ball Guns to Young Persons. – If any person shall sell, barter, rent, lend, or give an air rifle or paint ball gun to a person under the age of 18, without the written consent of the parent or guardian, as the case may be, such person shall be guilty of a violation. Air rifles and paint ball guns may be used in New Hampshire only in the home of the person under 18 under parental supervision or on an approved range under responsible adult supervision. Air rifles or paint ball guns may be possessed by a person under 18 only in his or her own home under parental supervision or on the way to or from an approved range that is under the supervision of a responsible adult such as an instructor in gun safety or marksmanship. Source. 1971, 518:1. 1999, 44:1, eff. Jan. 1, 2000.

31. What about a BB gun? Is there any limit on where a BB gun can be carried?
Yes, one cannot carry a BB gun in school and can be expelled for doing so as well as other potential penalties.

32. What about lending a BB gun to my son’s friend who is less than 18 years of age?

- NO. It’s a violation to do so without the written consent of the parent or guardian.
- Federal law has many provisions pertaining to “juvenile delinquency” and firearms to beware of. Violations of 18 U.S.C. § 922 (x)

(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—
   (A) a handgun; or
   (B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess—
   (A) a handgun; or
   (B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to—
   (A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—
      (i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;
      (ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm who is not prohibited by Federal, State, or local law from possessing a firearm, except—
         (I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or
         (II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;
(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and
(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;
(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or
(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution. (emphasis supplied)

(5) For purposes of this subsection, the term “juvenile” means a person who is less than 18 years of age.

(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.
(B) The court may use the contempt power to enforce subparagraph (A).
(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown. (emphasis supplied)

33. The Youth Handgun Safety Act (18 U.S.C. 922 (x) has been upheld despite a Lopez challenge. 41 See also United States v. Rene E., 583 F.3d 8 (1st Cir. 2009).

34. Typical of federal law, violation of one federal law (for example 18 U.S.C. §922 (x) ) is in itself a violation of federal law….yes, you read that right. So, if one violates, for example, 18 U.S.C. § 922(x) that is a violation of law, which then allows the feds to take jurisdiction because of the “juvenile delinquency” and “transfer for criminal prosecution” in certain instances. 42

35. If a “minor” was ever “adjudicated” in Massachusetts, then one must be very certain that the “adjudication” does not prohibit one from firearms usage and ownership. 43

36. Minors and drugs….do not mix, the same prohibitions on adults, certainly would apply to “minors”44

VI. CARRYING OF FIREARMS OUTSIDE THE HOME
37. Which cities and towns have “the worst” gun laws in New Hampshire?

- None of them! New Hampshire has statewide preemption which means that no city or town can enact laws or regulations pertaining to firearm, only the state can (zoning excepted). However, the chief of police in some towns has been known to make up his/her own rules and add unlawful requirements, so licensee beware! The only way to stop that bad behavior since education does not appear to have worked is to sue them each time they violate the law, the town fathers (and mothers) may well get tired of paying legal fees for illegal behavior.

38. I am good friends with my local chief of police, I will just tell him the truth about my record, and ask him if I am lawfully able to own firearms. It will save me from hiring an expensive attorney. Good idea, right?

- Pay peanuts, get monkeys. First of all, unless your chief of police is an attorney, it is highly unlikely that your chief can correctly answer this question for you. Second even if your chief of police is an attorney there are many practical aspects of forming an attorney client relationship, which brings with that formation duties on the part of the attorney, and in this situation, arguably no attorney client relationship is formed, and thus the courts have found you cannot reasonably rely on the chief’s advice. In short, if the chief is wrong, you may well pay dearly….with your freedom. “A defense of entrapment by estoppel [requires the defendant] to show that he had been told by a government official that his behavior was legal and that he reasonably relied on that advice.” In one instance, a man named Sousa claimed that the Somerville Massachusetts Police Department “told him” that possessing a firearm was legal by issuing him a firearm identification card. We rejected a nearly identical argument in U.S. v. Caron, 64 F.3d 713, 714-717 (1st Cir. 1995). A successful entrapment by estoppel defense generally requires that the misleading statement come from an official representing the sovereign bringing the prosecution, i.e., a federal official. We did hold open the possibility in Caron that entrapment by estoppel could be a defense to a federal crime where a state official affirmatively provided the defendant with misleading advice on the requirements of federal law. But Sousa does not claim that a Massachusetts official affirmatively told him that he could legally possess a firearm under federal law.

39. Why is a person’s firearms taken away from them as a condition of “bail” even when their alleged crime has nothing to do with firearms?

- Good question. That needs to change. Contrary to what many tell you the law does not require it.

From the horse’s mouth, as it were
Q: Are there certain persons who cannot legally receive or possess firearms and/or ammunition?

Yes, a person who —

1. Has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;
2. Is a fugitive from justice;
3. Is an unlawful user of or addicted to any controlled substance;
4. Has been adjudicated as a mental defective or has been committed to a mental institution;
5. Is an alien illegally or unlawfully in the United States or an alien admitted to the United States under a nonimmigrant visa;
6. Has been discharged from the Armed Forces under dishonorable conditions;
7. Having been a citizen of the United States, has renounced his or her citizenship;
8. Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner;
9. Has been convicted of a misdemeanor crime of domestic violence
10. Cannot lawfully receive, possess, ship, or transport a firearm.

A person who is under indictment or information for a crime punishable by imprisonment for a term exceeding 1 year cannot lawfully receive a firearm.

Such person may continue to lawfully possess firearms obtained prior to the indictment or information. [18 U.S.C. 922(g) and (n), 27 CFR 478.32]

N.B. § 922(g)(5), part of the federal equivalent to the Massachusetts firearms regulatory regime, makes it unlawful for illegal and non-immigrant aliens to transport or possess firearms, but does not impose specific restrictions on the right of permanent resident aliens to do so. 18 U.S.C. § 922(g)(5).

40. What about records? Are there any records pertaining to my LTC I should keep?

- You should always keep a copy of any license application, and mail it via the United States Postal Service certified, return receipt requested (cost: approximately $6.25). This way, you will always have a copy of what was sent, and know when it was received and who received it, as it must be signed for.

41. What must I do to carry a concealed handgun outside my home or business in New Hampshire?

- If you intend to carry a loaded, concealed handgun anywhere other than your home (dwelling house) or place of business you must make application to the licensing entity where you live for a license to carry a loaded pistol or revolver.

- In New Hampshire openly carrying a loaded and concealed firearm is legal without a license. You may not carry a loaded pistol or revolver in any
vehicle (openly or concealed) without a License to Carry issued pursuant to RSA 159:6 or if you are a non resident, you hold a current and valid license to carry a loaded pistol or revolver in the state in which he resides.\footnote{New Hampshire RSA 159:6-d}

42. I would love to apply for a resident Pistol/Revolver License, http://www.nh.gov/safety/divisions/nhsp/ssb/permitslicensing/documents/dssp85.pdf but I am afraid of having my home address published as a firearm owner. Does New Hampshire offer me any protection as a holder of a Pistol/Revolver license?

- Yes. Unlike New York and other places whereby firearm owners with concealed carry licenses have had to worry about their governments exposing them to a robbery risk, New Hampshire residents were forward thinking and in 1979 passed RSA 159:6-a which provides:

  “Notwithstanding the provisions of RSA 91-A:4 or any other provision of law to the contrary, all papers and records, including applications, pertaining to the issuance of licenses pursuant to RSA 159:6 and all licenses issued pursuant to said section are subject to inspection only by law enforcement officials of the state or any political subdivision thereof or of the federal government while in the performance of official duties or upon written consent, for good cause shown, of the superior court in the county where said license was issued.”

http://www.gencourt.state.nh.us/rsa/html/XII/159/159-6-a.htm

43. Where does one apply to obtain a Pistol/Revolver license?

- Non-residents must apply to the Director of the New Hampshire State police for a license. ***Please note that the procedure(s) and timelines for challenge of a denial of an application are/can be VERY different for residents and non-residents (as of this writing change of the non resident appeal process is pending). Resident’s challenge procedures are found in RSA 159, non-residents procedures are currently found in New Hampshire administrative regulations, SAF-C.
http://gencourt.state.nh.us/rules/saf-c.html

- New Hampshire residents may apply to and have their license to carry a concealed pistol or revolver issued by the Chief of Police, mayor or from the Selectmen of their town or some full time police officer designated by them.\footnote{New Hampshire RSA 159:6-d}

- It must appear that the applicant has good reason to fear injury to their person or property OR has any other proper purpose and that the applicant is a suitable person to be licensed. Hunting, target shooting or self-defense shall be considered a property
purpose. The license is allowable for all proper purposes regardless of why/the one for which it was issued.

- With certain exceptions, a License to carry is issued by town officials where you reside is required to carry a loaded pistol or revolver in a motor vehicle or to carry a concealed, loaded pistol or revolver on your person. See New Hampshire RSA 159:6, 159:4.

- Three references are required on the Application to Carry a Concealed pistol/revolver, what do the references have to say in their letter? They don’t have to write a letter, you simply have to provide three references; the references do not have to write a letter, or do anything.

44. The definition of a loaded and concealed pistol or revolver has been clarified in State v. Oriol Dor (August 7, 2013) “Therefore, a “loaded pistol or revolver” means not only a pistol or revolver that contains a cartridge in the chamber, but also a pistol or revolver containing a cylinder, magazine, or clip with a cartridge that can be discharged through the normal operation of the firearm” and “Accordingly, we hold that in order for a pistol or revolver to be considered “loaded” within the meaning of RSA 159:4, the pistol or revolver must contain a cartridge in the chamber or must contain a magazine, cylinder, or clip inserted in or otherwise adjoined to the firearm such that the firearm can be discharged through normal operation.” Prior to the Dor decision, however, currently it is my understanding that at least one Superior Court had decided that an individual in possession of a new pistol and two loaded magazines was carrying a concealed firearm without a license when he had the pistol and magazines on the seat of his car, and thus better safe than sorry, get a license!

45. Do I have to provide my fingerprints or photograph with my application?

- No. This means that although you can be required to provide identification prior to picking up your license, they cannot photograph your driver license in order to get around the no photograph required portion of the law.

46. What does concealed mean? Well, if you have a sidearm on your belt, and your vest is covering part of the sidearm, it could well be considered concealed, so you best have a license! If your firearm is in any way covered or concealed by your clothing, it may well be deemed to be “concealed” and thus a license is arguably required.

47. What if my chief of police or selectman does not grant or deny my license application in writing within the required 14 day response time?

48. What are my remedies if the licensing entity does not follow the law?

49. Does New Hampshire have full faith and credit for licenses to carry concealed firearms from other states?
Yes, with some caveats. Currently, the New Hampshire Department of Safety, Division of State Police lists those states New Hampshire has reciprocity agreements with. Please know before you go, as this list may change.

50. Where CAN’T I carry my firearm under New Hampshire STATE law?*

- Essentially state courtrooms and areas pertaining to courts, jury assembly rooms, deliberation rooms, conference and interview rooms, judge’s chambers, court staff facilities, holding facilities and other areas “used by a court”.  
- Due to time constraints this is not an all inclusive list.

51. May I carry my loaded and concealed firearm (assuming I have a license to do so) in a New Hampshire business (public place) such as Costco that has a NO FIREARMS sign posted?

- Why spend your money at a business that does not value your 2nd Amendment right? There are currently no criminal penalties for doing so, however, private property rights prevail in that if a store employee notices you carrying a firearm, they may ask you to leave, and you must leave or risk being charged with criminal trespass.

- Anyone in “authority” can ask you to leave, typically a store manager or even an employee of the store may be deemed to have “authority”) and you could be prosecuted under New Hampshire RSA 635:2.  
  See State v. Gaffney, 147 N.H. 550 (2002). (When defendant refused to leave the police station after being asked to do so, there was sufficient evidence to convict defendant of criminal trespass under former RSA 635:2, II (b) (now RSA 635:2 III(b) because defendant received strong warnings to leave the station or risk being arrested.)

- You can be asked to leave even if you do not have a firearm and even if you believe you are not doing anything wrong, as a business, even Wal-Mart is private property and has a right to control who is allowed on the premises (assuming they are not violating federal law, by, for example posting a “NO X race allowed” or keeping a federally protected category of individuals from entering).

52. What about the anti-gun store manager that posts a “no guns” sign just because he hates all of those “red-necked gun owners” can you tear the sign down?

- No. Your only lawful option is to persuade the store owner or other person with lawful authority to remove the sign or to choose to spend your money elsewhere (and tell your friends and family to do the same).

53. Is it legal to carry a loaded rifle or shotgun in my vehicle?
No. New Hampshire Fish and Game rules prohibit it, and a New Hampshire License to Carry a Pistol/Revolver pursuant to New Hampshire RSA 159:6 is just that, for a handgun. For those of us who ride motorcycles they are ‘vehicles’ pursuant to this statute. However, like every law there are caveats and exceptions, and there is one for disabled persons with certain conditions.

54. What if I am stopped or detained in New Hampshire by the police while driving an automobile or walking, am I required by law to disclose I am lawfully carrying a loaded, concealed handgun and have a license?

NO, not in New Hampshire (however in some states you ARE required to disclose this information promptly upon being stopped by the police…know before you go), and I strongly recommend you do not disclose that information unless the law requires that you do. If asked if you are carrying a firearm or “other weapon” in a state that does not require disclosure of this information, your response should be “why are you asking me that?” or “what have I said or done to make you ask me such a question?” Any answer by the cop that claims a law abiding citizens carrying of a lawfully concealed, lawfully carried firearm should be met with incredulity and should not result in the disclosure that you are armed, that proposition is more than insulting and the premise, illogical.

55. What can the police make me do if I am stopped?

RSA 265:4 Disobeying an Officer. – I. No person, while driving or in charge of a vehicle, shall:

(a) Refuse, when requested by a law enforcement officer, to give his name, address, date of birth, and the name and address of the owner of such vehicle;
(b) Give a false name, date of birth, address, name and address of the owner of such vehicle, or any other false information to a law enforcement officer that would hinder the law enforcement officer from properly identifying the person in charge of such motor vehicle;
(c) Purposely neglect to stop when signaled to stop by any law enforcement officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who signals such person to stop by means of any authorized audible or visual emergency warning signals; or otherwise willfully attempt to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion or abandoning a vehicle while being pursued;
(d) Refuse, on demand of such officer, to sign his name in the presence of such officer;
(e) Refuse, on demand of such officer, to produce his license to drive such vehicle or his certificate of registration or to permit such officer to take the license or certificate in hand for the purpose of examination;
(f) Refuse or neglect to produce his license when requested by a court or justice, or refuse to surrender to the director or to any authorized employee of the department or other authorized representative of the director any license, registration certificate or
number plate upon demand after suspension or revocation of the same.
II. Any person who violates any provision of paragraph I of this section may have his
or her license or privilege to drive and any registrations issued in his or her name
suspended. In addition, any person who violates the provisions of subparagraphs I (a),
(b), (d), (e), or (f) of this section shall be guilty of a class A misdemeanor.
III. (a) In addition to the penalties listed in paragraph II, any person who violates the
provisions of subparagraph I(c) shall be guilty of a class A misdemeanor and shall be
fined not less than $500.
(b) Any person who violates the provisions of subparagraph I(c), and is involved in a
motor vehicle accident which causes serious bodily injury as defined in RSA 625:11,
VI while being pursued, shall be guilty of a class B felony.
(c) Any person who violates the provisions of subparagraph I(c), and is involved in a
motor vehicle accident which causes the death of another while being pursued, shall
be guilty of a class A felony.


Is this overreaching? Yes. I think so. Get involved, repeal laws like this.

56. I have a New Hampshire Pistol/Revolver License ("LTC") issued by the city of Nashua,
and I have just moved to Manchester, my license has not expired, do I need to apply for
a new license from Manchester Police Department?

- No, however, pursuant to New Hampshire R.S.A. 159:6-b Suspension or Revocation
  of License, II (buried very well, don’t you think??!!) “When the licensee hereunder
  ceases to be a resident of the community in which the license was issued he shall
  notify in writing the issuing authority at his new place of residence that he has a
current license. Such license shall remain in effect until it expires pursuant to RSA
159:6.” (emphasis supplied) My advice is to mail this notification via certified mail,
return receipt requested, and simply state that “Pursuant to RSA 159:6-b II I, Person
x/Penny Dean, formerly of xxx Street, Nashua, NH 03301 have moved to 1 Freedom
Lane, Manchester, NH 03101. I am enclosing a copy of my current Pistol/ Revolver
License (LTC) from Nashua, New Hampshire.

57. But how long do you have to notify your new place of residence that you have a current
license and have moved to their town/city?

- The law does not provide a timeline, but I suggest you do this immediately upon
  moving to the new city of residence.

58. What about carrying a firearm in a United States Post Office?

- This is an untested gray area. There are defenses for lawful possession in a Post
  Office but no clear permissive statute. 18 U.S.C. § 930 (a) Possession of firearms and
dangerous weapons in Federal Facilities provides that “Except as provided in
subsection (d), whoever knowingly possesses or causes to be present a firearm or
other dangerous weapon in a Federal facility (other than a Federal court facility), or
attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both."

- **18 U.S.C. § 930** (d) (3) provides for an exemption for lawful carrying of a firearm and a pocketknife with a blade of less than 2 ½ inches.

- Note that **39 C.F.R. § 232.1** (l) provides, “Weapons and explosives. No person while on postal property may carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, or store the same on postal property, except for official purposes.” There does not appear to be a definition of what an official purpose is, and I have been unable to find a case defining this term. Until recently, I was unable to locate a case whereby an individual was criminally prosecuted for carrying a firearm in a United States Postal Service UNLESS the prosecution was in conjunction with charges for other criminal acts (or Postal Employee discipline).

- **39 C.F.R. § 232.1** (p) (2) provides that “Whoever shall be found guilty of violating the rules and regulations in this section while on property under the charge and control of the Postal Service is subject to fine of not more than $50 or imprisonment of not more than 30 days, or both. Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or regulations of any State and local laws and regulations applicable to any area in which the property is situated.”

- In short, one must beware of quicksand, and Postal Facilities (including parking lots) are still uncharted grounds for law abiding citizens. It is clear from the Dorosan case that the court had no problems with the lack of signage in the parking lot and workplace, and construed Dorosan as a workplace issue, not a firearms issue, however, my heart is not warmed by the language, even citing OSHA as a workplace hazard and safety entity that encourages employers to take measures to prevent gun-related injuries. One other case, Murray involved lack of signage, but the armed officers on duty informed Murray of the prohibition, Murray insisted, as a civilian to be allowed to check his black powder pistol as he had his knife in the past. He was arrested and convicted with the conviction affirmed on appeal, despite the lack of signage as the armed guards had verbally warned him.

- At least one court has found that a parking lot, used by Postal employees, separated from public access by physical barriers such as fences and razor-wire and posted notices identifying it as Postal Property does not fall in the category of a federal building as defined in **18 U.S. C. § 930(q)(1)**, nor part of a “federal facility”. Further authority of Postal Service personnel can be found at **18 U.S.C. § 3601**.

- The only other “Post Office” case I am aware of is the Bonidy v. USPS from the U.S. District Court for the District of Colorado (NO. 10cv2408) whereby the Bonidys have challenged and ask for clarification of the no guns on Postal Property because they do not receive mail at their rural area and for other practical reasons.
Historically very few United States Postal cases can be located, and some of them are ridiculous. For example, Attorney Martin Rosenthal was an attorney in the Office of Hearings and Appeals of the Social Security Administration and owned a “Super Tinker” Swiss Army knife with a blade he said was only 2 5/16 long and he carried the knife to work with him. Rosenthal said the knife fell under the 2 ½ inch length that makes one in violation of federal law. 18 U.S.C. § 930 (g)(2). Rosenthal’s supervisor disagreed, confiscated the knife suspended him and the fun began. In short, Rosenthal lost as “clearly” Rosenthal had to know that he was committing a federal crime!

Sadly, I have since found a case similar to what could happen to the average person (there are several cases of criminal use/misuse/carrying of firearms in United States Postal Facilities, however, little if no guidance for John Q. Public who lawfully carries a firearm for self defense and finds him/herself in a situation whereby his/her carrying of a firearm in a Postal Facility becomes known…..remember if you carry concealed for self defense, your carry will generally never be known), and researched the background of the case. U.S. v. Clarence Paul Dorosan, No. 08-31197, Filed October 19, 2009. Mr. Dorosan, an employee of the United States Postal Service brought a handgun on property owned by the Postal Service and used as a parking lot for loading mail and staging its mail trucks. It was found to be a “sensitive places” exception recognized by Heller. Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. 47.5.4. Ultimately, Mr. Dorosan was fined $25.00, conviction and fine were affirmed on appeal.

In short I would be careful of U.S.P.S. warning signs and ignore them at your own peril. If you are charged, take pictures of the area immediately, as 39 C.F.R. §§ 232.1(1) and 39 C. F. R. 232.1(2)(animals) require posting of the warnings, and absent those warnings, one could at least argue lack of notice.

39 C.F.R. § 232 “(l) Weapons and explosives. No person while on postal property may carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, or store the same on postal property, except for official purposes.”

59. National Parks?

As of February 22, 2010 one may carry a firearm in a national parks (on December 10, 2008 the Department of the Interior promulgated a final rule that allows person to possess concealed loaded and operative firearms in National Parks and National Wildlife Refuges in accordance with the laws of the state in which the National Park or wildlife refuge is located.) The law allowing carrying a firearm in National Parks was initially put on hold when the Brady Campaign to Prevent Gun Violence challenged the law by suing the National Parks Conservation Association, et. al. On March 19, 2009 the United States District Court for the District of Colombia in a Memorandum Opinion issued a Preliminary Injunction enjoining the National Parks Conservation Association from
implementing or enforcing the rule allowing persons to possess, carry and transport concealed loaded and operable firearms within a national park or national wildlife refuge.77 Please remember that National Parks and National Forests (Secretary of Agriculture) are two different animals with VERY different rules.

- National Park Carry-KNOW BEFORE YOU GO. You must be in compliance with the state law where the National Park is located, and remember that the restrooms and other buildings in Federal Parks are, as of this writing considered “federal buildings” and thus prudence dictates that firearms not be carried in those buildings as the National Park service has been openly hostile to having the parks opened to firearms, and will likely attempt prosecutions at every available opportunity, so don’t give them one.

WHERE NOT TO CARRY/CHECK FIRST

60. I love to hike and have heard New Hampshire has public land I would love to hike on. May I carry my self defense tools (firearms) with me, so that I may be safe?

- Generally no. Trap for the unwary who may go hiking or walking- NH RSA 212:17 prohibits you from carrying a firearm in the following: “Penalty. – Any person found upon a state game refuge, except as may be permitted under RSA 212:15, or upon any land under the control of the executive director, which has been established by him as an area for the propagation of game, having in his possession a loaded firearm, shall be guilty of a misdemeanor.” (emphasis supplied.) RSA 212:15 offers little clarification, “Taking of Game in. – Any game refuge may be open to the taking of any particular species of game, game bird or fur-bearing animal at any time and by any means under such regulations as may be prescribed by the executive director. Source. 1949, 60:2, eff. Mar. 11, 1949.

- Currently the penalty is not severe6, however that could change at any time, and all firearm related infractions should be avoided.

61. What about federal law, does it restrict where I can carry a firearm in New Hampshire?

- Yes, it does. you cannot lawfully carry a firearm in federal courthouses. Federal law also arguably prohibits carrying a firearm in federal buildings and potentially New Hampshire school zones which is defined as elementary,78 junior high, and high school79 (simply because of the language in RSA 159:6, which arguably does not “require” a New Hampshire licensee to make sure the applicant is “qualified under

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law to receive a New Hampshire license”. No New Hampshire licensee has been challenged on this point yet, don’t be the test case!).

- For the purposes of “school zone” federal law defines a “school zone” as (18 U.S.C. § 921 (a) (25))
  (A) in, or on the grounds of, a public, parochial or private school; or
  (B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

The term “school” means a school which provides elementary or secondary education, as determined under State law. 18 U.S.C. § 921 (a) (26). New Hampshire defines elementary and secondary schools in several places. 80 all of which are from kindergarten through 12th grade. 81

- Like many answers in law, this only leads to more questions. So then, you say, how does New Hampshire State law define elementary or secondary education? (see previous answers). Please beware that almost every legislative session some anti-firearm State Representative introduces some ridiculous anti-firearm bill, typically they are defeated, but do not assume and always check for updated firearm restrictions.

- But what about colleges and universities? They are considered post secondary schools under State of New Hampshire law, and Congress, who speaks specifically, did not include them in the exclusion of the gun free school zone. 82 However, be forewarned, some colleges and universities have Student Policy Manuals, and Academic Standards and other policies that allows them to expel you for having a firearm on school premises.

- Even in states where their licensing system clearly allows licensees to carry loaded concealed firearms in “school zones”, there still may be school restrictions on carrying firearms which may result in expulsion for students, and termination of employment for school employees.

- 18 U.S.C. 921 (a) (27) The term “motor vehicle” has the meaning given such term in section 13102 of title 49, United States Code.

- Possession of a firearm on school property (including private schools), school parking lots, and up to a 1000’ from the school may subject you to expulsion from school, arrest and criminal prosecution—with certain exceptions!

- There are also other federal and state laws pertaining to “juveniles” and firearms.

62.

VII. HUNTING
63. Where do I find all of the laws, federal and state, administrative rules, Fish and Game and otherwise, [http://www.wildlife.state.nh.us/Legislative/legislative.htm](http://www.wildlife.state.nh.us/Legislative/legislative.htm) that I must know if I am to go hunting?

- You have to really do your research, unfortunately, they are not all found in the same place. F & G sells a “law book” by Lexis-Nexis (cost about $50.00) worth its weight in gold because of the annotations-things that explain the law. There are many more sources of firearm laws and regulations even in New Hampshire than many people realize, for example, RSA 212:9 provides that “Adoption, Posting, Etc. – The executive director may formulate, adopt, and post such rules and regulations for the government of lands and waters under his control including state game refuges, and for the protection and propagation of fish, game, fur-bearing animals and marine species thereon, as he may deem necessary for their proper use and administration, or as may be established pursuant to agreements with the director, division of forests and lands, department of resources and economic development, or proper federal authority or lessors.”

- But see RSA 207:3-9[^3] and RSA 644:13 (use).[^4]

64. What times may I go hunting?

- **NH RSA 207:3 Lawful Methods of Taking.** –
  I. Wildlife shall be taken in the daytime between 1/2 hour before sunrise and 1/2 hour after sunset with a gun fired at arm's length or bow and arrow, unless otherwise specifically permitted.
  II. A full automatic rifle shall not be used at any time nor shall a semi-automatic rifle be used to which is attached a magazine or clip holding more than 5 cartridges, nor shall a full jacketed metal case bullet be used, either in its original form or any alteration thereof.
  III. Paragraph II shall not apply to the use of .22 or smaller caliber rimfire firearms.

65. May I hunt anywhere?

- There are many restrictions. One of the many is proximity to houses.
  **RSA 207:3-a Prohibition.** – It is unlawful for a person to discharge a firearm or to shoot with a bow and arrow or crossbow and bolt within 300 feet of a permanently occupied dwelling without permission of the owner or the occupant of the dwelling or from the owner of the land on which the person discharging the firearm or shooting the bow and arrow or crossbow and bolt is situated. Whoever violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. **Source.** 1967, 388:1. 1973, 530:59. 1996, 161:3.
This one is a tricky bugger. It applies even in the country, and applies to target shooting as well. One must start at point 1 and measure 300 feet of a permanently occupied dwelling, and even if your friend owns the house, you will need explicit permission of the owner or the occupant of the dwelling or from the owner of the land.

RSA 635:4 Prescribed Manner of Posting. – A person may post his land to prohibit criminal trespass and physical activities by posting signs of durable material with any words describing the physical activity prohibited, such as "No Hunting or Trespassing", printed with block letters no less than 2 inches in height, and with the name and address of the owner or lessee of such land. Such signs shall be posted not more than 100 yards apart on all sides and shall also be posted at gates, bars and commonly used entrances. This section shall not prevent any owner from adding to the language required by this section. Source. 1977, 284:1, eff. Aug. 21, 1977.

66. What about hunting near “country subdivisions”?

Be careful. N.B. (c) RSA 644:13 Unauthorized Use of Firearms and Firecrackers. –

I. A person is guilty of a violation if, within the compact part of a town or city, such person fires or discharges any cannon, gun, pistol, or other firearm, except by written permission of the chief of police or governing body.

II. For the purposes of this section, "compact part" means the territory within a town or city comprised of the following:

(a) Any nonresidential, commercial building, including, but not limited to, industrial, educational, or medical buildings, plus a perimeter 300 feet wide around all such buildings without permission of the owner.

(b) Any park, playground, or other outdoor public gathering place designated by the legislative body of the city or town.

(c) Any contiguous area containing 6 or more buildings which are used as either part-time or permanent dwellings and the spaces between them where each such building is within 300 feet of at least one of the others, plus a perimeter 300 feet wide around all the buildings in such area. Source. 1971, 518:1. 1991, 164:1. 1996, 161:1, 2, eff. Aug. 2, 1996.


RSA 207:3-d Baiting. –

I. The executive director shall adopt rules, pursuant to RSA 541-A, relative to the opening and closing of the season for the practice of baiting for coyote, furbearing
animals, game birds, or game animals with the exception of gray squirrel.
II. No person shall engage in the act of baiting on the property of another unless he
has secured from the owner or occupant of the property upon which the bait is to be
deposited a permit in writing, signed by the owner or occupant, and until he has filed
a copy of the permit with the conservation officer in whose district the person plans to
bait, together with a topographic map or copy thereof showing the specific location of
the bait site.
III. Notwithstanding the provisions of this section, persons holding a valid trapping
license who have complied with the landowner permit requirements of RSA 210:11
shall be allowed to place bait for the trapping of fur-bearing animals during the open
season.
IV. Notwithstanding the provisions of this section, the executive director may grant a
special permit for scientific purposes, animal damage control, or for any other
purpose at the discretion of the executive director.
V. Notwithstanding the provisions of this section, no person shall place bait less than
300 feet from a dwelling or public roadway, pathway or trail. Source. 1991, 224:2.

68. I hunt with dogs, and sometimes those darn dogs run off, despite my best training. I
would like to use telemetry equipment to track them, may I?

- Not really there are time restrictions on their use. NH RSA 207:3-e Use of
Telemetry Equipment Restricted. – No person shall use a telemetry receiver to
locate trail or tree hounds from 1/2 hour before sunrise to 1/2 hour after sunset while
in any motorized vehicle or within 300 feet, as measured from the center of the
traveled position, of any public highway or any private road open to use by the
public. Whoever violates the provisions of this section shall be guilty of a violation if
a natural person, or guilty of a misdemeanor if any other person. Source. 1991, 363:2,

69. I would like to be courteous and know some people do not like gunfire (the sound of
freedom), and know in some places hunters use sound suppressors. I would be willing to
purchase a silencing device in an effort to accommodate others. Is this legal in New
Hampshire?

- RSA 207:4 Silencing Devices. –
I. No person shall possess a rifle, pistol, or other firearm fitted or contrived with any
silencer or device for deadening the sound of explosion, for the purpose of taking
wildlife. Nothing in this section shall prohibit the use of a muzzle brake, polychoke,
or compensator.
II. Nothing in this section shall prohibit a person who has obtained a depredation
permit issued by the executive director of fish and game from taking wildlife under
such permit using a lawfully obtained silencing device. Source. 1947, 69:1. 2001,
70. Are there any limits on how much game I may have in my possession?


71. Does New Hampshire have any crazy hunting laws like no pink dresses on Sunday?

- Yes. RSA 207:6 Ferrets. – No person, while hunting or obviously on his way to or from hunting, shall have a ferret in his possession, custody or control. Source. 1935, 124:1. RL 241:5. [http://www.gencourt.state.nh.us/rsa/html/XVIII/207/207-6.htm](http://www.gencourt.state.nh.us/rsa/html/XVIII/207/207-6.htm)

72. It gets awful cold in the winter in New Hampshire, may I hunt from my truck?

- No. NH 207:7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft. –
  I. No person shall take or attempt to take wild birds or wild animals from a motor vehicle, OHRV, snowmobile as defined in RSA 215-C:1, boat, aircraft or other craft propelled by mechanical power.
  II. No person shall have or carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, whether moving or stationary, a cocked crossbow, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.
  III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.


73. May I make a few dollars hunting for those who may be physically unable to do so?

74. Any prohibited devices?

- Yes. A whole list. **RSA 207:10 Prohibited Devices.** – A trotline, tips-ups, set and trap lines, crossbows, spears, grappling hooks, naked hooks, snatch hooks, eel wires, eel pots, and nets, shall not be used in any fresh waters of the state to take fish, unless otherwise specifically permitted. No person shall possess, while hunting or trapping any wild bird, or wild animal, including bear, any snare, jack or artificial light, swivel, pivot or set gun, except as otherwise permitted. Any person convicted of illegal night hunting shall forfeit such firearms, jacks or other equipment used or usable in the illegal night hunting at the time of the violation. Prohibited articles, upon conviction of a violation of illegal night hunting, shall become the property of the fish and game department, and shall be sold at auction by the executive director within one year of the forfeiture. Nothing in this section shall be construed to prohibit the use of lights for checking traps as permitted in RSA 210:13. **Source.** 1935, 124:1. 1937, 188:5. RL 241:9. 1945, 74:1. RSA 207:10. 1955, 48:1. 1971, 23:1. 1994, 51:2. 1997, 8:1. 2001, 161:1, eff. Jan. 1, 2003. [http://www.gencourt.state.nh.us/rsa/html/XVIII/207/207-10.htm](http://www.gencourt.state.nh.us/rsa/html/XVIII/207/207-10.htm)

75. Why can’t I lean a firearm against my truck while I am putting my gear away?

- F & G rules are not always logical. Even leaving a “loaded” (defined by New Hampshire F & G as having a magazine attached or inserted) long gun leaning against a motor vehicle, or on the surface of the motor vehicle, or inside the motor vehicle can result in you being charged with “hunting” from a motor vehicle by New Hampshire Fish & Game! 85

76. Is an unloaded firearm considered a deadly weapon?

- It has been. Yes, even an unloaded firearm can be considered a “deadly weapon”. 86

77. Gone shooting somewhere than your own land? Relaxing at the end of the day? Want to build a campfire?

- You can’t just build a campfire anywhere! You must get a permit for a campfire on the land of another or upon public land. 87

78. What about the trip of a lifetime, I would like to take my shotgun (and ammunition) overseas on a hunting trip?

- **KNOW BEFORE YOU GO.** One source is GUIDELINES FOR THE PERMANENT EXPORT, TEMPORARY EXPORT, AND TEMPORARY IMPORT OF FIREARMS AND AMMUNITION. 88 This is a very complex and ever changing area of the law. You will have to consult both the country you are going to and applicable the United States laws. Know that the laws pertaining to export of armaments are very complex and unforgiving, and it matters greatly whether or not
you intend to “permanently export your firearm for commercial purposes”\textsuperscript{89}, further the forms required for exporting a firearm vary widely depending on several criterion. See for example DSP-83 Non Transfer and use certificate. \textsuperscript{90} These laws also apply to our servicemen bringing home “war trophies”. \textsuperscript{91} Start with the United States Code, (federal law “U.S.C.”) \textbf{50 U.S.C. App. 2410A, 18 U.S.C. 545}, \textsuperscript{92} 18 U.S.C. 542, \textsuperscript{93} 18 U.S.C. 541. \textsuperscript{94}

\begin{itemize}
\item In the “old days” many soldiers brought home “war trophies” in the form of foreign firearms and armaments. Things have changed very much since then-do not assume that if you take it out, you can bring it back, be certain BEFORE you go.
\end{itemize}

VIII. \textbf{SELF DEFENSE}

79. What is a self defense weapon? Well, New Hampshire law defines them, but not as I would!

\begin{itemize}
\item NH RSA 159:20 \textbf{Self-Defense Weapons Defined}. – In this subdivision:
  I. "Electronic defense weapon" means an electronically activated non-lethal device which is designed for or capable of producing an electrical charge of sufficient magnitude to immobilize or incapacitate a person temporarily.
  \url{http://www.gencourt.state.nh.us/rsa/html/XII/159/159-20.htm}
\end{itemize}

IX. \textbf{DEFENSE AGAINST GOVERNMENT ABUSE FOR LAW ABIDING CITIZENS?}

There are many state and federal statutes that should apply but remember in most instances an unelected, appointed for life individual (in many cases appointed by someone who does not respect your Constitutional Rights-or at least not all of them) will decide whether or not these protections apply to you.

80.
81. 18 U.S.C. § 241 \textbf{Conspiracy against rights}

“\textbf{If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;}

\textbf{or}

\textbf{If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured -}

\textbf{They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated...}
sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.  

82. 18 U.S. C. 242 Deprivation of rights under color of law

    Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

83. In New Hampshire see Official Oppression see RSA 643:1

    A public servant, as defined in RSA 640:2, II, is guilty of a misdemeanor if, with a purpose to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office; or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.  

X.      TRANSPORTATION

XI.      MACHINEGUNS-AOW-SILENCERS

84. What about the “fun stuff” i.e. full autos and silencers-are they lawful to possess and use in New Hampshire?

    ➢ We in the semi-free state can legally own ‘em all, as long as the ubiquitous Federal Form 4 or other required federal paperwork is in order and the dealer has a ‘Class 3’ license. The most important part is registration in the National Firearms Registration and Transfer Record, and payment of a $200.00 tax prior to the transfer or possession of the NFA firearm or item.  

allows a dealer to deal in items controlled by Title II of the National Firearms Act, whereas “regular” firearms come under the purview of Title I—also note that Federal Firearms Licenses are correctly labeled Type 1-11 with license types Type 1, 7, 8, 9, 10 typically dealing in National Firearms Act –Class 3’ items).


- Yes, of course, subject to compliance with all state and federal laws.

86. There are all sorts of laws pertaining to the who/what/where/why/when of National Firearms Act firearms, where do I start?


87. What firearms are “registered” and why?

- Machineguns, frames of machine guns, any combination of parts designed and intended for use in converting weapons into machineguns, any part designed and intended solely and exclusively for converting a weapon into a machinegun. Any combination of parts from which a machinegun can be assembled if the parts are in the possession or under the control of a person, silencers and any part designed and intended for fabricating a silencer, short barreled rifles, short barreled shotguns, destructive devices (Molotov cocktails, anti tank guns-over .50 caliber, Bazookas, mortars) and “gadget type” firearms and “pen” firearms which fire a projectile by the action of an explosive. See 27 CFR § 479.11 and 26 U.S.C. § 5845 for some definitions.

- How can I tell if an item is a “destructive device”? You can’t, the ATF does!
  27 CFR § 479

88. What if I don’t want to register a NFA item, or want to simply manufacture or assemble an NFA item on my own without getting permission?

- It would take me dozens of pages to list all of the laws you would be breaking, but at a minimum you would be subject to a fine of up to $250,000.00, and imprisoned not more than 10 years, or both as well as the provisions of 26 U.S.C. 5872
  "Forfeitures
  (A) LAWS APPLICABLE
  Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter, and the persons to whom this chapter applies.
**Disposal**

In the case of the forfeiture of any firearm by reason of a violation of this chapter, no notice of public sale shall be required; no such firearm shall be sold at a public sale; if such firearm is forfeited for a violation of this chapter and there is no remission or mitigation of forfeiture thereof, it shall be delivered by the Secretary to the Administrator of General Services, General Services Administration, who may order such firearm destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it.”

Your family home, car, or anything else the federal government claimed was used in “furtherance” of the unlawful making could be forfeited (and you would still owe the mortgage etc!)

- What does a person have to do to qualify to import, manufacture, or deal in NFA firearms?

**89.** Does the GCA prohibit anyone from making a handgun, shotgun or rifle?

> With certain exceptions a firearm may be made by a non-licensee provided it is not for sale and the maker is not prohibited from possessing firearms. However, a person is prohibited from assembling a non-sporting semi-automatic rifle or non-sporting shotgun from imported parts. In addition, the making of an NFA firearm requires a tax payment and approval by ATF. An application to make a machine gun will not be approved unless documentation is submitted showing that the firearm is being made for a Federal or State agency.


**90.**

91. Speaking of possession, how is possession defined, especially when it comes to machine guns and silencers?

- For Federal Law, “Possession” of machineguns and silencers is defined slightly differently than for say, a felon in “possession” as there are exceptions for “possession” of machineguns etc. by others (there may be state restrictions prohibiting such possession, so check state and local laws as well), allowing one to ‘possess’ a machinegun if the named individual/entity/owner listed on the applicable Form 4 is present with the item. In order to be safe, I would suggest the designee on the Form 4 be within a “wingspan” of the item and user.\(^{10}\) Note the term “registered” owner of a machinegun or suppressor is somewhat of a misnomer, as of May 19, 1986 one may no longer “register” a machinegun.

- You must comply with 26 U.S.C. § 5845 (a)(7) in that your NFA item must be registered in the National Firearms Registration and Transfer Record, as
required by 26 U.S.C. § 5841. It is a violation of 26 U.S.C. § 5845(a)(7), § 5861 (d), and § 5871.

- Possession can be either actual or “constructive” and at least one court has said that even leasing a warehouse for a business, when part of that warehouse contains stored unregistered (didn’t pay the $200.00 tax) firearms that should have been registered is “possession” thus subjecting one to a felony conviction for possession of unregistered machine guns. In short, if you or someone else can physically touch a firearm (meaning it is not in a safe that you do not have the combination to, or locked in an area you do not have a key to access) you arguably have “access” to the item. Constructive possession exists when a person knowingly has the power and intention at a given time of exercising dominion and control over the object or over the area in which the object is located—U.S. v. Booth, et. al., 111 F.3d 2 (1st Cir. 1997) (emphasis supplied) In short, a jury, as a factfinder can choose whom it believes, and if the jury believes you “knew” a firearm was present, and you have ‘dominion and control’ over the area that contains the firearm, you could well be deemed to have “possessed” the firearm.

92. May I take my full autos anywhere I want?

- Yes but… Although New Hampshire state law does not restrict your movement, - some states prohibit or restrict where or what NFA items are allowed and federal law most certainly does (See ATF Form 5330.20). Currently, you must obtain written permission from the BATFE (Bureau of Alcohol Tobacco Firearms and Explosives) PRIOR TO moving (read transporting) fully automatic firearms across state lines. It is a crime not to do so. The owner must indicate on the ATF Form 5330.20 whether the move is temporary or permanent. This applies to short barreled rifles, short barreled shotguns, machine guns and destructive devices. This requirement does not apply to silencers or AOW (any other weapon). For further specifics, consult an attorney knowledgeable in the specific state and/or town before you go, as this is not a question that can be answered fully within the space constraints of this document.

93. But if receive prior permission from the BATFE on ATF from 5320.20 I’m all set, right??

- Not necessarily! Some states do not allow ANY PERSON to possess items of certain designs of firearms in their state period! (think Streetsweeper http://www.atf.gov/firearms/guides/identification-of-nfa-firearms.html Also some towns, cities and municipalities have enacted ordinances and laws pertaining to NFA items, and some states require registration immediately (or within 24 hours) of entering their jurisdiction with an NFA item. KNOW BEFORE YOU GO!
94. Great, so if it’s legal to take my NFA item to another state, **I can lend it to my cousin Sue for awhile?** She’s thinking about purchasing some NFA items and wants to borrow my NFA items and try them out.

- Remember the NFA item owner must maintain dominion and control over the item at all times. This includes your spouse and kids! So, if you store your NFA items in the family gun safe, you need two safes if you own your NFA items as an individual as opposed to in a NFA Trust (with your wife and lawful age children as trustees), as arguably, your spouse and/or kids could have illegal “control” over the NFA item in your absence.

95. Why do I have to pay a $200.00 tax upon the making and transfer of a machine gun as well as certain other items?

- The National Firearms Act of 1934 (NFA) requires it.¹⁰⁶

96. What makes something commonly referred to as a ‘Class 3 (dealer)/Title II (item)’?

- Well, in short, *(pun intended)* if it is a short barreled rifle (barrel less than 16 inches long), a shotgun with a barrel of less than 18 inches, fully automatic or ‘select fire’, a handgun with a shoulder stock, a suppressor, or a myriad of other atypical or unusual item that falls into the category of AOW (any other weapon-$5.00), then special rules apply and you must pay for and obtain a $200.00 tax stamp prior to taking possession of the item (suppressors and full autos).¹⁰⁷ So you say you want to “make your own”? In certain instances you may do just that…BUT you must get permission PRIOR TO so much as turning one screw in the making, AND pay a $200.00 tax. [http://www.atf.gov/forms/download/atf-f-5320-1.pdf](http://www.atf.gov/forms/download/atf-f-5320-1.pdf). Remember that as of May 19, 1986 one may not lawfully manufacture a fully automatic firearm for personal use or sale (military and law enforcement excepted, of course).

97. What in the world IS “any other weapon”?

- In my humble opinion this is a broad "catch-all" category used to regulate any number of firearms which ATF thinks it can (and it can) regulate, tax and control. This would include, but not be limited to:
  - Smooth-bore pistols
  - Pen guns and cane guns⁷
  - “hidden” firearms…something that does not look like a gun
  - A short-barreled shotgun which came from the factory with a pistol grip is categorized as an AOW rather than a SBS,

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⁷ See also RSA 159:19-a [http://www.gencourt.state.nh.us/rsa/html/XII/159/159-19-a.htm](http://www.gencourt.state.nh.us/rsa/html/XII/159/159-19-a.htm)
because the Gun Control Act describes a shotgun as “…designed or redesigned to be fired from the shoulder…”

- Fireams that can be fired from within a wallet holster or a briefcase (identify this one!)
- Handguns with a forward vertical grip. Think of all the red dot and other new sights currently being installed on handguns… it’s illegal to place an aftermarket foregrip (vertical) on any pistol **without first registering it as an AOW and paying the $200 "making tax" imposed by the Act.**
- A firearm with combinations smooth bore-rifle barrels 12 inches or more but less than 18 inches in length from which only a single shot can be made from either barrel

98. Must a person possessing a machine gun keep “Proof of registration”?

- Yes. A person possessing a firearm registered as required by this section shall retain proof of registration which shall be made available to the Secretary upon request.**A person possessing a firearm registered to him shall retain proof of registration which shall be made available to any ATF officer upon request.”**

99. Why does it matter if a machine gun is confiscated? It seems like all sorts of folks think it’s a big deal. Heck if someone makes a mistake or breaks the law, it’s their loss $$$$$$$$$$$$$$$$$$. Right?

- There is a finite supply of lawful machine guns available to purchase for John and Jane Q. Public. As of November 2006 the national registry of machine guns contained registrations for 391,532 machine guns. Any machine gun that is involved in a violation of the NFA is subject to seizure and forfeiture. If a machine gun is forfeited, it cannot be sold, and may be destroyed or transferred among federal, state and local government agencies, thus diminishing the supply of legal machine guns, and increasing the price.

100. I simply own and collect NFA items, do I have to notify the BATFE in writing if I move to a new house?

- At the present time, there is no legal requirement that you notify the BATFE of a move (intrasate NOT interstate), however, I strongly recommend that because your NFA items are likely to be “stored” where you live, that you notify the BATFE (Bureau of Alcohol Tobacco Firearms and Explosives) in writing at the local ATF branch, via certified mail, return receipt requested of your move.

101. What if my NFA item is lost or stolen?
You must report it immediately to the Director (currently NFA Branch in Martinsburg, WV).112

XII. EXPLOSIVES

102. Are there any state laws pertaining to explosives?

➢ Yes. Lots. 158:9-a Acts Unlawful. –
  I. No person shall purchase, store, or transport or attempt to purchase, store or transport any high explosive without first obtaining a license therefor as provided in RSA 158:9-b.
  II. No person shall sell any high explosive to another unless the purchaser exhibits a license to purchase obtained as provided in RSA 158:9-b. In such case, the seller shall record the name and address of the purchaser, the license number, the date of the sale, the type and quantity of explosive sold, the serial number of said explosive, if any, and the purpose for which it is to be used. Said record shall be kept by the seller for a period of 2 years.
  III. No person shall store or keep any high explosive unless such explosive is stored or kept in accordance with regulations pursuant to RSA 158:9-f.
  IV. Notwithstanding the provisions of paragraph I, any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may transport the same in the course of his employment if the employer has obtained a license in its name as provided in RSA 158:9-b.
  V. Notwithstanding the provisions of paragraph II, any employee of any person, firm, corporation or association whose usual business requires the use of any high explosive may purchase the same in the name of his employer if said employer has obtained a license in its name as provided in RSA 158:9-b. In such case, the seller shall record the name, address and license number of the employer, the name and address of the employee, the date of the sale, the type and quantity of explosive, the serial number of the explosive sold, if any, and the purpose for which it is to be used. Said record shall be kept by the seller for a period of 2 years.
  VI. For the purposes of this section, the term "high explosive" shall mean and include dynamite, any explosive compound of which nitroglycerin forms a part, fulminate in bulk or dry condition, blasting caps, detonating fuses, blasting powder, blasting agents or other similar explosive but shall not include black powder used in sporting rifles purchased or sold in quantities of 50 pounds or less or stored in quantities of 5 pounds or less. Source. 1970, 45:1. 1977, 361:6, eff. July 1, 1977. http://www.gencourt.state.nh.us/rsa/html/XII/158/158-9-a.htm (emphasis supplied)

103. I plan to ship some explosives, is there anything I need to know?

➢ Lots. This is just one of the many laws you must comply with. NH RSA 158:16
  Marking. – Every package containing explosives or other dangerous articles, when
presented to a common carrier for shipment, shall have the contents plainly marked on the outside thereof; and it shall be unlawful for any person to deliver, or cause to be delivered, to any common carrier any explosive or other dangerous article under any false or deceptive marking, description, invoice, shipping order or other declaration, or without informing the agent of such carrier of the true character thereof, at or before the time such delivery or carriage is made. http://www.gencourt.state.nh.us/rsa/html/XII/158/158-16.htm

104. Are there penalties if those laws are violated?

- Yes. NH RSA 158:9-e … II. Any person convicted of violating the provisions of RSA 158:9-a, III or regulations promulgated pursuant thereto shall be guilty of a misdemeanor for first and second offense and of a felony for any subsequent offense.
  III. Any person convicted of larceny of any high explosive as defined in RSA 158:9-a, IV, shall be guilty of a class B felony.
  IV. The director, or his designee, shall have the authority to, at the owner's expense, require the immediate removal to a safe and secure location, any explosive found to be kept in violation of any rule or regulation covered under RSA 158 provided that said violation constitutes an immediate threat to public safety. The director shall also have the authority to suspend or revoke any license issued under RSA 158:9-b when it has been determined by a hearing board, the members of which shall be designated by the commissioner of safety, that a violation of any of the requirements of RSA 158 has occurred. http://www.gencourt.state.nh.us/rsa/html/XII/158/158-9-e.htm

105. What if explosives cause death or bodily injury to someone, what then?

- For one thing, NH RSA 158:18 Personal Injury. provides– When the death or bodily injury of any person is caused by the explosion of any article named in this subdivision, while the same is being placed upon any vessel or vehicle to be transported in violation hereof, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, the person knowingly placing, or aiding or permitting the placing, of such articles upon any such vessel or vehicle, to be so transported, shall be guilty of a class A felony.

106. Are there any restrictions on other forms of ‘explosive’ compounds?

- Yes. One example. NH RSA 158:21 Other Cases. – It shall be unlawful to manufacture for sale, keep for sale or sell, in packages of less than one quart liquid, or one pound paste form, any article or compound designed or intended as a polish, other than those specified in the preceding section, which will flash at a temperature below 120 degrees Fahrenheit, open cup test. Nor shall polishes so flashing be manufactured, stored, kept, sold or supplied in larger packages than herein specified unless such packages shall be conspicuously branded in red with
the words: DANGEROUS. INFLAMMABLE COMPOUND. Keep from fire, heat and lights.

107. What IS an “explosive”?

- NH RSA 158:30 Classes of Explosives. –
  I. Class A explosives or so-called dangerous explosives shall include: ammunition for cannon with explosive projectile; explosive projectiles; explosive grenades; explosive bombs; explosive mines; explosive torpedoes; rocket ammunition; chemical ammunition; explosive boosters; jet thrust units (JATO), class A; detonating primers; detonating fuses, boosters, or other detonating fuse parts containing an explosive; cartridge bags empty, with black powder igniters; percussion, tracer, combination time fuses and tracers; nitroglycerine blasting caps and electric blasting caps in quantity exceeding 1,000 caps in the aggregate; dynamite; T.N.T. (trinitrotoluene); fulminate of mercury; ammonia nitrate, when stored with, transported with, or used with explosives, or with any substance which, when mixed with ammonium nitrate, creates an explosive; or any substance highly susceptible to detonation or otherwise of a maximum hazard.
  II. Class B explosives or so-called flammable hazards shall include: ammunition for cannon with empty projectiles, inert loaded projectiles, solid projectiles, or without projectiles or shell; rocket ammunition; jet thrust units (JATO), Class B; or any other substance highly susceptible to detonation.
  III. Class C explosives or so-called minimum hazards shall include: explosives cable cutters; empty grenades, primed; explosive rivets; blasting caps and electric blasting caps, not exceeding 1,000 caps; smokeless powder; small arms ammunition; igniters; delay igniters or fuse lighters; ammunition for cannon; ammunition for small arms with explosive bullets or explosive projectiles; black powder; primers. [N.B. INCONSISTENCIES see other statutory exceptions for ammunition for cannot and small arms ammunition]

108. What about the use of explosives?

- NH RSA 158:36 Throwing or Placing of Explosives; Penalty. – Whoever willfully and intentionally throws at or near any person and whoever willfully, intentionally and without right throws into, against or upon, any property real or personal, or puts, places or explodes or causes to be exploded in, upon or near such property, or near any person, the following: gunpowder or other explosive, or a bombshell, torpedo or other instrument filled or loaded with an explosive; with an intent unlawfully to destroy or damage property or to injure any person, or whoever has in his possession or under his control such an article or instrument with such intent, shall be subject to the following penalty:
  I. If the offense occurs prior to November 1, 1973, he shall be fined not more than $5,000 or imprisoned in the state prison for not more than 20 years, or both.
  II. If the offense occurs on or after November 1, 1973, he shall, if a natural person, be guilty of a Class A felony, and any other person shall be guilty of a

109. Any common sense in RSA 158?  
http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XII-158.htm

- Some. RSA 158:39 III. Nothing contained in this subdivision shall apply to black powder used by an association or nonprofit entity organized to conduct historical reenactments, portrayals, or demonstrations, or to the storage of up to 50 pounds of black powder by such an association or entity, provided that no more than 50 pounds of black powder is contained in a type 4 magazine as defined in 27 C.F.R. 55.203 and 27 C.F.R. 55.210(b) located at least 50 feet from an occupied dwelling in such a way as to be secure from unauthorized persons. The location of such magazine shall be registered with the local fire department and such information shall be for local fire department or local law enforcement use only.\textsuperscript{114}

- Must all firearms have a serial number?\textsuperscript{115} YES. With certain exceptions for antique firearms,\textsuperscript{116} and firearms manufactured prior to the Gun Control Act of 1968, all modern firearms MUST have a serial number. The ATF publishes a “POLICE OFFICER’S GUIDE to Recovered Firearms”\textsuperscript{117}, page 3 that Notes  “Older firearms (manufactured or imported before 1968 may lack some of these markings including serial numbers.). If the modern firearm you are thinking of purchasing does not have one, or it is obliterated, RUN don’t walk away from it. It is illegal to receive or possess a firearm having the serial number or other identification obliterated, removed, changed or altered.\textsuperscript{118}

- So, that means that a FFL (Federal Firearms Licensee) holder would not have to report multiple antique handgun sales within 5 days to the government right? Yes, since antique handguns (a term defined under the law) are not regulated under the GCA of ‘68 (Gun Control Act), they need not be reported as part of a multiple sale on ATF Form 3310.4. (http://www.atf.gov/forms/download/atf-f-3310-4.pdf). In New Hampshire that information is sent to the ATF and the NHSP. If you find a case where that form is being illegally provided to the local chief of police or anyone else, please let me know ASAP, as it should be addressed via litigation and education.

- If you purchase a firearm from a Federal Firearms Licensee (FFL) then one must be at least 18 years old to purchase a rifle or shotgun, and at least 21 years old to purchase a handgun.\textsuperscript{119} However, federal law addresses sale and delivery of firearms by licensed importers, licensed manufactures, licensed dealers or licensed collectors\textsuperscript{121} federal law does not address sales or transfers by non dealers or possession by minors, and there is no clear federal case law for guidance on the subject.\textsuperscript{122}

- New Hampshire law pertaining to sale to minors, RSA 159:12

I. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor.
II. This section shall not apply to:
(a) Fathers, mothers, grandparents, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.
(b) Individuals instructing minors in the safe use of firearms during a supervised firearms training program, provided the minor's parent or legal guardian has granted the minor permission to participate in such program.
(c) Licensed hunters accompanying a minor while lawfully taking wildlife.


➢ Are there any restrictions on “minors” hunting? Yes.

“I. No person shall knowingly permit any minor, including a nonresident minor, less than 16 years of age to hunt using a firearm, bow and arrow, or crossbow and bolt, except when accompanied by a person at least 18 years of age who is properly licensed for said activity. In accordance with RSA 626:8. II(b), such person shall be held criminally liable and fully accountable for any damage incurred or for any violations which may be committed by the minor under the age of 16 while hunting using a firearm, bow and arrow, or crossbow and bolt.

II. No minor, including a nonresident minor, under the age of 16 shall hunt using a firearm, bow and arrow, or crossbow and bolt, except when accompanied by a person at least 18 years of age who is properly licensed for said activity.”

Many hunting types knives could be considered “marital arts weapons”

159:24 **Sale of Martial Arts Weapons.** –
I. "Martial arts weapon" means any kind of sword, knife, spear, throwing star, throwing dart, or nunchaku or any other object designed for use in the martial arts which is capable of being used as a lethal or dangerous weapon.
II. Any person who shall sell, deliver, or otherwise transfer any martial arts weapon to a person under the age of 18 without first obtaining the written consent of such person's parent or guardian shall be guilty of a misdemeanor.
III. Paragraph II shall not apply to fathers, mothers, guardians, administrators or executors who give a martial arts weapon to their children or wards or to heirs to an estate. **Source.** 1986, 222:3, eff. Jan. 1, 1987. http://www.gencourt.state.nh.us/rsa/html/XII/159/159-24.htm
There are a huge number of hunting license choices and one should consider lifetime hunting licenses, but know their restrictions. What about remote control or Internet hunting? Not allowed.

Not only should you teach young hunters good sportsmanship and safety in New Hampshire there are affirmative laws with criminal penalties for not aiding a human being in certain instances. There is also an affirmative duty to self report injuries to others. However, I would recommend contacting a lawyer for advice immediately prior to such mandated self reporting.

What are the requirements for wearing “hunter orange” while hunting in New Hampshire? There aren’t any legal requirements, but it is recommended.

What about tranquilizers, they look really cool on TV? Well, not for you and I, but… “This shall not apply to the executive director of fish and game or the executive director's authorized agents.”

What about fishing? That is the subject of an entire book; there are numerous prohibitions and restrictions on fishing. Again, the “Exception. – The provisions of RSA 207:10 relative to use of certain prohibited devices shall not apply to the fish and game executive director or his authorized agents when engaged in removing nuisance animals, birds or fish.”

What is a firearm anyways? How’s this for legal gobbldy-gook?

It depends on who you ask. Common sense does not come into play. Those in black robes will tell you. “Webster's Third New International Dictionary, which defines a firearm as "a weapon from which a shot is discharged by gunpowder." Beaudette, 124 N.H. at 581, 474 A.2d at 1014 (quotation omitted). Although we noted that courts in other jurisdictions "determined that gunpowder and the capability of discharge are the distinguishing features of a firearm," none of the cases cited required proof of operability at the time of the offense. Id. Rather, the cases to which we referred define firearm as an object having either the design or the capacity to propel a projectile by force of an explosion. See State v. Johnson, 8 Kan. App. 557, 558, 657 P.2d 1139, 1141 (1983) (firearm is determined by its design or its capacity to propel a projectile); Douglas v. State, 37 Md. App. 557, 558, 378 A.2d 189, 189-90 (1977) (firearm must propel a missile by gunpowder or similar explosion); State v. Lawr, 263 N.W.2d 747, 749 (Iowa 1978) (firearm must be able to propel a projectile by gunpowder). After reviewing these cases, we held that "since the pellet from the defendant's gun was propelled by pneumatic force . . . it was not a 'firearm' within the meaning of RSA 650-A:1 (Supp. 1983)." Beaudette, 124 N.H. at 581, 474 A.2d at 1014.

We agree with the defendant that "[t]here is no indication that the legislature intended that a different definition of firearm be applied to the theft statute than
the felonious use statute.” Thus, to determine whether the weapon is a firearm we ask whether the weapon is designed to, or is capable of, discharging a shot by gunpowder, not whether it was capable of discharge at the time of the offense.” State v. Taylor, 136 N.H. 131 (1992)

And

“The legislature did not require the State to prove that a particular weapon is actually capable of causing death or serious bodily injury, and we will not add that requirement. Moreover, although the legislature has not defined the term "firearm," we have interpreted it to mean a "weapon [that] is designed to, or is capable of, discharging a shot by gunpowder, [but not necessarily] capable of discharge at the time of the offense." State v. Taylor, 136 N.H. 131, 133, 612 A.2d 917, 919 (1992).” State v. Hatt, 144 N.H. 246 (1999)

➢ What law says that a juvenile can’t buy handguns?

➢ Who is a juvenile?

➢ Motor vehicles can be legally defined as “deadly weapons” based on the manner it was used, was known to be capable of causing death or serious bodily injury.

➢ What about furnishing cartridges or shotshells suitable for discharging in any rifle, pistol, revolver or shotgun to someone under the age of 16 years old, may I? No, with certain exceptions for fathers, mothers, grandparents or guardians of such children as well as certain other enumerated exceptions.

➢ Misdemeanor crime of Domestic Violence, what is that? Since September 30, 1996, any person convicted of a misdemeanor crime of domestic violence, regardless when the conviction occurred, cannot possess a firearm. A "misdemeanor crime of domestic violence" is defined as any state or federal misdemeanor that "has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim."

➢ This definition includes all misdemeanors that involve the use or attempted use of physical force (e.g., simple assault, assault and battery), if the offense is committed by a person included in the above list. It is not necessary that the law specifies it is a crime of "domestic violence." The prohibition applies to persons convicted of domestic violence misdemeanors at any time, even if the conviction occurred prior to the new law’s effective date, September 30, 1996. A recent Maine case taken to the 1st Circuit does not bode well for firearm rights as “offensive physical contact” may be enough.

➢ There are some limitations on the application of the law.
First, at the time of previous conviction, the defendant either had to be represented by counsel or knowingly and voluntarily waived the right to counsel.

Second, if the defendant was entitled to a jury trial on the misdemeanor, either the case had to have been tried to a jury or the defendant must have knowingly and intelligently waived the right to a jury trial, through a guilty plea or otherwise.

Third, the misdemeanor conviction cannot have been annulled, expunged, set aside or the subject of a pardon. Nor does the law apply if the person's civil rights have been restored (unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not possess a firearm). 18 U.S.C. § 921 (a)(33).

Be very careful about the terms “annulment”, “expungement”, “set aside”, and “sealing”, they DO NOT mean the same thing in every state, and furthermore, sometimes “sealing” a record DOES NOT remove the legality disability pertaining to firearms….as in a person may have their record “sealed” but still be prohibited from possessing firearms!

Law enforcement officers and governmental employees (such as security guards or military personnel) are subject to the domestic violence law. If convicted of a qualifying domestic violence misdemeanor, they cannot possess a firearm, even to perform their official duties.

What if my girlfriend/boyfriend and I get in a fight and one of us calls the police? Well, if either of you used physical force or even threatened to use physical force, you could well end up losing your firearm rights (for life in some states). Don’t do it, walk away, or talk it out, but if you love your guns DO NOT lose your temper if that means a physical or threatened physical response.

So are you saying I cannot defend myself? No, I am saying before you display, brandish or discharge a firearm in any situation be very, very certain that you are facing the threat of death, or great bodily harm. The laws designed to punish the bad guys, drug dealers and others are unfortunately also used against citizens who defend themselves. As if you are charged with even an accidental discharge of a firearm in a scuffle if you are charged with a state law felony (which you likely will if you used or displayed your lawfully owned and carried firearm) you could have faced a 3-6 year mandatory minimum prison term in New Hampshire until November of 2011, and 10 years under federal law if you are charged federally. Do not think that a state constitutional double jeopardy argument will win the day if you receive an ‘enhanced sentence’ for using a firearm (in self defense) in combination with other potential sentence enhancements. Also, a very wise person once said, every round fired comes with a lawyer attached (and I would add and a very real risk of criminal charges in New Hampshire.
So convicted felons can own guns? The short answer is no (but see annulment, sealing, and expungement), however the term convicted felon is a term of art, and there are exceptions under both New Hampshire and federal law. The law in New Hampshire arguably, allows felons to own black powder and certain muzzleloaders, as they are not “firearms” as defined by law—BUT WAIT…the New Hampshire Supreme Court-in an unsigned opinion seems to believe that Webster’s is “the source” for the definition of a firearm. I disagree, however, I do not wear a black robe, and thus, my opinion does not matter. In Beaudette, “To aid us in determining the plain meaning of the term in the statute, we refer to Webster’s Third New International Dictionary 854 (1961), which defines a firearm as “a weapon from which a shot is discharged by gunpowder.” I think there is a colorable argument that primitive muzzle loaders that do not use primers as a form of ignition and use blackpowder do not meet this definition, however, I DO NOT recommend that one do so. Do not confuse FEDERAL law prohibitions (or lack thereof) with STATE law prohibitions. One example is Miller (not THAT Miller) “One of the weapons (a Deutsche Waffen Fabriken Argentino 1891 model) appears to be an antique that Miller may possess lawfully despite his conviction. 18 U.S.C. § 921(a)(3), (16).” U.S. v. Miller, 588 F.3d 418, 419 (7th Cir. 2009). In New Hampshire, we arguably have a state case that defines a firearm, and despite the fact that an antique firearm was found not to meet the FEDERAL definition, firearm ownership must be lawful under both state and federal law (and in some states, local law as well).

There is a New Hampshire Supreme Court case that found that a felon in possession of a bow did not violation RSA 159: 3, I’s prohibition of a felon in possession of a deadly weapon, (RSA 625: 11 V defines a deadly weapon as “any firearm, knife or other substance or thing which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of producing death or serious bodily injury.” ) The trial court heard evidence that Mr. Pratte had used the bow and arrows to kill a porcupine on his property at some point in the past. The New Hampshire Supreme Court ruled that “The defendant, however argued that RSA 625:11 V should be construed to include only death or serious bodily injury to a human, not that of an animal. We agree with the
However, a word to the wise, there are new muzzleloaders with “regular” firearm primers as a means of ignition, and some enterprising officer has yet to challenge a felon’s use, ownership and possession of these items. The term felon is a very specific term of art, so best to be sure, in New Hampshire, there are also exceptions as certain disqualifying “felonies” must be against the person or property of another or involved drugs.  

When isn’t a gun a gun under federal law? When it was made before January 1, 1899. This refers to the actual date of manufacture of the receiver/frame, not just model year or patent date marked. Just as certain muzzle loading rifles, shotguns and pistols are not firearms covered by federal law (some use modern primers—an ammunition component prohibited to felons) neither are firearms that use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not available in the ordinary channels of commercial trade.

So some felons can own guns? The only felonies that are not covered by the federal gun ban are those “pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices,” 18 U.S.C. § 921(a)(20)(A); and felony convictions from foreign countries (18 U.S.C. § 922 (g) (1)), per Small v. United States, 544 U.S. 385 (2005). However, in New Hampshire there are other impediments to a felon owning a firearm.

In New Hampshire under STATE LAW, a convicted felon is one who is, pursuant to RSA 159:3: 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 other deadly weapon as defined in RSA 625:11, V; 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 (emphasis supplied)
(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.

I-a. A person is guilty of a class B felony if such person completes and signs an application for purchase of a firearm and the person is a convicted felon under the provisions of paragraph I.

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.
Thus, many have argued that unless a New Hampshire felony conviction is against the person or property of another or a felony under RSA 318-B, that one is not barred from firearms ownership in New Hampshire, however if you try it, you may be the “test case” not a good place to be. See explanations elsewhere.

Can you lend your gun to the teenager (person less than 18 years old) next door? NO, with some exceptions. Minors under 18 years of age may receive and possess handguns ONLY with a parent or guardian’s written permission and under other circumstances. BEWARE there is a case that says that NO ONE other than the parent (or potentially a close relative can) “lie” on the 4473 form and say they are the “purchaser” when they intend to provide the handgun to someone under 21 years of age. “18 U.S.C. § 922 (a) (6) makes it a federal offense for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictional oral or written statement or to furnish or exhibit any false, fictitious or misrepresent identification intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material”. So, even though the parents could lawfully consent to have a firearm transferred to a minor, as a practical matter, because of this very scary case, Perri v. Department of the Treasury, 637 F.2d 1332, 1336 (9th Cir. 1981), a "sham or 'strawman' purchases occur "when a lawful purchaser buys for an unlawful one." In short, extreme caution is suggested here. The Moore case footnote #4 claims “No party has cited and the court has not found any reported case in which a straw purchaser has been prosecuted for buying a firearm for a juvenile where the straw purchaser is a parent or other close relative of the juvenile.” I would suggest that as the BATFE and federal and state prosecutors become more aggressive that the safest way to provide a handgun to your minor child is to choose one you already own, and gift THAT handgun to the minor in writing.

Although the Fifth Circuit has said it is not a false statement to fill out a 4473 and purchase and transfer a firearm to one who may lawfully receive it (as long as the recipient may lawfully receive a firearm), I am a firm believe that Murphy resides everywhere. However, of great interest is a 2004 Michigan case, in which the court said, “An understanding of certain aspects of federal and state law regarding the sale of firearms and ammunition is helpful to properly analyze this case. A firearms dealer licensed by the United States Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, under 18 USC § 923(d)(1)(A), may sell firearms or ammunition only to a person twenty-one years of age or older, except that the dealer may sell a rifle or shotgun to a person eighteen years of age. 18 USC § 922(b)(1)(b). Thus, a federally licensed firearms dealer may legally sell shotguns and rifles to persons eighteen years of age or older, but may sell a pistol only to a person twenty-one years of age or older.

Michigan requires a prospective purchaser of a pistol to first obtain a license from the purchaser's local law enforcement agency. M.C.L. 28.422(3). An
applicant is qualified to obtain a license to purchase a pistol if, among other things, he is at least eighteen. A purchaser must be at least twenty-one, however, for a federally licensed gun dealer to legally sell a pistol to that purchaser. M.C.L. 28.422(3)(b).

Thus, under the federal and state statutory schemes, a licensed eighteen-year-old may legally purchase or receive as a gift a pistol from a private party, but may not purchase a gun from a federally licensed gun dealer.”

- So, to summarize, 18 U.S.C. § 922 (x) defines juvenile as someone under 18, so those 18-21 years old cannot purchase handguns from an FFL, but can lawfully acquire handguns in other ways, gifts, private sales, and thus could possess them for self defense and other lawful purposes.

- I have some cool knives, throwing stars and other martial arts weapons; may I lend them to the teenager next door? No, not unless you have written consent from their parent or guardian.

- I have an old pistol (or revolver) with a serial number that is partially removed, is federal law the only law I should be concerned about? No, it’s a misdemeanor under state law to possess such an item. Please note that like all laws there are exceptions. The GCA (Gun Control Act of 1968) required that all newly manufactured items produced by licensed manufacturers in the United States and imported into the United States bear a serial number. Firearms manufactured prior to the GCA remain exempt from the serial number requirement.

- I have a business that sells firearms related items, where may I get a list of the concealed license holders in New Hampshire so I can do a targeted mailing? You can’t.

- May I own or carry a stiletto, switch knife blackjack, dagger, dirk-knife, slung shot or metallic knuckles? In the recent past, the answer was “No”, with certain exceptions. However, as of 5/18/10 stilettos, switchblades, daggers and dirks are NOW LEGAL IN NEW HAMPSHIRE!

- What about electronic defense weapons? Are there any age restrictions? Yes, you cannot sell such an item to someone under 18.

- Are there any laws that I must follow in order to take my firearms across the country with me, any protection? 18 U.S.C. § 926 A Interstate Transportation of firearms provides that “Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a
vehicle without a compartment separate from the driver’s compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.” See also 132 Cong. Rec. H4103 (daily ed. June 24, 1986)(statement of Rep. Marlenee accord). This law is commonly called the Firearm Owners’ Protection Act, Pub. L. 99-308, 100 Stat. 455 (1986).

- Applicants not prohibited under federal or New Hampshire law from possession of a firearm shall be deemed suitable persons and the license shall be issued unless the applicant is so prohibited from possessing a firearm. But see Silverstein v. Town of Alexandria, Chief of Police (I and II 2004-0085 & 2004-0224) New Hampshire Supreme Court decisions. [http://www.courts.state.nh.us/supreme/index.htm](http://www.courts.state.nh.us/supreme/index.htm)

**NH Pistol/Revolver Licensing Dos and Don’ts**

- Do use only the official form, mandated by law, and one with no adaptations or subtractions [http://www.nh.gov/safety/divisions/nhsp/documents/dssp85.pdf](http://www.nh.gov/safety/divisions/nhsp/documents/dssp85.pdf)

- Do send your application for a Pistol/Revolver license via certified mail, return receipt requested.

- Do keep a copy of your Pistol/Revolver license application for your records.

- Do make sure your license is acted upon in 14 calendar days (not counting the date of receipt of your application). The law says the licensing entity must grant or deny (in writing with a reason for the denial) applications within 14 CALENDAR days.¹⁶²

- Do not hand-deliver your application for a Pistol/Revolver License application to the police department.

- Do not provide your social security number; it is optional. Opt OUT.

- Do not provide fingerprints or photographs with your application, it is against the law for a licensing entity to ask for them.¹⁶³

- Do not allow the licensing entity to demand “no relatives” as references, nowhere does the law say WHO your references can, or cannot be, nor are they required to write a letter of reference.

- Do not allow the licensing entity to delay the granting or denial of the license for any reason; they have 14 days, period. The do not get “extra” days for anything….the references didn’t call back, we were short handed….NADA, 14 days. (There is no definition of how the days are counted, so I do not count the date you dropped it off, but begin counting the next day, and the 14th day you should have an answer by end of business day).

- Don’t allow your references to provide “letters” of reference or “fill out” anything pertaining to you, the law does not require it and the licensing entity cannot demand it.
DO NOT allow a “home visit” . . . nowhere in the law does it say you must give up your 4th amendment right and allow the licensing entity to “inspect” your home or where your firearms are stored.

New Hampshire R.S.A. 159:6 provides “. . . The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made.

The license shall be issued or denied within fourteen days of the date of the application (I recommend ALWAYS keeping a copy of your Application and mailing the application via the U.S. Postal service, certified, return receipt requested, the best $5.00 you will ever spend).

If the application for a license to carry a concealed firearm is denied by the licensing entity, the denial shall be in writing, stating with particularity the reason for the denial.

Where may I go to complain of violations of the licensing statute? Until recently, either New Hampshire state district court or superior court. However, the New Hampshire Supreme Court has opined in Garand “We now clarify that our reference to RSA 159:6-c as an avenue to appeal was mistaken; a petition under that section is addressed to the original jurisdiction of the superior court.” The Court further opined, that “even if it took cognizance of the only claim over which it has jurisdiction, the alleged violation of RSA 159:6, II- it could not grant the plaintiff the relief he seeks (issuance of a license) in light of the not yet validly challenged finding that he is not a suitable person for licensure.” Sadly, the clear language of the statute and the legislative intent (RSA 159:6-c was enacted over ten years before RSA 159:6 II, so with all due respect, the Court’s decision makes no sense. How on earth could the General Court have intended RSA 159:6-c to confer jurisdiction on appeals pursuant to RSA 159:6 II which was not enacted until years later? Pre-planning?!!

If the license application is denied, the burden is on the licensing entity to prove by clear and convincing proof that the applicant is so prohibited from possessing a firearm (some courts have found or otherwise unsuitable).

Lawsuits are expensive, can I get my attorney’s fees if a licensing entity wrongfully denies or revokes my license? Maybe, See New Hampshire RSA 159:6-c, e, f, however courts have been unlikely to order fees except for the most egregious cases.

What does statewide preemption mean in New Hampshire? This means that cities and municipalities cannot regulate firearms, only the state can.

Well, now I know what I can and can’t do, WHERE can I find a place to shoot? New Hampshire has lots of great places to shoot, and there is probably one close to you. New
Hampshire Fish and Game Department maintains a list of shooting ranges in New Hampshire. [http://www.wildlife.state.nh.us/Links/fish_and_game_clubs.htm](http://www.wildlife.state.nh.us/Links/fish_and_game_clubs.htm)

- Are there any restrictions about where I can shoot on private land? You bet, lots of them. For example, RSA 207:3-a, “Prohibition. – It is unlawful for a person to discharge a firearm or to shoot with a bow and arrow or crossbow and bolt within 300 feet of a permanently occupied dwelling without permission of the owner or the occupant of the dwelling or from the owner of the land on which the person discharging the firearm or shooting the bow and arrow or crossbow and bolt is situated. Whoever violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.” Source. 1967, 388:1. 1973, 530:59, eff. Oct. 31, 1973 at 11:59 p.m. 1996, 161:3, eff. Aug. 2, 1996. 2004, 40:1, eff. Jan. 1, 2005.

- If you are hunting and cause death, injury to damage to domestic animals, ducks, or fowl, you shall be liable for damages to the owner of the animals. Furthermore, in addition to the moral and sportsman like reason not to shoot domestic animals, intentional or negligent shooting of domestic animals incurs penalties. There is also an affirmative reporting requirement for the death or injury of domestic animals. I must warn readers of the law, however, the defense attorney in me recoils at affirmative provisions in the law for “self reporting” the deliberate spitting in the eye of the 5th Amendment rights our forefathers fought so hard to obtain. Furthermore, the typical trial rules and procedures are by statute tilted in the favor of the state if you are accused of having consumed alcohol. Be advised that refusal of consent to a physical or chemical test for alcohol carries severe penalties somewhat different then for those pertaining to motor vehicle operation, and thus you should consult an attorney PRIOR TO making such a decision.

- Be careful about shooting on public land. New Hampshire RSA 207:36-b prohibits “Littering; Penalty. –
  I. No person shall put, place or leave, or cause to be put, placed or left, in or upon any way, public property, private property, into or on the ice over any public water, or into or on any waters of the state, any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobile or parts thereof, or refuse of any nature whatsoever, or any noxious thing.
  II. Paragraph I shall not apply to any person who is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare.
  III. Any person violating any provision of this section shall be guilty of a violation.”

- It is illegal in New Hampshire to “hunt while intoxicated”. Please note that “hunt” does not have its common meaning here, nor does “intoxicated.” Severe penalties apply. Furthermore, even if you pass the chemical test the state can STILL introduce evidence you were intoxicated.

- Further restrictions are found against “foreign” sporting clubs even though they have legally acquired title to New Hampshire land.
Also, there are severe penalties for not controlling the muzzle. New Hampshire RSA 207:37-a Negligent Discharge of Firearms, Bow and Arrow or Crossbow and Bolt. – Any person who shall negligently discharge any firearm, bow and arrow, or crossbow and bolt while on a hunting trip, in the field, or while target practicing, in such a manner that the life of any person is endangered or so as to cause damage to the property of another person, shall be guilty of a misdemeanor, and at the discretion of the executive director, the hunting license of such a person may be revoked for a period not to exceed 10 years, as well as more severe penalties if you shoot a human being while hunting.\footnote{179}

Are there restrictions about equipment while hunting? Lots of them, know before you go! For example, silencing devices are prohibited while taking wildlife.\footnote{180} There is even a catchall law that the violation of any provision of this chapter, any rule or regulation of the executive director...is yet another crime!\footnote{181}

There are hunting restrictions in the town of Bow\footnote{182}, and other areas. Furthermore, sadly, conservation officers are “super cops” having authority the regular cop does not have they can, for no reason whatsoever stop any person at any time and demand your ‘hunting papers’.\footnote{183} Refusing to stop is a misdemeanor. Furthermore, unlike when you are operating a motor vehicle, in certain instances, the law mandates testing for blood alcohol content is very different.\footnote{184} Of greater interest, is that by law refusal to submit to a test pursuant to RSA 214:20-e is admissible in later proceedings, which is not the way admission of evidence is usually decided; usually the trial judge makes that decision.\footnote{185}

Remember about all the civil rights you thought you had that you learned about in civics...well..they all go out the window here New Hampshire RSA 214:20-k Arrest Without a Warrant. – Notwithstanding any other statutory provisions of the law to the contrary, a law enforcement officer may, without a warrant, arrest any person involved in any shooting related directly to target practicing, hunting, taking, or attempting to take wildlife, when that officer has probable cause to believe that such person has violated the provisions of RSA 214:20 or 214:20-a. Source. 1996, 87:3, eff. Jan. 1, 1997. (Emphasis supplied).

There are several things you need to know about carrying a firearm for self defense, and when you could and should use it. Before you shoot, Ability, opportunity, and jeopardy, the bad guy/gal must have ‘em all to avoid legal jeopardy.

Now you have your license, and you want to take a out of state class, or visit. You have finally gotten up the courage to fly somewhere with your UNLOADED firearms\footnote{186}, the firearms must be:

\begin{itemize}
\item[(c)] In checked baggage. A passenger may not transport or offer for transport in checked baggage or in baggage carried in an inaccessible cargo hold under § 562.23 of this chapter:
\begin{itemize}
\item[(1)] Any loaded firearm(s).
\item[(2)] Any unloaded firearm(s) unless --
\end{itemize}
\end{itemize}
(i) The passenger declares to the aircraft operator, either orally or in writing, before checking the baggage, that the passenger has a firearm in his or her bag and that it is unloaded;

(ii) The firearm is unloaded;

(iii) The firearm is carried in a hard-sided container; and

(iv) The container in which it is carried is locked, and only the passenger retains the key or combination.

(3) Any unauthorized explosive or incendiary.

(d) Ammunition. This section does not prohibit the carriage of ammunition in checked baggage or in the same container as a firearm. Title 49 CFR part 175 provides additional requirements governing carriage of ammunition on aircraft.

What if the airline wants to put one of those bright orange stickers on my baggage “steal me”…that says “loaded firearm” or “firearms”?? They cannot do so. Federal law prohibits it. See also http://www.tsa.gov/travelers/airtravel/assistant/editorial_1666.shtm

If a common carrier delivers a firearm it must obtain a written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.

What if…you have a unexpected layover, or diversion to another airport in the not so friendly place of Maryland, New Jersey, Washington, D.C., New York City, etc. and the Transportation Security Administration person says you cannot check in- too early, you cannot …in short, you are told you must leave the airport (and necessarily take your baggage which contains your firearms with you) DO NOT DO IT. SIT TIGHT. Let them arrest you there if they demand you leave with your firearms in tow (they have no basis). HOWEVER, if you leave the airport property with your luggage/firearms to go to a hotel (or maybe even one AT the airport) you maybe/are in unlawful possession of your own firearm, and even while transporting your firearms from terminal to terminal in places like Maryland. Make the airport personnel transport your firearms from terminal to terminal as the firearms are arguably in transit and within airline control. DO NOT EVER be baited into leaving with your firearms or taking your firearms in your checked baggage elsewhere in a situation such as this. Sadly, as of this writing, TSA (Transportation Security Administration) may seek fines and civil penalties for a violation of regulations pertaining to the transportation of firearms and ammunition, and an ADMINISTRATIVE LAW JUDGE will preside over the hearing, NOT an Article III judge. You could also be subject to charges for violation of federal law, and for that a federal judge/jury would be involved. See immediate legal advice before acting.

Washington D.C. be careful, the cautious say it's a BIG NO NO FOR FIREARMS, even now! Please be advised that Washington, D.C. is NOT a state, it is a municipal entity and thus the protections for transportation of firearms is not as it should be. http://www.saf.org/legal.action/dc.carry.lawsuit/dc_carry_complaint_09.pdf

What about the cool stuff? Well, the Directorate of Defense Trade Controls (DDTC) within the State Department licenses direct commercial sales in defense articles\(^8\) (a defined term be careful) and the development and enforcement of defense trade export control laws, regulations and policies. Both temporary and permanent exports of defense articles and defense services as well as temporary imports of the foregoing. See 22 U.S. C. 2778-27810-Arms Export Control Act & 22 C.F.R. Pts 120-130 in the International Traffic in Arms Regulations (ITAR). If a commodity is a “defense article” the exporter must have an export license and be registered with the DDTC. Note permission before action so the computer can compute (all parties are checked against a “watch list” and if your number comes up, a full compliance review is your “prize”) The current program is entitled the Blue Lantern.\(^9\)

Don’t forget $ million or more requires congressional approval

DSP-83 for export of full auto firearms, rifles .50 +, 50 or more firearms. Or 100,000 or more rounds of ammo

DSP-73 temporary export of firearms and ammo

DSP 61 for the temporary import of firearms and ammo

DSP-5 permanent export of firearms and ammunition

List of useful websites. Between the devil and the deep blue sea, what to do? Well, here are some “what ifs” that have been faced by others. (this section is not yet complete). Lots more to come this is expected to be an ever expanding list based on the questions I am asked!

http://www.nfatca.org/

http://www.nfatca.org/ a NFA trade and collectors’ organization.

http://www.atf.gov/firearms/faq/faq2.htm#b13


THESE ARE ALL NOTES AND IDEAS THAT WILL BE EXPANDED IN FUTURE EDITIONS

I may at some point add a list of Massachusetts misdemeanors that may disqualify one from owning a firearm to FAQ and convictions from other states, federal law looks to state of conviction…also; currently a felon’s civil rights are restored by operation of Massachusetts law seven years after the conviction and release from confinement-BUT to negate the good news the court also said, “

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\(^8\) Executive Order 11958, the State Department in concurrence with the DOD makes that determination, which then results in their inclusion on the U.S. Munitions List (USML). See 22 C.F.R. Part 121 of ITAR

“Under the plurality approach, which we choose to follow, we think that Massachusetts’ ban on handgun possession by ex-felons outside the home or business is a substantial enough limit on firearms rights to preserve the federal ban. Other courts have taken the same view in assessing other state statutes. United States v. Wagner, 976 F.2d 354, 356 (7th Cir.1992); Driscoll, 970 F.2d at 1481; Burns, 934 F.2d at 1160-61. In the future, there might be close cases where, for example, some other state's restriction is arguably de minimis; but an ordinary Massachusetts felon will not be exempted from the federal ban. 5 Before the cheering begins, one must also know that Massachusetts imposes continuing restrictions on one's ability to possess a firearm—which is how the court determined no guns for Estrella. 193 Remember, in order to lawfully have a firearm, one must be in compliance with, and have the lawful right to firearms under federal, state and, if applicable, local law. 194

In Massachusetts, the fact that a person is prosecuted in District Court “does not affect the nature of the defendant’s crime and make an offense which is defined by statute as a felony a misdemeanor.” 8 Op. Mass. Att’y Gen. 342, 343 (1927).

27 CFR § 478.26 The Director of ATF can make a determination of whether a particular firearm is a C & R and if one is at least 50 years old, you can request that it be classified as such.

Crazy case but good, Plummer v. State, 135 Ind. 308 (1893) good self defense case.


HOW TO USE THIS GUIDE

This is designed for the layperson, but could also be very useful for the average lawyer that needs a specific question about firearms answered. This is intended to be a starting point for those who want to know more about firearms law. The law changes daily by court decisions and lawmakers constantly changing or modifying the law, and thus the reader is advised and cautioned to consult the SOURCE of the most recent version of the law cited. Brackets like these [ ] means that the author has added the matter in brackets for clarification or explanation, and the matter was NOT found in the original source.

Or you can use a Word Document like I do (Excel spreadsheet is better). The reason for this is several- fold. This author has seen police departments refuse to return firearms they seized unless you could “prove” they were yours (yes, firearms they seized from you).

Include the RSA195 (to come) that requires to you tell a New Hampshire police officer where are you coming from credit Dr. Steven King, former GO-NH- Inc, President.

Scary loss of rights cases in New Hampshire (and elsewhere?). Were you aware that a member of the fire department can order you from YOUR OWN HOME through the guise of an “emergency”? Do you want this to be so? If not, what are you doing to change this paternalistic law? New Hampshire RSA 154:9 Penalty. – If any person present at a fire, emergency or service
call, at or to which the fire department is responding shall refuse or neglect to obey the
commands of any member who is recognized as, or should have been recognized as, a member
of the fire department, or shall unlawfully assume the office or badge of office of a fire chief, fire
officer or firefighter, such person shall be guilty of a violation. eff. Aug. 25, 1998. In State v.
Bernard (decided November 6, 2008), the New Hampshire Supreme Court found Evelyn Bernard
of Allenstown guilty of “failure to obey a command at the scene of an emergency” when Bernard
and her husband refused to leave their home when the Allenstown Fire Chief ordered her to leave

Under New Hampshire RSA 105:12 Powers of Sheriffs, Constables, and police officers (your
papers, please!) Powers. – Every watchman may arrest any person whom he shall find
committing any disorder, disturbance, crime, or offense, or such as are strolling about the streets
at unreasonable hours, who refuse to give an account, or are reasonably suspected of giving a
false account, of their business or design, or who can give no account of the occasion of their
being abroad.” Now how about that one for telling big brother why you are out strolling?!!

And city officers, specifically, the City Marshall shall, pursuant to RSA 48:11-a,
“Extended Authority. – The authority of any duly authorized marshal, collector, constable, police
officer or watchman of any city shall extend to any town or city in the state, provided that the
chief law enforcement officer of the requesting town or city has executed with the chief law
enforcement officer of the responding city a written agreement which sets forth the terms and
conditions under which such assistance shall be requested or rendered. The executed agreement
shall constitute authorization for every request for assistance, and for any assistance rendered in
accordance with the terms and conditions of the agreement, regardless of whether the responding
marshal, collector, constable, police officer or watchman is named in the agreement. In an
emergency situation, the ranking on-duty law enforcement officer of a town or city is authorized
to make an oral request to the ranking on-duty law enforcement officer of the responding town,
subject to the terms and conditions of the written agreement, and the authority of the responding
marshal, collector, constable, police officer or watchman shall extend to the requesting town or
city. The written agreement shall remain in full force and effect until terminated by the mutual
consent of the chief law enforcement officers of each town or city, or until 10 days after the chief
law enforcement officer of one town or city has received notification from the chief law
enforcement officer of the other town or city of his intention to terminate it. eff. Aug. 15, 1981.
Note that this was enacted in 1981!! Look at the extensive power of towns found at RSA 31.

RSA 105:13 This is more to come. Please look these up for yourself! They may be of
interest
106-B:1 definitions

RSA 106-B:2
106-D:1 compact
108:2
108:3
111:2
111:6
111:8
111:12


18 U.S.C. § 922(a)(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter...


(a) It shall be unlawful—
   (6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter;


Whoever knowingly violates subsection (a)(6), (d), (g), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both.


26 U.S. C. § 5861 Prohibited acts
   It shall be unlawful for any person—
   (l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—
(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
(2) makes any materially false, fictitious, or fraudulent statement or representation; or
(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.
(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party’s counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

8 Do not be fooled that your record will be totally erased or no longer exist, what will happen is that your record, in certain instances may not be used against you or disclosed to certain individuals, and your legal status pertaining to firearms could change. This can be a very technical and complex area of the law, and must be dealt with on an individual and state by state basis.


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. eff. Aug. 2, 1996.

&


11 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. eff. Oct. 31, 1973 at 11:59 p.m. (?)

12 18 U.S.C. 922 (j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen. http://uscode.house.gov/download/pls/18C44.txt

13 NH RSA 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.

(a) It shall be unlawful—

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

(A) this paragraph and subsection (b)(3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector;

(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

(27 C.F.R. § 478.147 Return of firearm. A person not otherwise prohibited by Federal, State or local law may ship a firearm to a licensed importer, licensed manufacturer, or licensed dealer for any lawful purpose, and, notwithstanding any other provision of this part, the licensed manufacturer, licensed importer, or licensed dealer may return in interstate or foreign commerce to that person the firearm or a replacement firearm of the same kind and type. See § 478.124(a) for requirements of a Form 4473 prior to return. A person not otherwise prohibited by Federal, State or local law may ship a firearm curio or relic to a licensed collector for any lawful purpose, and, notwithstanding any other provision of this part, the licensed collector may return in interstate or foreign commerce to that person the firearm curio or relic.


15 27 C.F.R. § 478.30 Out-of-State disposition of firearms by nonlicensees. No nonlicensee shall transfer, sell, trade, give, transport, or deliver any firearm to any other nonlicensee, who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides: Provided, That the provisions of this section:

(a) shall not apply to the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence; and

(b) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes.

16 18 U.S.C. § 922 (a)(2)

17 27 C.F.R. § 478.147 Return of firearm. A person not otherwise prohibited by Federal, State or local law may ship a firearm to a licensed importer, licensed manufacturer, or licensed dealer for any lawful purpose, and, notwithstanding any other provision of this part, the licensed manufacturer, licensed importer, or licensed dealer may return in interstate or foreign commerce to that person the firearm or a replacement firearm of the same kind and type. See § 478.124(a) for requirements of a Form 4473 prior to return. A person not otherwise prohibited by Federal, State or local law may ship a firearm curio or relic to a licensed collector for any lawful purpose, and, notwithstanding any other provision of this part, the licensed collector may return in interstate or foreign commerce to that person the firearm curio or relic.

18 18 U.S.C. § 924 (a)(1)(D)-
(a) (1) Except as otherwise provided in this subsection, subsection (b), (c), (f), or (p) of this section, or in section 929, whoever—

(A) knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or exemption or relief from disability under the provisions of this chapter;

(B) knowingly violates subsection (a)(4), (f), (k), or (q) of section 922;

(C) knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922(f); or

(D) willfully violates any other provision of this chapter, shall be fined under this title, imprisoned not more than five years, or both.


(a) It shall be unlawful—

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;


(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter. No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.


willfully violates any other provision of this chapter, shall be fined under this title, imprisoned not more than five years, or both.

22 NH RSA 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

23 18 U.S.C. § 922 (a)(1)-
(a) It shall be unlawful—
(1) for any person—
(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or
(B) except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce;

26 U.S.C. § 5861 (a) It shall be unlawful for any person—
(a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or

24 http://www.atf.gov/forms/pdfs/f33104.pdf 27 C.F.R. § 478.126a “licensee shall forward two copies of Form 3310.4 to the ATF office specified thereon and one copy to the State police or to the local law enforcement agency in which the sale or other disposition took place. Where the State or local law enforcement officials have notified the licensee that a particular official has been designated to receive Forms 3310.4, the licensee shall forward such forms to that designated official. The licensee shall retain one copy of Form 3310.4 and attach it to the firearms transaction record, Form 4473, executed upon delivery of the pistols or revolvers. See also 18 U.S.C. § 923 (g)(3)(A).

26 18 U.S.C. § 922 (k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer’s or manufacturer’s serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer’s or manufacturer’s serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.

27 28 U.S.C. § 5845 (f) Destructive device. The term 'destructive device' means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

28 26 U.S.C. § 5845 (b) Machinegun. The term 'machinegun' means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.
It shall be unlawful for any person -
(a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or
(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or
(c) to receive or possess a firearm made in violation of the provisions of this chapter; or
(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or
(e) to transfer a firearm in violation of the provisions of this chapter; or
(f) to make a firearm in violation of the provisions of this chapter; or
(g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or
(h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or
(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or
(j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or
(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or
(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

a) Definition.— In this section, “contraband” means—
(1) a narcotic drug (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)), including marihuana (as defined in section 102 of that Act (21 U.S.C. 802)), that—
(A) is possessed with intent to sell or offer for sale in violation of the laws and regulations of the United States;
(B) is acquired, possessed, sold, transferred, or offered for sale in violation of those laws;
(C) is acquired by theft, robbery, or burglary and transported—
(i) in the District of Columbia or a territory or possession of the United States; or
(ii) from a place in a State, the District of Columbia, or a territory or possession of the United States, to a place in another State, the District of Columbia, or a territory or possession; or
(D) does not bear tax-paid internal revenue stamps required by those laws or regulations;
(2) a firearm involved in a violation of chapter 53 of the Internal Revenue Code of 1986 (26 U.S.C. 5801 et seq.);
(3) a forged, altered, or counterfeit—
(A) coin or an obligation or other security of the United States Government (as defined in section 8 of title 18); or
(B) coin, obligation, or other security of the government of a foreign country;
(4) material or equipment used, or intended to be used, in making a coin, obligation, or other security referred to in clause (3) of this subsection;
(5) a cigarette involved in a violation of chapter 114 of title 18 or a regulation prescribed under chapter 114; or
(6) (A) a counterfeit label for a phonorecord, copy of a computer program or computer program documentation or packaging, or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);
(B) a phonorecord or copy in violation of section 2319 of title 18;
(C) a fixation of a sound recording or music video of a live musical performance in violation of section 2319A of title 18; or
(D) any good bearing a counterfeit mark (as defined in section 2320 of title 18).
(b) Prohibitions.— A person may not—
(1) transport contraband in an aircraft, vehicle, or vessel;
(2) conceal or possess contraband on an aircraft, vehicle, or vessel; or
(3) use an aircraft, vehicle, or vessel to facilitate the transportation, concealment, receipt, possession, purchase, sale, exchange, or giving away of contraband. (underlining supplied)

18 U.S.C. § 922(a) (7) & (8)
(7) for any person to manufacture or import armor piercing ammunition, unless—
(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State; 
(B) the manufacture of such ammunition is for the purpose of exportation; or 
(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General; [and] 
(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—
   (A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State; 
   (B) is for the purpose of exportation; or 
   (C) is for the purpose of testing or experimentation and has been authorized by the Attorney General; 

(17)(A) The term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm. 
   (B) The term "armor piercing ammunition" means -
       (i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or 
       (ii) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

   (C) The term "armor piercing ammunition" does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.

(18) The term "Attorney General" means the Attorney General of the United States (!1) 

33 18 U.S.C. § 922(a)(8) 
(a) It shall be unlawful 
   (8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—
       (A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State; 
       (B) is for the purpose of exportation; or 
       (C) is for the purpose of testing or experimentation and has been authorized by the Attorney General;  

(a) It shall be unlawful—
   (7) for any person to manufacture or import armor piercing ammunition, unless—
       (A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State; 
       (B) the manufacture of such ammunition is for the purpose of exportation; or 
       (C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General; 

(a)(1) Except as otherwise provided in this subsection, subsection (b), (c), (f), or (p) of this section, or in section 929, whoever—
       (D) willfully violates any other provision of this chapter, shall be fined under this title, imprisoned not more than five years, or both.
RSA 650-C:1 Negligent Storage of Firearms. –

I. Nothing in this section shall be construed to reduce or limit any existing right to purchase and own firearms or ammunition, or both, or to provide authority to any state or local agency to infringe upon the privacy of any family, home or business except by lawful warrant.

II. As used in this section, "child," "juvenile" or "youth" shall mean any person under 16 years of age.

III. Any person who stores or leaves on premises under that person's control a loaded firearm, and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian, is guilty of a violation if a child gains access to a firearm and:

(a) The firearm is used in a reckless or threatening manner;
(b) The firearm is used during the commission of any misdemeanor or felony; or
(c) The firearm is negligently or recklessly discharged.

IV. Any person who violates paragraph III shall be fined not more than $1,000.

V. This section shall not apply whenever any of the following occurs:

(a) The child has completed firearm safety instructions by a certified firearms safety instructor or has successfully completed a certified hunter safety course.
(b) The firearm is kept secured in a locked box, gun safe, or other secure locked space, or in a location which a reasonable person would believe to be secure, or is secured with a trigger lock or similar device that prevents the firearm from discharging.
(c) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.
(d) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person.
(e) The person who keeps a loaded firearm on any premises which are under such person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.
(f) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner.

VI. A parent or guardian of a child who is injured or who dies of an accidental shooting shall be prosecuted under this section only in those instances in which the parent or guardian behaved in a grossly negligent manner.

VII. Licensees shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: "IT IS IMPORTANT THAT THE OWNER OF A FIREARM SEEK FIREARM SAFETY INSTRUCTIONS FROM A CERTIFIED FIREARMS INSTRUCTOR AND KEEP FIREARMS SECURED FROM UNAUTHORIZED USE." A licensee failing to display this warning to the purchaser of a firearm shall be guilty of a violation. Source. 2000, 267:1, eff. Jan. 1, 2001.

http://www.gencourt.state.nh.us/rsa/html/LXII/650-C/650-C-1.htm

37 New Hampshire R.S.A. 193-D:1 II. "Safe school zone" means an area inclusive of any school property or school buses.

III. "School" means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire. It shall not include home schools under RSA 193-A.

IV. "School employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing or performing continuing contract services for any public or private school, school district, school department, or school administrative unit.

V. "School property" means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

VI. "School purposes" means school-sponsored programs, including but not limited to educational or extracurricular activities. eff. August 17, 2007.
I. (a) The superintendent or chief administering officer, or a representative designated in writing by the superintendent, is authorized to suspend pupils from school for a period not to exceed 10 school days for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school.

(b) The school board or a representative designated in writing of the school board is authorized, following a hearing, to continue the suspension of a pupil for a period in excess of 10 school days. The school board's designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board is appealable to the school board, provided that the superintendent received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board stays the suspension while the appeal is pending.

II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun, and the pupil shall not attend school until restored by the local board. Any expulsion shall be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board to the state board of education. Any expulsion shall be valid throughout the school districts of the state.

III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

IV. The local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirements set forth in paragraphs II and III on a case by case basis.

V. Any pupil expelled by a local school board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. Nothing in this section shall be construed to prevent the local school district that expelled the student from providing educational services to such students in an alternative setting.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion.

VII. For purposes of paragraphs I, II, and III, school board may be either the school board or a subcommittee of the board duly authorized by the school board.


39 New Hampshire R.S.A. 644:14 Selling Air Rifles or Paint Ball Guns to Young Persons.

39 “If any person shall sell, barter, rent, lend, or give an air rifle or paint ball gun to a person under the age of 18, without the written consent of the parent or guardian, as the case may be, such person shall be guilty of a violation. Air rifles and paint ball guns may be used in New Hampshire only in the home of the person under 18 under parental supervision or on an approved range under responsible adult supervision. Air rifles or paint ball guns may be possessed by a person under 18 only in his or her own home under parental supervision or on the way to or from an approved range that is under the supervision of a responsible adult such as an instructor in gun safety or marksmanship.”(emphasis supplied) Classification of crimes, see RSA 625:9. Sentences, see RSA 651.

40 18 U.S.C. §5031 Definitions
For the purposes of this chapter, a “juvenile” is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and “juvenile delinquency” is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult or a violation by such a person of section 922(x). (June 25, 1948, ch. 645, 62 Stat. 857; Pub. L. 93–415, title V, §501, Sept. 7, 1974, 88 Stat. 1133; Pub. L. 103–322, title XI, §110201(c)(1), Sept. 13, 1994, 108 Stat. 2012.)

Historical and Revision Notes

The phrase “who has not attained his eighteenth birthday” was substituted for “seventeen years of age or under” as more clearly reflecting congressional intent and administrative construction. The necessity of a definite fixing of the age of the juvenile was emphasized by Hon. Arthur J. Tuttle, United States district judge, Detroit, Mich., in a letter to the Committee on Revision of the Laws dated June 24, 1944. Words “an offense against the” was changed to “the violation of a” without change of substance.

Minor change was made in translation of section references to “this chapter”.

41 U.S. v. Cardoza, 129 F.3d 6 (1st Cir. 1997).


Delinquency proceedings in district courts; transfer for criminal prosecution
A juvenile alleged to have committed an act of juvenile delinquency, other than a violation of law committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed six months, shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to the appropriate district court of the United States that (1) the juvenile court or other appropriate court of a State does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, (2) the State does not have available programs and services adequate for the needs of juveniles, or (3) the offense charged is a crime of violence that is a felony or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1003, 1005, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), (3)), section 922(x) or section 924(b), (g), or (h) of this title, and that there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State. For purposes of this section, the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

If an alleged juvenile delinquent is not surrendered to the authorities of a State pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information or as authorized under section 3401(g) of this title, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile fifteen years and older alleged to have committed an act after his fifteenth birthday which if committed by an adult would be a felony that is a crime of violence or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959), or section 922(x) of this title, or in section 924(b), (g), or (h) of this title, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice. In the application of the preceding sentence, if the crime of violence is an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c), “thirteen” shall be substituted for “fifteen” and “thirteenth” shall be substituted for “fifteenth”. Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to the preceding sentence for any offense the Federal jurisdiction for which is predicated solely on Indian country (as defined in section 1151), and
which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that the preceding sentence have effect over land and persons subject to its criminal jurisdiction. However, a juvenile who is alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844(d), (e), (f), (h), (i) or 2275 of this title, subsection (b)(1)(A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), (3)), and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this paragraph or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution.

Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems. In considering the nature of the offense, as required by this paragraph, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such a factor, if found to exist, shall weigh in favor of a transfer to adult status, but the absence of this factor shall not preclude such a transfer.

Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions.

Whenever a juvenile transferred to district court under this section is not convicted of the crime upon which the transfer was based or another crime which would have warranted transfer had the juvenile been initially charged with that crime, further proceedings concerning the juvenile shall be conducted pursuant to the provisions of this chapter.

A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until any prior juvenile court records of such juvenile have been received by the court, or the clerk of the juvenile court has certified in writing that the juvenile has no prior record, or that the juvenile's record is unavailable and why it is unavailable.


43 See R.L. Ireland, Juvenile Law (2nd ed. 2006) It was not until 1196 that the Commonwealth adopted the current two-tier approach to juvenile adjudications under which violent and repeat juvenile offenders may be classified as “youthful offenders” and sentenced to imprisonment. See. St. 1196, c. 200, § 28. Chardin

I. To the extent consistent with federal law, the state of New Hampshire shall have authority and jurisdiction over the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Except as otherwise specifically provided by statute, no ordinance or regulation of a political subdivision may regulate the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. Nothing in this section shall be construed as affecting a political subdivision's right to adopt zoning ordinances for the purpose of regulating firearms businesses in the same manner as other businesses or to take any action allowed under RSA 207:59.

II. Upon the effective date of this section, all municipal ordinances and regulations not authorized under paragraph I relative to the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearm components, ammunition, or firearms supplies shall be null and void.


46 U.S. v. Bunnell, 280 F.3d 46, 49 (1st Cir. 2002).

47 U.S. v. Sousa, 468 F.3d 42 (1st Cir. 2006).

New Hampshire R.S.A. 159:4 Carrying Without License. – No person shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without a valid license therefor as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges. Whoever violates the provisions of this section shall, for the first such offense, be guilty of a misdemeanor. For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction. eff. Jan. 1, 1995.


New Hampshire R.S.A. 159:6 License to Carry. –

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be $10, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be $20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant.

51 New Hampshire R.S.A. 159:6 License to Carry. –
I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be $10, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be $20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant. eff. July 29, 2003

52 New Hampshire R.S.A. 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. eff. Jan. 1, 1986.

53 New Hampshire R.S.A. 159:4 Carrying Without License. – No person shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without a valid license therefore as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber or clip in which there are loaded cartridges. Whoever violates the provisions of this section shall, for the first such offense, be guilty of a misdemeanor. For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction. eff. Jan. 1, 1995.

54 New Hampshire R.S.A. 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. eff. July 17, 1992.


56 New Hampshire R.S.A. 159:4 Carrying Without License. – No person shall carry a loaded pistol or revolver in any vehicle or concealed upon his person, except in his dwelling, house or place of business, without a valid license therefore as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine,
cylinder, chamber or clip in which there are loaded cartridges. Whoever violates the provisions of this section shall, for the first such offense, be guilty of a misdemeanor. For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction. eff. Jan. 1, 1995.

57 New Hampshire R.S.A. 159:6 License to Carry. –

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant. eff. July 29, 2003

58 New Hampshire R.S.A. 159:6-e Violation. – Any person aggrieved by a violation of the licensing sections of this chapter by a licensing entity may petition the superior court of the county in which the alleged violation occurred for injunctive relief. The court shall give proceedings under this chapter priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of the licensing sections of this chapter by the licensing entity, and may be filed by the petitioner or the petitioner's counsel with the clerk of court or the justice. The clerk of court or any justice shall order service by copy of the petition on the licensing entity or a person employed by the entity. If the justice finds that time is of the essence, the justice may order notice by any reasonable means, and shall have authority to issue an order ex parte when the justice reasonably deems such an order necessary to insure compliance with the provisions of this chapter. eff. Jan. 1, 1997.

59 New Hampshire R.S.A. 159:6-f Remedies. –

I. If any licensing entity or employee or member of the city council or board of selectmen, in violation of the provisions of this chapter, refuses to comply with this chapter, such entity or person shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter to enjoin future violations of this chapter. Fees shall not be awarded unless the court finds that the entity or person knew or should have known that the conduct engaged in was a violation of this chapter or when the parties, by agreement, provide that no such fees shall be paid. In any case in which fees are awarded under this chapter, upon a finding that an employee, or other official of a licensing entity has acted in bad faith in refusing to comply with this chapter, the court may award such fees personally against such employee or other official.

II. The court may invalidate an action of a licensing entity taken in violation of the provisions of this chapter, if the circumstances justify such invalidation, and may require the licensing entity to issue a license or otherwise comply with the provisions of this chapter.

III. In addition to any other relief awarded pursuant to this chapter, the court may issue an order to enjoin future violations of this chapter. eff. Jan. 1, 1997.

60 New Hampshire R.S.A. 159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity. – Notwithstanding the provisions of RSA 159:6, no nonresident holding a current and valid license to carry a loaded pistol or revolver in the state in which he resides or who is a peace officer in the state in which he resides, shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

I. Such nonresident carries upon his person the license held from the state in which he resides; and

II. The state in which such person is a resident provides a reciprocal privilege for residents of this state. ef. Jan. 1, 1994.


I. No person shall knowingly carry a loaded or unloaded pistol, revolver, or firearm or any other deadly weapon as defined in RSA 625:11, V, whether open or concealed or whether licensed or unlicensed, upon the person or within any of the person's possessions owned or within the person's control in a courtroom or area used by a court. Whoever violates the provisions of this paragraph shall be guilty of a class B felony.

II. Firearms may be secured at the entrance to a courthouse by courthouse security personnel.

III. For purposes of paragraph I, "area used by a court" means:
(a) In a building dedicated exclusively to court use, the entire building exclusive of the area between the entrance and the courthouse security.

(b) In any other building which includes a court facility, courtrooms, jury assembly rooms, deliberation rooms, conference and interview rooms, the judge's chambers, other court staff facilities, holding facilities, and corridors, stairways, waiting areas, and elevators directly connecting these rooms and facilities.

IV. The provisions of this section shall not apply to marshals, sheriffs, deputy sheriffs, police or other duly appointed or elected law enforcement officers, bailiffs and court security officers, or persons with prior authorization of the court for the purpose of introducing weapons into evidence and as otherwise provided for in RSA 159:5.

V. It shall be an affirmative defense to any prosecution under paragraph I that there was no notice of the provisions of paragraph I posted in a conspicuous place at each public entrance to the court building. eff. Jan. 1, 2001.

62 New Hampshire R.S.A. 635:2 Criminal Trespass. –
I. A person is guilty of criminal trespass if, knowing that he is not licensed or privileged to do so, he enters or remains in any place.

II. Criminal trespass is a misdemeanor for the first offense and a class B felony for any subsequent offense if the person knowingly or recklessly causes damage in excess of $1,000 to the value of the property of another.

III. Criminal trespass is a misdemeanor if:
(a) The trespass takes place in an occupied structure as defined in RSA 635:1, III; or
(b) The person knowingly enters or remains:
(1) In any secured premises;
(2) In any place in defiance of an order to leave or not to enter which was personally communicated to him by the owner or other authorized person; or
(3) In any place in defiance of any court order restraining him from entering such place so long as he has been properly notified of such order.

IV. All other criminal trespass is a violation.

V. In this section, "secured premises" means any place which is posted in a manner prescribed by law or in a manner reasonably likely to come to the attention of intruders, or which is fenced or otherwise enclosed in a manner designed to exclude intruders.

VI. In this section, "property," "property of another," and "value" shall be as defined in RSA 637:2, I, IV, and V, respectively. eff. Jan. 1, 2006.

63 New Hampshire R.S.A. 635:5 Penalty. – Any person who is found removing, defacing or destroying any sign, poster or property of another shall be guilty of a class B misdemeanor. eff. July 1, 1992.

64 New Hampshire R.S.A. 207:7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft. –
I. No person shall take or attempt to take wild birds or wild animals from a motor vehicle, OHRV, snowmobile as defined in RSA 215-C:1, boat, aircraft or other craft propelled by mechanical power.

II. No person shall have or carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, whether moving or stationary, a cocked crossbow, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.

IV. The provisions of this section shall not apply to law enforcement officers carrying guns in the line of duty. eff. July 1, 2006.

65 New Hampshire RSA 207:7-a Disabled Persons. –
I. RSA 207:7 shall not apply to a disabled person who is suffering from paraplegia or who is suffering from the loss of, or the loss of the use of, both lower extremities and who has obtained a current license to hunt; provided, however, that such person must first obtain from the executive director a special permit entitled said person to hunt while using a motor vehicle, not to include boats with motor attached or aircraft. For purposes of this section, "motor vehicle" shall include off highway recreational vehicles and all terrain vehicles as defined in RSA 215-A:1, and snowmobiles as defined in RSA 215-C:1. No loaded firearm, shotgun, or rifle shall be carried or transported with a
cartridge in the chamber, magazine, or clip attached to the firearm, shotgun, or rifle, while the vehicle is in motion. The executive director may issue such a permit upon application in person or upon documentary proof of such disability by a licensed hunter. Such permit shall be carried upon the person of the permittee while hunting and shall be produced for inspection upon the demand of any law enforcement officer. A $10 administrative fee shall be charged once, upon application to the executive director for such permit. 

II. The permit shall be perpetual. The executive director shall retain the records for such permits for a period not less than 7 years. Loss or destruction of the permit after 7 years shall obligate the permittee to re-establish eligibility.


(a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility (other than a Federal court facility), or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both.

(b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

(c) A person who kills any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, or attempts or conspires to do such an act, shall be punished as provided in sections 1111, 1112, 1113, and 1117.

(d) Subsection (a) shall not apply to--

(1) the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;

(2) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;

(3) the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes.

(e)(1) Except as provided in paragraph (2), whoever knowingly possesses or causes to be present a firearm in a Federal court facility, or attempts to do so, shall be fined under this title, imprisoned not more than 2 years, or both.

(2) Paragraph (1) shall not apply to conduct which is described in paragraph (1) or (2) of subsection (d).

(f) Nothing in this section limits the power of a court of the United States to punish for contempt or to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building housing such court or any of its proceedings, or upon any grounds appurtenant to such building.

(g) As used in this section:

(1) The term ``Federal facility'' means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.

(2) The term ``dangerous weapon'' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(3) The term ``Federal court facility'' means the courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the United States marshal, probation and parole offices, and adjoining corridors of any court of the United States.

(h) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection (e) shall be posted conspicuously at each public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or (e) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or (e), as the case may be. Effective Date of 1990 Amendment Section 2205(b) of Pub. L. 101-647 provided that: "The amendments made by subsection (a) [amending this section] shall apply to conduct engaged in after the date of the enactment of this Act [Nov. 29, 1990]."
See also Conoco Phillips Co. v. Henry, 520 F.Supp.2nd 1282 (N.D. Ok. 2007) (determination that state law criminally prohibiting an effective method of reducing gun-related workplace injuries conflicted with federal law (OSH Act), which requires employers to abate workplace hazards and encourages employers to prevent gun-related injuries; permanently enjoining enforcement of Okla. Stat. Tit[le] 21, §§ 1289.7a and 1290.22(B) which make it a crime for any employer or business entity to establish or enforce any policy that has the effect of preventing any person, except a convicted felon, from transporting and storing firearms locked in a motor vehicle on any property set aside for any motor vehicle).

U.S. v. Murray, 271 F.3d 349 (1st Cir. 2001).


§3061. Investigative powers of Postal Service personnel
(a) Subject to subsection (b) of this section, Postal Inspectors and other agents of the United States Postal Service designated by the Board of Governors to investigate criminal matters related to the Postal Service and the mails may—
  (1) serve warrants and subpoenas issued under the authority of the United States;
  (2) make arrests without warrant for offenses against the United States committed in their presence;
  (3) make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony;
  (4) carry firearms; and
  (5) make seizures of property as provided by law.

(b) The powers granted by subsection (a) of this section shall be exercised only—
  (1) in the enforcement of laws regarding property in the custody of the Postal Service, the use of the mails, and other postal offenses; and
  (2) to the extent authorized by the Attorney General pursuant to agreement between the Attorney General and the Postal Service, in the enforcement of other laws of the United States, if the Attorney General determines that violations of such laws have a detrimental effect upon the operations of the Postal Service.

(c)(1) The Postal Service may employ police officers for duty in connection with the protection of property owned or occupied by the Postal Service or under the charge and control of the Postal Service, and persons on that property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

  (2) With respect to such property, such officers shall have the power to—
    (A) enforce Federal laws and regulations for the protection of persons and property;
    (B) carry firearms; and
    (C) make arrests without a warrant for any offense against the United States committed in the presence of the officer or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

  (3) With respect to such property, such officers may have, to such extent as the Postal Service may by regulations prescribe, the power to—
    (A) serve warrants and subpoenas issued under the authority of the United States; and
    (B) conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Postal Service or persons on the property.

  (4)(A) As to such property, the Postmaster General may prescribe regulations necessary for the protection and administration of property owned or occupied by the Postal Service and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in subparagraph (B), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

    (B) A person violating a regulation prescribed under this subsection shall be fined under this title, imprisoned for not more than 30 days, or both.
http://www.mountainstateslegal.org/legal_cases.cfm?legalcaseid=231


74 Rule 47.5.4 Unpublished Opinions Issued on or After January 1, 1996*. Unpublished opinions issued on or after January 1, 1996*, are not precedent, except under the doctrine of res judicata, collateral estoppel or law of the case (or similarly to show double jeopardy, notice, sanctionable conduct, entitlement to attorney's fees, or the like). An unpublished opinion may be cited pursuant to FED. R. APP. P. 32.1(a). The party citing to an unpublished judicial disposition should provide a citation to the disposition in a publicly accessible electronic database. If the disposition is not available in an electronic database, a copy of any unpublished opinion cited in any document being submitted to the court must be attached to each copy of the document, as required by FED. R. APP. P. 32.1(b). The first page of each unpublished opinion bears the following legend:
Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

75 U.S. v. Dorosan, USDC NO. 08-CR-42-1 per curiam (an unsigned appellate court opinion) in an “unpublished” opinion which is good, as it cannot be cited as precedent other than in limited circumstances pursuant to 5th Cir. R. 47.5.4.

76 73 Fed. Reg. 74,966 74, 972 (December 10, 2008), amending 36 C.F.R. § 2.4, 50 C.F.R. § 27.42

77 http://www.nraila.org/media/PDFs/nationalparks_MemoOpiniononintervention.PDF

78 New Hampshire R.S.A. 189:25 Elementary School. – An elementary school is any school approved by the state board of education in which the subjects taught are those prescribed by the state board for the grades kindergarten through 8 of the public schools. However, a separate organization consisting of grades 7 through 9, or any grouping of these grades, may be recognized as a junior high school and so approved by the board. Also a separate organization consisting of grades 4 through 8 or any grouping of these grades may be recognized as a middle school and so approved by the state board. Any elementary school may include a kindergarten program which, if it is provided, shall precede the other elementary grades.

79 See 18 U.S.C. § 922 (q)(1) The Congress finds and declares that--
    (A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;
    (B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;
    (C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary \3 the House of Representatives and the Committee on the Judiciary of the Senate;
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\3\ So in original. Probably should be followed by ``of''.
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    (D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;
    (E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;
    (F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;
(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm--

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is--

(1) not loaded; and

(II) in a locked container, or a locked firearms rack that

is on a motor vehicle;

(iv) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(v) by an individual for use in a program approved by a school in the school zone;

(vi) an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm--

(i) on private property not part of school grounds;

(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

(iii) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual; or

(iv) by a law enforcement officer acting in his or her official capacity.

(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.

80New Hampshire R.S.A. 195-A: 1 Definitions. – The terms used in this chapter shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

I. "School district'' shall mean a town school district, a special school district, a cooperative school district, an incorporated school district operating within a city, and a city operating a dependent school department.

II. "Elementary school'' shall mean a program comprising all grades from the kindergarten or grade one through grade 6, or kindergarten or grade one through grade 8.

III. "Secondary school'' shall mean a program comprising all grades from grade 7 through grade 12, or grade 9 through grade 12 and may include a junior high school program comprising grades 7 and 8 or 7, 8, and 9 as well as a high school program.
IV. ""Area school'' shall mean an authorized regional enrollment area school, which may be elementary or secondary, and which when approved as hereinafter provided, shall be the assigned school for all the resident elementary or secondary pupils of the school districts or portions thereof within the region which it is established to serve.

81 New Hampshire R.S.A. 195:1 Definitions. – The terms used in this chapter shall be construed as follows, unless a different meaning is clearly apparent from the language or context:
   I. ""Cooperative school district'' means a district composed of 2 or more school districts of the state associated together under the provisions of this chapter and may include either the elementary schools, the secondary schools, or both.
   II. ""Elementary school'' shall mean all grades from the kindergarten or grade one through grade 6, or kindergarten or grade one through grade 8.
   III. ""Secondary school'' shall mean all grades from grade 7 through grade 12, or grade 9 through grade 12.


83 New Hampshire R.S.A. 207:3-c Use of Firearms, Bow, or Crossbow in or Across Highway Prohibited. –
   I. No person shall discharge a firearm, bow and arrow, or crossbow and bolt from within 15 feet of the traveled portion of or across any class I through V highway of the state. This section shall not apply to those persons holding a special permit pursuant to RSA 207:7-a.
   II. No person shall discharge a firearm, bow and arrow, or crossbow and bolt from or across the following public highways of the state including the rights of way thereof:
      (a) Route 93 from the New Hampshire/Massachusetts state line in the town of Salem to the New Hampshire/Vermon state line in the town of Littleton;
      (b) Route 89 from the intersection with Route 93 in the town of Bow to the New Hampshire/Vermon state line in the town of Lebanon;
      (c) Route 95 from the New Hampshire/Massachusetts state line in the town of Seabrook to the New Hampshire/Maine state line in the town of Portsmouth;
      (d) Route 293 from the intersection with Route 93 in the city of Manchester to the intersection with Route 93 in the town of Hooksett;
      (e) Route 393 from the intersection with North Main Street in the city of Concord to the Concord/Chichester town line;
      (f) Route 202/9 from the intersection with Route 114 in the town of Henniker to the junction with Route 31 in the town of Hillsborough;
      (g) Route 16, commonly known as the Spaulding Turnpike, from the intersection with Route 95 in the town of Portsmouth to the Milton/Middletown town line;
      (h) Route 3, commonly known as the F.E. Everett Turnpike, from the New Hampshire/Massachusetts state line in the city of Nashua to the intersection with Route 101 in the town of Bedford;
      (i) Route 101 from the intersection with Route 114 in the town of Bedford to the intersection with Route 1 in the town of Hampton.
   III. Any person convicted of discharging a firearm, bow and arrow, or crossbow and bolt prohibited under the provisions of this section shall be guilty of a violation. eff. Jan. 1, 2005.

84 New Hampshire R.S.A. 644:13 Unauthorized Use of Firearms and Firecrackers. –
   I. A person is guilty of a violation if, within the compact part of a town or city, such person fires or discharges any cannon, gun, pistol, or other firearm, except by written permission of the chief of police or governing body.
   II. For the purposes of this section, ""compact part'' means the territory within a town or city comprised of the following:
      (a) Any nonresidential, commercial building, including, but not limited to, industrial, educational, or medical buildings, plus a perimeter 300 feet wide around all such buildings without permission of the owner.
      (b) Any park, playground, or other outdoor public gathering place designated by the legislative body of the city or town.
(c) Any contiguous area containing 6 or more buildings which are used as either part-time or permanent dwellings and the spaces between them where each such building is within 300 feet of at least one of the others, plus a perimeter 300 feet wide around all the buildings in such area. eff. Aug. 2, 1996.

NH RSA 207:7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft. —
I. No person shall take or attempt to take wild birds or wild animals from a motor vehicle, OHRV, snowmobile as defined in RSA 215-C:1, boat, aircraft or other craft propelled by mechanical power.
II. No person shall have or carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, whether moving or stationary, a cocked crossbow, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.
III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow, a loaded rifle or loaded shotgun, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun.


New Hampshire R.S.A. 227-L:17 Permits; Damages; Penalties. —
I. It shall be unlawful for any person to kindle or cause to be kindled a fire upon the land of another without first obtaining permission from the landowner or the landowner's agent, or upon public land without the written permission from the official caretaker, excepting that upon a public recreational area where fireplaces and a supervisor are provided, presence of an official supervisor or caretaker upon such land shall constitute permission.
II. No person, firm, or corporation shall kindle or cause to be kindled any fire or shall burn or cause to be burned any material, and no city or town shall kindle or maintain a fire on a public dump, except when the ground is covered with snow, without first obtaining a written permit from the forest fire warden of the town where the burning is to be done unless it is in the presence of the warden or the warden's agent.
III. Permits for the burning of blueberry stands to increase their productivity and for the burning of waste materials of mills processing forest products may be granted by the forest ranger, provided such burnings are done under the surveillance of the landowner or the landowner's agent.
IV. Camp or cooking fires may be kindled only with written permission of the landowner or the landowner's agent and written permission of the forest fire warden of the town in which the fire is to be kindled and only at suitable times and in suitable places when the fire will not endanger woodlands; except in such towns as have adopted bylaws or regulations equally as stringent as provided in this paragraph. Camp or cooking fires may be built without written permission on public camp or picnic grounds when such areas are open for public use or private camp and picnic places where suitable fireplaces approved by the forest fire warden are provided for such fires. As used in this paragraph, a camp or cooking fire shall be a small fire suitable for cooking purposes used in connection with camp, picnic or lunch purposes and does not include the burning of household rubbish, or large amounts of brush or other flammable material. Whoever shall kindle or cause to be kindled any such fire or use an abandoned fire in or near woodlands shall totally extinguish the same before leaving it and, upon failure to do so, such person or persons shall be subject to the same liabilities and penalties as prescribed in this section.
V. Any person causing or kindling a fire without permit of the forest fire warden, when such permit is required, and any person by whose negligence, or by the negligence of the person's agents, any fire shall be caused, shall be liable in a civil action for the payment to the town, or the state or the United States, or any or all of the same, of the expenses incurred by the forest fire warden or deputy warden in attending or extinguishing such fire. The items of expenses of the fire shall be approved in writing by the director.
VI. Every person who sets fire on any land, that runs upon the land of any other person, shall pay to the owner all damages done by such fire.
VII. Any person violating any provision of this section shall be guilty of a misdemeanor, and any person who causes or kindles a fire by any means, willfully or recklessly, which shall endanger a woodland shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Source. 1995, 299:1. 2000, 66:1, eff. Jan. 1, 2001.
See Arms Export Control Act (AECA) 22 U.S.C. §§2278-2280
http://www.pmddtc.state.gov/regulations_laws/aeaca.html and the International Traffic in Arms Regulations (ITAR)
22 CFR Parts 120-130 http://www.fas.org/spp/starwars/offdocs/itar/p120.html (charged with controlling the expert
and temporary import of “defense” articles etc. covered by the United States Munitions List (USML)
http://www.pmddtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_121.pdf or
http://www.fas.org/spp/starwars/offdocs/itar/p121.htm

Whoever knowingly and willfully, with intent to defraud the United States, smuggles, or clandestinely introduces
or attempts to smuggle or clandestinely introduce into the United States any merchandise which should have been
invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent
invoice, or other document or paper; or Whoever fraudulently or knowingly imports or brings into the United States,
any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation,
concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought
into the United States contrary to law—
Shall be fined under this title or imprisoned not more than 20 years, or both. Proof of defendant’s possession of
such goods, unless explained to the satisfaction of the jury, shall be deemed evidence sufficient to authorize
conviction for violation of this section. Merchandise introduced into the United States in violation of this section, or
the value thereof, to be recovered from any person described in the first or second paragraph of this section, shall be
forfeited to the United States.
The term “United States”, as used in this section, shall not include the Virgin Islands, American Samoa, Wake
Island, Midway Islands, Kingman Reef, Johnston Island, or Guam.

Whoever enters or introduces, or attempts to enter or introduce, into the commerce of the United States any
imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means
of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance, or makes any
false statement in any declaration without reasonable cause to believe the truth of such statement, or procures the
making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of
such statement, whether or not the United States shall or may be deprived of any lawful duties; or
Whoever is guilty of any willful act or omission whereby the United States shall or may be deprived of any lawful
duties accruing upon merchandise embraced or referred to in such invoice, declaration, affidavit, letter, paper, or
statement, or affected by such act or omission—
Shall be fined for each offense under this title or imprisoned not more than two years, or both.
Nothing in this section shall be construed to relieve imported merchandise from forfeiture under other provisions of
law.
The term “commerce of the United States”, as used in this section, shall not include commerce with the Virgin
Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, or Guam.

Whoever knowingly effects any entry of goods, wares, or merchandise, at less than the true weight or measure
thereof, or
upon a false classification as to quality or value, or by the payment of less than the amount of duty legally due,
shall be fined under this title or imprisoned not more than two years, or both.

28 U.S.C. § 5845 (j) Transfer. The term 'transfer' and the various derivatives of such word, shall include selling,
assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

See 26 U.S.C. §§5812, 5861 (d) and 5871.
26 U.S.C. § 5861. Prohibited acts. It shall be unlawful for any person--

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(a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special
(occupational) tax required by section 5801 [26 USCS § 5801] for his business or having registered as required by
section 5802 [26 USCS § 5802]; or

(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter [26 USCS §§ 5801
et seq.]; or

(c) to receive or possess a firearm made in violation of the provisions of this chapter [26 USCS §§ 5801 et seq.]; or

(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer
Record; or

(e) to transfer a firearm in violation of the provisions of this chapter [26 U.S.C. §§ 5801 et seq.]; or

(f) to make a firearm in violation of the provisions of this chapter [26 U.S.C. §§ 5801 et seq.]; or

(g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this
chapter [26 U.S.C. §§ 5801 et seq.]; or

(h) to receive or possess a firearm having the serial number or other identification required by this chapter [26
U.S.C. §§ 5801 et seq.] obliterated, removed, changed, or altered; or

(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter [26 U.S.C. §§ 5801 et seq.]; or

(j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by
this chapter [26 U.S.C. §§ 5801 et seq.]; or

(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section
5844 [26 U.S.C. § 5844]; or

(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter [26
USCS §§ 5801 et seq.], knowing such entry to be false.


For the purpose of this chapter—

(A) FIREARM

The term “firearm” means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon
made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of
less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made
from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than
16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) any silencer (as
defined in section 921 of title 18, United States Code); and (8) a destructive device. The term “firearm” shall not
include an antique firearm or any device (other than a machinegun or destructive device) which, although designed
as a weapon, the Secretary finds by reason of the date of its manufacture, value, design, and other characteristics is
primarily a collector’s item and is not likely to be used as a weapon.

(B) MACHINEGUN

The term “machinegun” means any weapon which shoots, is designed to shoot, or can be readily restored to
shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term
shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively,
or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any
combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(C) **Rifle**

The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(D) **Shotgun**

The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(E) **Any other weapon**

The term “any other weapon” means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

(F) **Destructive device**

The term “destructive device” means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

(G) **Antique firearm**

The term “antique firearm” means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(H) **Unserviceable firearm**

The term “unserviceable firearm” means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(I) **Make**

The term “make”, and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

(J) **Transfer**

The term “transfer” and the various derivatives of such word, shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.
(K) **Dealer**

The term “dealer” means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

(L) **Importer**

The term “importer” means any person who is engaged in the business of importing or bringing firearms into the United States.

(M) **Manufacturer**


The Director shall determine in accordance with 26 U.S.C. 5845(f), whether a device is excluded from the definition of a destructive device. A person who desires to obtain a determination under that provision of law for any device which he believes is not likely to be used as a weapon shall submit a written request, in triplicate, for a ruling thereon to the Director. Each such request shall be executed under the penalties of perjury and contain a complete and accurate description of the device, the name and address of the manufacturer or importer thereof, the purpose of and use for which it is intended, and such photographs, diagrams, or drawings as may be necessary to enable the Director to make his determination. The Director may require the submission to him, of a sample of such device for examination and evaluation. If the submission of such device is impracticable, the person requesting the ruling shall so advise the Director and designate the place where the device will be available for examination and evaluation. [36 FR 14256, Aug. 3, 1971. Redesignated at 40 FR 16835, Apr. 15, 1975, and amended by T.D. ATF-48, 44 FR 55842, Sept. 28, 1979]

100 **26 U.S.C. § 5861. Prohibited acts**

It shall be unlawful for any person—

(a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or

(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or

(c) to receive or possess a firearm made in violation of the provisions of this chapter; or

(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or

(e) to transfer a firearm in violation of the provisions of this chapter; or

(f) to make a firearm in violation of the provisions of this chapter; or

(g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or

(h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or

(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or

(j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or

(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or

(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

Note that registration of machineguns is no longer possible, so the term “registration” is not completely accurate. At least one court found that charging someone with failing to register what could not be registered a violation of the Due Process Clause of the Fifth Amendment. But wait, before you begin cheering, the court had no problem finding many other federal laws violated by the transfer of unregistered machineguns. **U.S. v. Rybar**, 103 F.3d 273 (3rd Cir. 1996) (reviewing history of federal firearms legislation) Alito dissenting.

102 **U.S. v. LaGue**, 472 F.2d 151 (9th Cir. 1973).

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Unlawful acts

(a) It shall be unlawful
(b) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity;

26 U.S.C. § 5801 et. seq.

26 U.S.C. § 5801 et seq.

26 U.S.C. § 5801(e).

27 C.F.R. § 479.101 (e).


27 C.F.R. § 479.141 Whenever any registered firearm is stolen or lost, the person losing possession thereof will, immediately upon discovery of such theft or loss, make a report to the Director showing the following:
(a) Name and address of the person in whose name the firearm is registered, (b) kind of firearm, (c) serial number, (d) model, (e) caliber, (f) manufacturer of the firearm, (g) date and place of theft or loss, and (h) complete statement of facts and circumstances surrounding such theft or loss.


27 C.F.R. § 479.141


Title 27 - Alcohol, Tobacco Products, and Firearms Volume: 3
Date: 2012-04-01
Original Date: 2010-04-01
Title: Section 478.92 - How must licensed manufacturers and licensed importers identify firearms, armor piercing ammunition, and large capacity ammunition feeding devices?
Context: Title 27 - Alcohol, Tobacco Products, and Firearms. CHAPTER II - BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DEPARTMENT OF JUSTICE. SUBCHAPTER B - FIREARMS AND AMMUNITION. PART 478 - COMMERCE IN FIREARMS AND AMMUNITION. Subpart F - Conduct of Business. § 478.92 How must licensed manufacturers and licensed importers identify firearms, armor piercing ammunition, and large capacity ammunition feeding devices?
(a)(1) Firearms. You, as a licensed manufacturer or licensed importer of firearms, must legibly identify each firearm manufactured or imported as follows:
(i) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. For firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch; and

(ii) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered, or removed. For firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .003 inch. The additional information includes:

(A) The model, if such designation has been made;

(B) The caliber or gauge;

(C) Your name (or recognized abbreviation) and also, when applicable, the name of the foreign manufacturer;

(D) In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where you as the manufacturer maintain your place of business; and

(E) In the case of an imported firearm, the name of the country in which it was manufactured and the city and State (or recognized abbreviation thereof) where you as the importer maintain your place of business. For additional requirements relating to imported firearms, see Customs regulations at 19 CFR part 134.

2. Firearm frames or receivers. A firearm frame or receiver that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

3. Special markings for semiautomatic assault weapons, effective July 5, 1995. In the case of any semiautomatic assault weapon manufactured after September 13, 1994, you must mark the frame or receiver “RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY” or, in the case of weapons manufactured for export, “FOR EXPORT ONLY,” in a manner not susceptible of being readily obliterated, altered, or removed. For weapons manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the special markings prescribed in this paragraph (a)(3) must be to a minimum depth of .003 inch.

4. Exceptions. (i) Alternate means of identification. The Director may authorize other means of identification upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

(ii) Destructive devices. In the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of a letter application from you, submitted in duplicate, showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable.

(iii) Machine guns, silencers, and parts. Any part defined as a machine gun, firearm muffler, or firearm silencer in § 478.11, that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you, must be identified as required by this section. The Director may authorize other means of identification of parts defined as machine guns other than frames or receivers and parts defined as mufflers or silencers upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

5. Measurement of height and depth of markings. The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by
paragraph (a)(1)(i) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

(b) Armor piercing ammunition—(1) Marking of ammunition. Each licensed manufacturer or licensed importer of armor piercing ammunition shall identify such ammunition by means of painting, staining or dying the exterior of the projectile with an opaque black coloring. This coloring must completely cover the point of the projectile and at least 50 percent of that portion of the projectile which is visible when the projectile is loaded into a cartridge case.

(2) Labeling of packages. Each licensed manufacturer or licensed importer of armor piercing ammunition shall clearly and conspicuously label each package in which armor piercing ammunition is contained, e.g., each box, carton, case, or other container. The label shall include the words “ARMOR PIERCING” in block letters at least 1/4 inch in height. The lettering shall be located on the exterior surface of the package which contains information concerning the caliber or gauge of the ammunition. There shall also be placed on the same surface of the package in block lettering at least 1/8 inch in height the words “FOR GOVERNMENTAL ENTITIES OR EXPORTATION ONLY.” The statements required by this subparagraph shall be on a contrasting background.

(c) Large capacity ammunition feeding devices manufactured after September 13, 1994. (1) Each person who manufactures or imports any large capacity ammunition feeding device manufactured after September 13, 1994, shall legibly identify each such device with a serial number. Such person may use the same serial number for all large capacity ammunition feeding devices produced.

(i) Additionally, in the case of a domestically made large capacity ammunition feeding device, such device shall be marked with the name, city and State (or recognized abbreviation thereof) of the manufacturer;

(ii) And in the case of an imported large capacity ammunition feeding device, such device shall be marked:

(A) With the name of the manufacturer, country of origin, and,

(B) Effective July 5, 1995, the name, city and State (or recognized abbreviation thereof) of the importer.

(iii) Further, large capacity ammunition feeding devices manufactured after September 13, 1994, shall be marked “RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY” or, in the case of devices manufactured or imported for export, effective July 5, 1995, “FOR EXPORT ONLY.”

(2) All markings required by this paragraph (c) shall be cast, stamped, or engraved on the exterior of the device. In the case of a magazine, the markings shall be placed on the magazine body.

(3) Exceptions—(i) Metallic links. Persons who manufacture or import metallic links for use in the assembly of belted ammunition are only required to place the identification marks prescribed in paragraph (c)(1) of this section on the containers used for the packaging of the links.

(ii) Alternate means of identification. The Director may authorize other means of identifying large capacity ammunition feeding devices upon receipt of a letter application, in duplicate, from the manufacturer or importer showing that such other identification is reasonable and will not hinder the effective administration of this part.

(Approved by the Office of Management and Budget under control number 1140-0050)


116 26 U.S.C. § 5845 (g) Antique firearm. The term 'antique firearm' means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in
or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

See also 18 U.S.C. § 921 (a)(16) The term “antique firearm” means—

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

(B) any replica of any firearm described in subparagraph (A) if such replica—

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(ii) 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; or

(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term “antique firearm” shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.


118 See 26 U.S.C. 5861 (g) (h) (i); 27 C.F.R. § 478.34.


120 18 U.S.C. § 921 (29) (a) (A) & (B).


124 New Hampshire RSA 214:9-cc Lifetime Licenses for Bow and Arrow, Muzzleloader, and Crossbow. –

I. (a) The executive director, at the department of fish and game headquarters only, shall issue lifetime bow and arrow, muzzle loading firearm, and crossbow licenses for each type of game taken similar to that issued on an annual basis under RSA 208:5, RSA 208:5-a, or RSA 208:7-a, respectively, to any resident applicant upon payment of the proper fee, which shall be established by the executive director in accordance with the provisions of paragraph II. Lifetime bow and arrow, muzzle loading firearm, and crossbow licenses shall be issued only to residents who would be eligible to purchase annual licenses of the same type.

(b) In addition, the executive director may issue lifetime licenses under this section to any resident under 16 years of age. The parent or legal guardian of the applicant shall be a resident pursuant to RSA 207:1, XXIII. The bow and arrow, muzzle loading firearm, and crossbow licenses shall not be valid until the licensee has met all requirements for the issuance of such license. Upon meeting the requirements of RSA 214:23-a, the licensee shall have the license validated at the fish and game department headquarters only.

II. The executive director shall obtain an actuarial table based on an appropriate annuity from the commissioner of insurance and shall set the fee for the various licenses annually on July 15 of each year for the following year based on the age of the applicant. The fee for any applicant under 16 years of age shall be the same as the fee for a 16-year-old applicant. In addition the applicant shall pay the agent's fee in accordance with RSA 214-A:4.

III. In no case shall any lifetime license issued be transferable or any portion of the cost of the license refundable.

IV. Notwithstanding any other provision of law, the moneys received from the sale of such lifetime bow and arrow, muzzle loading firearm, and crossbow licenses shall be deposited with the state treasurer who shall keep the same in the prepaid fish and game license fund. The state treasurer shall annually transfer to the fish and game fund from the prepaid fish and game license fund an amount equal to 9 percent of the portion of the principal balance in the fund each year attributed to lifetime bow and arrow, muzzle loading firearm, and crossbow licenses, and any interest that accrues to such portion of the prepaid fish and game license fund in excess of 5 percent.

V. In addition, the state treasurer shall pay the amount of one annual license fee to the fish and game fund from the proceeds of each lifetime bow and arrow, muzzle loading firearm, and crossbow license sold during the current
VI. Licenses issued pursuant to this section shall entitle the holder thereof to the same privileges and subject the licensee to the same restrictions as a holder of an annual license.


125 New Hampshire RSA 207:8-a Remote Control or Internet Hunting Prohibited. –
I. No person shall offer for sale, take, or assist in the taking of wildlife by use of remote control or Internet hunting. Any person who violates this section shall be guilty of a class A misdemeanor if a natural person and guilty of a felony if any other person. In addition, the executive director may impose a civil penalty of not less than $10,000 for each violation of this section, with the moneys received from imposition of such civil penalty to be deposited in the fish and game fund.

II. For the purpose of this section "remote control or Internet hunting" shall mean the use of a computer or other electronic device, equipment, or software, to remotely control the aiming or discharge of a firearm or other weapon, that allows a person, not physically present, to take wildlife. Source. 2006, 73:1, eff. April 28, 2006.

126 New Hampshire RSA 207:38 Abandoning a Wounded or Killed Human Being. – Any person who shall have shot and wounded or killed a human being shall forthwith render necessary assistance to the injured person and report immediately to the nearest conservation officer or law enforcement officer. Any person who knowingly fails to render such assistance shall be guilty of a class B felony and his license to hunt shall be revoked for life. The penalty for conviction under this section shall be in addition to any other penalty imposed by law. Source. 1949, 223:2. 1953, 101:2. RSA 207:38. 1955, 66:1. 1973, 528:116. 1977, 343:1. 1987, 95:3, eff. July 5, 1987.

127 New Hampshire RSA 207:38-a Hunting Related Shootings. – Any person while hunting or in the field who shall cause any injury by shooting another human being shall report immediately to the nearest conservation officer or law enforcement officer giving his or her name, address, date of birth, hunting license number and any other information needed to identify that person. Whoever violates the provisions of this section shall be guilty of a misdemeanor. Source. 1955, 66:2. 1973, 531:50. 1977, 343:2, eff. Aug. 30, 1977. 1997, 188:3, eff. Jan. 1, 1998.

128 New Hampshire RSA 207:38-b Hunter Orange Recommendation. –
I. Any person hunting with a firearm or bow and arrow in this state during the hunting season, except for a person legally hunting waterfowl, should wear a hat, vest or other suitable article of clothing of material in the color of hunter orange visible from all sides at a minimum distance of 200 feet. "Hunter orange" means a daylight fluorescent orange color with a dominant wave length between 595 and 605 nanometers, an excitation purity of not less than 85 percent, and a luminance factor of not less than 40 percent.

II. The executive director is directed to issue a written recommendation to each person purchasing a hunting license or to have printed on each hunting license the recommendation that the licensee should wear hunter orange when engaged in hunting in this state. Source. 1983, 125:1, eff. June 7, 1983.

129 New Hampshire RSA 207:8-b Use of Tranquilizers Prohibited. – No person shall take game using a tranquilizer propelled from a bow, crossbow, or firearm. This shall not apply to the executive director of fish and game or the executive director's authorized agents. Source. 2007, 23:1, eff. Jan. 1, 2008.

130 Just one of the many restrictions on fishing New Hampshire RSA 207:10 Prohibited Devices. – A trotline, tips-ups, set and trap lines, crossbows, spears, grappling hooks, naked hooks, snatch hooks, eel wires, eel pots, and nets, shall not be used in any fresh waters of the state to take fish, unless otherwise specifically permitted. No person shall possess, while hunting or trapping any wild bird, or wild animal, including bear, any snare, jack or artificial light, swivel, pivot or set gun, except as otherwise permitted. Any person convicted of illegal night hunting shall forfeit such firearms, jacks or other equipment used or usable in the illegal night hunting at the time of the violation. Prohibited articles, upon conviction of a violation of illegal night hunting, shall become the property of the fish and game department, and shall be sold at auction by the executive director within one year of the forfeiture. Nothing in this section shall be construed to prohibit the use of lights for checking traps as permitted in RSA 210:13. Source. 1935, 124:1. 1937, 188:5. RL 241:9. 1945, 74:1. RSA 207:10. 1955, 48:1. 1971, 23:1. 1994, 51:2, eff. July 1, 1994. 1997, 8:1, eff. Jan. 1, 1998. 2001, 161:1, eff. Jan. 1, 2003.
131 New Hampshire RSA 207:10-a

132 18 U.S.C. § 922 (x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile -
   (A) a handgun; or
   (B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess -
   (A) a handgun; or
   (B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to -
   (A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile -
      (i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;
      (ii) with the prior written consent of the juvenile’s parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except -
         (I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) occurred;
         (II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile’s parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;
      (iii) the juvenile has the prior written consent in the juvenile’s possession at all times when a handgun is in the possession of the juvenile; and
      (iv) in accordance with State and local law;
   (B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;
   (C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or
   (D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

134 New Hampshire R.S.A. 644:15 Furnishing Arms to Persons Under 16. –
I. Any person who shall sell, barter, hire, lend, or give to any person under the age of 16 years any cartridges or
shotshells suitable for discharging in any rifle, pistol, revolver, or shotgun shall be guilty of a violation.

II. This section shall not apply to:
   (a) Fathers, mothers, grandparents, or guardians of such children.
   (b) Individuals instructing such children in the safe use of firearms during a supervised firearms training program, provided the child's parent or legal guardian has granted the child permission to participate in such program.
   (c) Licensed hunters accompanying such children while lawfully taking wildlife.
   (d) Individuals supervising such children using firearms during a lawful shooting event or activity. eff. April 28, 2006.

135 Defined at 27 C.F.R. § 478.11 and A "misdemeanor crime of domestic violence" means an offense that: (1) is a misdemeanor under Federal or State law; (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon; and (3) was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

However, a person is not considered to have been convicted of a misdemeanor crime of domestic violence unless:

(1) the person was represented by counsel in the case, or knowingly and intelligently waived the right of counsel in the case; and
(2) in the case of a prosecution for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either -
(a) the case was tried by a jury, or
(b) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

In addition, a conviction would not be disabling if it has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the jurisdiction in which the proceedings were held provides for the loss of civil rights upon conviction for such an offense) unless the pardon, expunction, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms, and the person is not otherwise prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing firearms. [18 U.S.C. 921(a)(33), 27 CFR 178.11].


138 18 U.S.C. § 925 (a)(1) The provisions of this chapter, except for sections 922(d)(9) and 922(g)(9) and provisions relating to firearms subject to the prohibitions of section 922(p), shall not apply with respect to the transportation, shipment, receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof. * Note 18 U.S.C. § 922(d)(9) is domestic violence

139 R.S.A. 651:2 II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime. The person shall be given a minimum mandatory sentence of not less than 3 years' imprisonment for a first offense and a minimum mandatory sentence of not less than 6 years' imprisonment if such person has been previously convicted of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed
under this paragraph shall be suspended or reduced. See State v. Henderson, 154 N.H. 95 (2006); State v. Crie, 154 N.H. 403 (2006); State v. Haines, 142 N.H. 692 (1998); State v. Taylor, 152 N.H. 719 (2005) (indictment must allege that defendant possessed, used or attempted to use a firearm). After November 13, 2011 the following version applies II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime.

140 18 U.S.C. § 924 (c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime -
(i) be sentenced to a term of imprisonment of not less than 5 years;
(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and
(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

(B) If the firearm possessed by a person convicted of a violation of this subsection -
(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or
(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

(C) In the case of a second or subsequent conviction under this subsection, the person shall -
(i) be sentenced to a term of imprisonment of not less than 25 years; and
(ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

(D) Notwithstanding any other provision of law -
(i) a court shall not place on probation any person convicted of a violation of this subsection; and
(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.

(2) For purposes of this subsection, the term "drug trafficking crime" means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(3) For purposes of this subsection the term "crime of violence" means an offense that is a felony and -
(A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
(B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(4) For purposes of this subsection, the term "brandish" means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922, or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of section 922(l), or knowing violation of section 924, or willful violation of any other provision of this chapter or any rule or regulation promulgated thereunder, or any violation of
any other criminal law of the United States, or any firearm or ammunition intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1986 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter: Provided, That upon acquittal of the owner or possessor, or dismissal of the charges against him other than upon motion of the Government prior to trial, or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished firearms or ammunition shall be returned forthwith to the owner or possessor or to a person delegated by the owner or possessor unless the return of the firearms or ammunition would place the owner or possessor or his delegate in violation of law. Any action or proceeding for the forfeiture of firearms or ammunition shall be commenced within one hundred and twenty days of such seizure.

(2)(A) In any action or proceeding for the return of firearms or ammunition seized under the provisions of this chapter, the court shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

(B) **In any other action or proceeding under the provisions of this chapter, the court, when it finds that such action was without foundation, or was initiated vexatiously, frivolously, or in bad faith, shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.** [emphasis supplied]

(C) Only those firearms or quantities of ammunition particularly named and individually identified as involved in or used in any violation of the provisions of this chapter or any rule or regulation issued thereunder, or any other criminal law of the United States or as intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure, forfeiture, and disposition.

(D) The United States shall be liable for attorneys' fees under this paragraph only to the extent provided in advance by appropriation Acts.

(3) The offenses referred to in paragraphs (1) and (2)(C) of this subsection are -

(A) any crime of violence, as that term is defined in section 924(c)(3) of this title;

(B) any offense punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

(C) any offense described in section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of this title, where the firearm or ammunition intended to be used in any such offense is involved in a pattern of activities which includes a violation of any offense described in section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of this title;

(D) any offense described in section 922(d) of this title where the firearm or ammunition is intended to be used in such offense by the transferor of such firearm or ammunition;

(E) any offense described in section 922(i), 922(j), 922(l), 922(n), or 924(b) of this title; and

(F) any offense which may be prosecuted in a court of the United States which involves the exportation of firearms or ammunition.

(e)(1) In the case of a person who violates section 922(g) of this title and has three previous convictions by any court referred to in section 922(g)(1) of this title for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be fined under this title and imprisoned not less than fifteen years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).

(2) As used in this subsection -

(A) the term "serious drug offense" means -

(i) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.) for which a maximum term of imprisonment of ten years or more is prescribed by law;

(ii) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), for which a maximum term of imprisonment of ten years or more is prescribed by law;
(B) the term "violent felony" means any crime punishable by imprisonment for a term exceeding one year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that -

(i) has as an element the use, attempted use, or threatened use of physical force against the person of another; or

(ii) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; and

(C) the term "conviction" includes a finding that a person has committed an act of juvenile delinquency involving a violent felony.

(f) In the case of a person who knowingly violates section 922(p), such person shall be fined under this title, or imprisoned not more than 5 years, or both.

(g) Whoever, with the intent to engage in conduct which -

1. constitutes an offense listed in section 1961(1),


3. violates any State law relating to any controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))), or

4. constitutes a crime of violence (as defined in subsection (c)(3)), travels from any State or foreign country into any other State and acquires, transfers, or attempts to acquire or transfer, a firearm in such other State in furtherance of such purpose, shall be imprisoned not more than 10 years, fined in accordance with this title, or both.

(h) Whoever knowingly transfers a firearm, knowing that such firearm will be used to commit a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)) shall be imprisoned not more than 10 years, fined in accordance with this title, or both.

(i) 1. A person who knowingly violates section 922(u) shall be fined under this title, imprisoned not more than 10 years, or both.

2. Nothing contained in this subsection shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this subsection operate to the exclusion of State laws on the same subject matter, nor shall any provision of this subsection be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this subsection. [emphasis supplied]

(j) A person who, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall -

1. if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

2. if the killing is manslaughter (as defined in section 112), be punished as provided in that section.

(k) A person who, with intent to engage in or to promote conduct that -


2. violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

3. constitutes a crime of violence (as defined in subsection (c)(3)), smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.

(l) A person who steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.

(m) A person who steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 10 years, or both.
(n) A person who, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.

(o) A person who conspires to commit an offense under subsection (c) shall be imprisoned for not more than 20 years, fined under this title, or both; and if the firearm is a machinegun or destructive device, or is equipped with a firearm silencer or muffler, shall be imprisoned for any term of years or life.


142 New Hampshire R.S.A. 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 other deadly weapon as defined in RSA 625:11, V; 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.
   I-a. A person is guilty of a class B felony if such person completes and signs an application for purchase of a firearm and the person is a convicted felon under the provisions of paragraph I.
   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. eff. Jan. 1, 2002.

143 18 U.S.C. § 922(g)(1); 27 C.F.R. § 478.32.

144 State v. Beaudette, 124 N.H. 579 (1984). Sloppy, imprecise definitional language from a shooter’s point of view, and State v. St. John, 129 N.H. 1 (1986) did nothing to correct the problem. “In instructing the jury, the trial judge accurately paraphrased RSA 159:3 (Supp. 1986) and then provided the definition of a pistol or revolver as set out in RSA 159:1. A "[p]istol or revolver, as used herein, means any firearm with barrel less than 16 inches in length. It does not include antique pistols or revolvers." RSA 159:1. Upon completion of the charge, defense counsel asked the court to give the jury an instruction defining "firearm," as suggested in his requested jury instructions. The requested definition of a firearm was that set out in State v. Beaudette, 124 N.H. 579, 581, 474 A.2d 1012, 1014 (1984). In Beaudette, "firearm" was defined as "a weapon from which a shot is discharged by gunpowder." Beaudette supra (citing Webster's Third New International Dictionary 854 (1961)). The trial judge refused to give the requested instruction, finding that the present case did not pose the issue, as in Beaudette, as to whether the weapon in question was a firearm.” [the Court allowed the imprecise definition] See also State v. Taylor, 136 N.H. 131 (1992).

145 625:11 General Definitions. – The following definitions apply to this code.
I. "Conduct" means an action or omission, and its accompanying state of mind, or, a series of acts or omissions.
II. "Person", "he", and "actor" include any natural person and, a corporation or an unincorporated association.
III. "Element of an offense" means such conduct, or such attendant circumstances, or such a result of conduct as:
   (a) Is included in the definition of the offense; or
   (b) Establishes the required kind of culpability; or
   (c) Negatives an excuse or justification for such conduct; or
   (d) Negatives a defense under the statute of limitations; or
   (e) Establishes jurisdiction or venue.
IV. "Material element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction, venue or to any other matter similarly unrelated to (1) the harm sought to be prevented by the definition
of the offense, or (2) any justification or excuse for the prescribed conduct.

V. "Deadly weapon'' means any firearm, knife or other substance or thing which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of producing death or serious bodily injury.

VI. "Serious bodily injury'' means any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or of the function of any part of the body. Source. 1971, 518:1, eff. Nov. 1, 1973.


(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or
(B) any replica of any firearm described in subparagraph (A) if such replica—
(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or
(ii) 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; or
(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term “antique firearm” shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

149 New Hampshire R.S.A. 159:12 Sale to Minors. –
I. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor.
II. This section shall not apply to:
(a) Fathers, mothers, grandparents, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.
(b) Individuals instructing minors in the safe use of firearms during a supervised firearms training program, provided the minor's parent or legal guardian has granted the minor permission to participate in such program.
(c) Licensed hunters accompanying a minor while lawfully taking wildlife.
(d) Individuals supervising minors using firearms during a lawful shooting event or activity. eff. April 28, 2006.

150 U.S. v. Moore, 109 F.3d 1456, 1466 (9th Cir. 1997) (en banc[when all members of an appellate court hear an argument rather than a select group]).

151 U.S. v. Moore, 109 F.3d 1456, 1466 (9th Cir. 1997) (en banc[when all members of an appellate court hear an argument rather than a select group]).

152 The Gun Control Act has also been amended to make it illegal for a juvenile to possess a handgun without a parent's or guardian's written consent. 18 U.S.C. §§ 922(x)(1)(A) & 922(x)(3)(A)(iii) (1994).

153 U.S. v. Polk, 118 F.3d 286 (5th Cir. 1997).


155 18 U.S.C. § 922 (x)(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

156 18 U.S.C. § 922 (x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile -
(A) a handgun; or
(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess -
(A) a handgun; or
(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to -
(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile –
(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;
(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except -
(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or
(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;
(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and
(iv) in accordance with State and local law;
(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;
(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or
(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.
(B) The court may use the contempt power to enforce subparagraph (A).
(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

157 New Hampshire R.S.A. 159:24 Sale of Martial Arts Weapons. –
I. "Martial arts weapon" means any kind of sword, knife, spear, throwing star, throwing dart, or nunchaku or any other object designed for use in the martial arts which is capable of being used as a lethal or dangerous weapon.
II. Any person who shall sell, deliver, or otherwise transfer any martial arts weapon to a person under the age of 18 without first obtaining the written consent of such person's parent or guardian shall be guilty of a misdemeanor.
III. Paragraph II shall not apply to fathers, mothers, guardians, administrators or executors who give a martial arts weapon to their children or wards or to heirs to an estate. eff. Jan. 1, 1987.
158 New Hampshire R.S.A. 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. eff. Oct. 31, 1973 at 11:59 p.m.

159 New Hampshire R.S.A. 159:6-a Confidentiality of Licenses. – Notwithstanding the provisions of RSA 91-A:4 or any other provision of law to the contrary, all papers and records, including applications, pertaining to the issuance of licenses pursuant to RSA 159:6 and all licenses issued pursuant to said section are subject to inspection only by law enforcement officials of the state or any political subdivision thereof or of the federal government while in the performance of official duties or upon written consent, for good cause shown, of the superior court in the county where said license was issued. eff. July 10, 1979.

160 159:16 Carrying or Selling Weapons. – Whoever, except as provided by the laws of this state, sells, has in his possession with intent to sell, or carries on his person any blackjack, slung shot, or metallic knuckles shall be guilty of a misdemeanor; and such weapon or articles so carried by him shall be confiscated to the use of the state. Source. 1973, 370:16; 1992, 273:2, eff. July 17, 1992. 2010, 67:1, eff. May 18, 2010. http://www.gencourt.state.nh.us/rsa/html/XII/159/159-16.htm

161 New Hampshire R.S.A. 159:22 Restricted Sale. Any person who knowingly sells an electronic defense weapon to a person under 18 years of age shall be guilty of a violation. eff. May 5, 1986.

162 New Hampshire R.S.A. 159:6 I.

163 See RSA 159:6 II and RSA 263:12 Prohibitions- It shall be a misdemeanor for any person to:
    VII. Photograph, photostat, duplicate, or in any manner reproduce any license to drive a motor vehicle or facsimile thereof in such a manner that it could be mistaken for a valid license, or have in his possession any such photograph, photostat, duplicate, reproduction or facsimile unless specifically authorized by the director.

164 New Hampshire R.S.A. 159:6 I.

165 New Hampshire R.S.A. 159:6-c Appeal From Denial, Suspension, or Revocation. – Any person whose application for a license to carry a loaded pistol or revolver has been denied pursuant to RSA 159:6 or whose license to carry a loaded pistol or revolver has been suspended or revoked pursuant to RSA 159:6-b may within 30 days thereafter, petition the district or municipal court in the jurisdiction in which such person resides to determine whether the petitioner is entitled to a license. The court shall conduct a hearing within 14 days after receipt of the petition. During this hearing the burden shall be upon the issuing authority to demonstrate by clear and convincing proof why any denial, suspension, or revocation was justified, failing which the court shall enter an order directing the issuing authority to grant or reinstate the petitioner's license. The court shall issue its decision not later than 14 days after the hearing on whether the petitioner is entitled to a license. Eff. Jan. 1, 1999.

New Hampshire R.S.A. 159:6-e Violation. – Any person aggrieved by a violation of the licensing sections of this chapter by a licensing entity may petition the superior court of the county in which the alleged violation occurred for injunctive relief. The court shall give proceedings under this chapter priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of the licensing sections of this chapter by the licensing entity, and may be filed by the petitioner or the petitioner's counsel with the clerk of court or the justice. The clerk of court or any justice shall order service by copy of the petition on the licensing entity or a person employed by the entity. If the justice finds that time is of the essence, the justice may order notice by any reasonable means, and shall have authority to issue an order ex parte when the justice reasonably deems such an order necessary to insure compliance with the provisions of this chapter. eff. Jan. 1, 1997.
Full disclosure, my case, however, the letter the police chief used to deny Mr. Garand’s license was a travesty of justice at best, with beyond wild accusations, without any supporting evidence—nor was he required to produce any. This is Exhibit one of why we need to elect judges in this state.


New Hampshire R.S.A. 159:6-c Appeal From Denial, Suspension, or Revocation. – Any person whose application for a license to carry a loaded pistol or revolver has been denied pursuant to RSA 159:6 or whose license to carry a loaded pistol or revolver has been suspended or revoked pursuant to RSA 159:6-b may within 30 days thereafter, petition the district or municipal court in the jurisdiction in which such person resides to determine whether the petitioner is entitled to a license. The court shall conduct a hearing within 14 days after receipt of the petition. During this hearing the burden shall be upon the issuing authority to demonstrate by clear and convincing proof why any denial, suspension, or revocation was justified, failing which the court shall enter an order directing the issuing authority to grant or reinstate the petitioner's license. The court shall issue its decision not later than 14 days after the hearing on whether the petitioner is entitled to a license. eff. Jan. 1, 1999.


New Hampshire 207:39-b Intentional or Negligent Shooting of Domestic Animals; Penalty. – Any person, while actually engaged in hunting or in pursuit of wild animals or wild birds who knowingly or purposely causes death, injury, or damage to such domestic animals, ducks, or fowl through the discharge of a firearm or bow and arrow may have his or her license to hunt revoked and he or she may not be granted a license to hunt for a period not to exceed 5 years. The provisions of this section shall not apply to a hunter killing or injuring his or her own animal or a borrowed animal or one used by another member of the same hunting party, other than being liable to the owner of the animal. The executive director of the fish and game department may make such revocation and suspension of the privilege of obtaining a license and determine the term of such suspension when, in the executive director’s opinion, reasonable evidence of a violation of the provisions of this section exist. Source. 2005, 289:2, eff. Jan. 1, 2006.

New Hampshire 207:39-c Reporting the Death or Injury of Domestic Animals. – Any person who negligently or accidentally causes death, injury, or damage to domestic animals through the discharge of a firearm or bow and arrow shall immediately report the death, injury, or damage to the local police department, and in the case of injury to such domestic animals, shall render aid to the animal in an attempt to save the animal’s life. Source. 2005, 289:2, eff. Jan. 1, 2006.

New Hampshire RSA 214:20-d Implied Consent to Submit to Test to Determine Alcohol Concentration. – I. Any person who target practices, takes, or attempts to take wildlife in this state by use of a firearm, bow and arrow, crossbow and bolt, or any other weapon, shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether that person is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drug, and to chemical infrared molecular absorption or gas chromatograph test or tests of any or any combination of the following: blood, urine, or breath, for the purposes of determining the controlled drug content of the person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was target practicing, hunting, taking, or attempting to take wildlife, while under the influence of intoxicating liquor or controlled drugs or any combination of alcohol or controlled drugs or while having an alcohol concentration of 0.08 or more, or in the case of a person under the age of 21, 0.02 or more. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been hunting, taking, or attempting to take wildlife while under the influence of intoxicating liquor or any controlled drug, or any combination of intoxicating liquor and controlled drug.

II. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of report by certified mail directed to the address shown on such person’s hunting license.
or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by a certified breath-testing operator conducting the test.

III. When the incident involves a hunting or target practice shooting, resulting in death or serious bodily injury to any person as provided in RSA 214:20-l, the prerequisites of RSA 214:20-m shall not apply. Source. 1996, 87:3, eff. Jan. 1, 1997.

New Hampshire RSA 214:20-e Refusal of Consent. – If a person under arrest for a violation of RSA 214:20 refuses upon the request of a law enforcement officer to submit to a physical and/or chemical test designated by the law enforcement officer as provided in RSA 214:20-d, none shall be given, but the executive director shall revoke the person's hunting license for a period of 5 years from the date of the alleged violation. Any such revocation of a license shall be imposed in addition to any penalties provided by law, subject to review as hereinafter provided, and shall be imposed only upon the receipt by the executive director of a sworn report of the law enforcement officer containing the following:

I. That the law enforcement officer had reasonable grounds to believe the arrested person had been target practicing, hunting, taking or attempting to take wildlife while under the influence of intoxicating liquor, controlled drugs or a combination thereof.

II. The facts upon which the reasonable grounds to believe such are based.

III. That the person had been arrested.

IV. That the person had refused to submit to the test upon the request of the law enforcement officer.

V. That the law enforcement officer informed the arrested person of the person's right to have a similar test or tests conducted by a person of the arrested person's own choosing.

VI. That the law enforcement officer informed the arrested person of the fact that refusal to permit the test or tests will result in license revocation. Source. 1996, 87:3, eff. Jan. 1, 1997.

New Hampshire RSA 214:20 Hunting While Intoxicated. – No person shall target practice, hunt, take, or attempt to take wildlife in this state by the use of a firearm, bow and arrow, crossbow and bolt, or any other weapon:

I. While such person is under the influence of intoxicating liquor or any controlled drug, or any combination of intoxicating liquor and controlled drugs; or


New Hampshire 214:20-b Penalties for Intoxicated Hunting. –

I. Any person who shall be convicted of a violation of RSA 214:20 shall be guilty of a misdemeanor. In addition to any penalty provided by law, such person's hunting license shall be revoked and the person shall not be issued a license to hunt for a period of 3 years.

II. Any person convicted of a violation of RSA 214:20-a shall be guilty of a class B felony. In addition to any penalty provided by law, such person's hunting license shall be revoked indefinitely. Source. 1965, 210:1, eff. Aug. 27, 1965. 1996, 87:2, eff. Jan. 1, 1997.

New Hampshire RSA 214:20-h Effects of Evidence of Test for Alcohol Concentration. – The provisions of RSA 214:20 shall not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of 214:20 was under the influence of intoxicating liquor or controlled drugs or any combination of intoxicating liquor and controlled drug. Source. 1996, 87:3, eff. Jan. 1, 1997.

New Hampshire 207:43 Rights Limited. – No foreign corporation, association, club or similar organization shall hold or acquire property in New Hampshire for the purpose of hunting, fishing, sporting or recreation, without
179 New Hampshire RSA 207:37-c Shooting Human Beings While Hunting. –
I. Any person, while on a hunting trip, or in pursuit of wild animals or wild birds, or while target practicing, who negligently shoots and wounds any human being, shall be guilty of a misdemeanor.
II. Any person, while on a hunting trip, or in pursuit of wild animals or wild birds, or while target practicing, who shoots and causes the death of any human being, may be charged pursuant to the appropriate criminal code statute.
III. The provisions of this section shall apply to any person hunting or target practicing with a firearm, bow and arrow, or crossbow and bolt.
IV. In addition to the penalties provided in this section, the person shall be subject to license revocation under RSA 207:37-b. Source. 1997, 188:2, eff. Jan. 1, 1998.

180 New Hampshire RSA 207:4 Silencing Devices. – I. No person shall possess a rifle, pistol, or other firearm fitted or contrived with any silencer or device for deadening the sound of explosion, for the purpose of taking wildlife. Nothing in this section shall prohibit the use of a muzzle brake, polychoke, or compensator.
II. Nothing in this section shall prohibit a person who has obtained a depredation permit issued by the executive director of fish and game from taking wildlife under such permit using a lawfully obtained silencing device. Source. 1947, 69:1, eff. April 3, 1947. 2001, 201:1, eff. July 5, 2001.

181 New Hampshire RSA 207:46 Penalties. – I. Any person who violates a provision of this chapter, or any rule or regulation of the executive director, shall be guilty of a violation, except where otherwise provided, and an additional violation for each fish, bird or animal, or part thereof bought, sold, offered for sale or transported contrary to the provisions thereof.
II. Any person who violates the provisions of RSA 207:4 shall be guilty of a misdemeanor and shall forfeit such firearms and silencing devices.

182 New Hampshire RSA 207:3-b Town of Bow. – All hunting is forbidden in the following area of the town of Bow with any firearm other than a shotgun, muzzle loading rifle, bow and arrow, or crossbow as provided in RSA 208:7-a: Southeast from the Concord-Bow boundary line along the west bank of the Merrimack River, then westerly along the Bow-Hooksett boundary line, then northerly along Interstate 93, then westerly along Robinson Road, then northwest along Branch Londonderry Turnpike East, then southerly along Woodhill Road, then southwesterly along Dunbarton Center Road to the Bow-Dunbarton boundary line, then northwesterly along the Bow-Dunbarton boundary line to the Bow-Hopkinton boundary line, then easterly along the Bow-Hopkinton boundary line to the Bow-Concord boundary line, then southeasterly and easterly along the Bow-Concord boundary line to the west bank of the Merrimack River. Source. 1975, 162:1. 1989, 32:1, eff. June 11, 1989. 2003, 35:1, eff. July 1, 2003.

183 New Hampshire RSA 207:47 For Disobeying Officer. – Any person who shall refuse or neglect to stop when signaled to stop by any conservation officer who is in uniform or who refuses on demand of such officer to produce his fish and game license or to permit such officer to take the license or certificate in hand for the purpose of examination shall be guilty of a misdemeanor. Source. 1949, 52:2. RSA 207:47. 1973, 528:118, eff. Oct. 31, 1973 at 11:59 p.m.

184 New Hampshire RSA 214:20-l Blood Testing on Certain Hunting Fatalities. – When death or serious bodily injury occurs to any person in the course of a hunting related shooting or the result of target practice, the person or persons responsible shall be tested for blood alcohol content. A law enforcement officer shall request a licensed physician, registered nurse, certified physician’s assistant, or qualified medical technician or medical technologist to withdraw blood from each person involved, provided that the officer has probable cause to believe that the person responsible was under the influence of alcohol or a controlled drug or any combination of controlled drug or alcohol. All tests made under this section shall be conducted by the forensic science laboratory established in RSA 106-B:2-a, or in any other laboratory capable of conducting such tests which is licensed by the U.S. Department of Health
214:20-o Administrative Review. – Upon revoking or denying a hunting license of any person pursuant to RSA 214:20-b and 214:20-e the executive director shall immediately notify the person in writing of such revocation or denial. If, within 30 days of such notification, the person so notified requests a hearing on the revocation or denial, the department shall, within 10 days of the receipt of the request, afford such person an opportunity for a hearing before the executive director or designee. The scope of such a hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been target practicing, hunting, taking, or attempting to take wildlife while under the influence of alcohol or controlled drugs or a combination of alcohol and controlled drugs; whether the person was placed under arrest; whether the person refused to submit to a physical or chemical test upon the request of the officer; whether the person was informed that the privilege to hunt would be revoked or denied if such person refused to submit to a test; and whether the person was informed of such person's right to have a chemical test or tests made by a person of such person's own choosing. The executive director shall order that the revocation or determination that there should be a denial of issuance be rescinded or sustained. A copy of such order shall be sent to the person affected thereby. Source. 1996, 87:3, eff. Jan. 1, 1997.

214:21 Hunting, etc. After Revocation; Eligibility for License. – No person who has had a license suspended or revoked shall take or attempt to take the wildlife permitted to be taken by said license. A person whose license has been revoked indefinitely or for a period of time under any provision of this chapter shall be ineligible to purchase a new license before the expiration of the stated period without the prior written approval of the executive director. No person shall be eligible to receive any license issued by the fish and game department if he is in arrears for any fines or costs for a violation of the laws relative to fish and game. Any person violating the provisions of this section shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Source. 1935, 124:7. 1941, 126:17. RL 247:12. RSA 214:21. 1961, 104:1. 1993, 280:1, eff. Jan. 1, 1994.

185 New Hampshire RSA 214:20-i Evidence of Refusal to Take Test for Alcohol Concentration. – If a person refuses to submit to a test as provided in RSA 214:20-e, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while target practicing, hunting, taking or attempting to take wildlife, with a firearm, bow and arrow, cross bow or bolt or other
weapon, while under the influence of liquor or controlled drugs or any combination of intoxicating liquor and controlled drug. **Source.** 1996, 87:3, eff. Jan. 1, 1997.

186 49 C.F.R. § 1540.111 (a).

187 49 C.F.R. § 1540.111 (c).

188 18 U.S.C. 922 (e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter. No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.

189 18 U.S.C. § 922 (f)(2)

190 49 U.S.C. § 46301 (d) (7).

191 (a) Definition. - In this section, “loaded firearm” means a starter gun or a weapon designed or converted to expel a projectile through an explosive, that has a cartridge, a detonator, or powder in the chamber, magazine, cylinder, or clip.

(b) General Criminal Penalty. - An individual shall be fined under title 18, imprisoned for not more than 10 years, or both, if the individual -

1. when on, or attempting to get on, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about the individual or the property of the individual a concealed dangerous weapon that is or would be accessible to the individual in flight;

2. has placed, attempted to place, or attempted to have placed a loaded firearm on that aircraft in property not accessible to passengers in flight; or

3. has on or about the individual, or has placed, attempted to place, or attempted to have placed on that aircraft, an explosive or incendiary device.

(c) Criminal Penalty Involving Disregard for Human Life. - An individual who willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsection (b) of this section, shall be fined under title 18, imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.

(d) Nonapplication. - Subsection (b)(1) of this section does not apply to -

1. a law enforcement officer of a State or political subdivision of a State, or an officer or employee of the United States Government, authorized to carry arms in an official capacity;

2. another individual the Administrator of the Federal Aviation Administration or the Under Secretary of Transportation for Security by regulation authorizes to carry a dangerous weapon in air transportation or intrastate air transportation; or

3. an individual transporting a weapon (except a loaded firearm) in baggage not accessible to a passenger in flight if the air carrier was informed of the presence of the weapon.

(e) Conspiracy. - If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.

The Ninth Circuit held that Massachusetts law does not restore the civil rights of ex-felons at all. United States v. Oman, 91 F.3d 1320 (9th Cir.1996). The court's reasoning is different than ours, consistent in some respects and not in others, but its result for Massachusetts ex-felons is the same.

More to come

Postal 18 U.S.C. 930*(g) (1) 39 cfr 232.1(1)
Soon to come a List of magazine and powder limit and storage requirements

http://www.guncite.com/gun_control_gcfullau.html

Crime (*or lack thereof) with Legally Owned Machine Guns

In 1995 there were over 240,000 machine guns registered with the ATF. (Zawitz, Marianne, Bureau of Justice Statistics, Guns Used in Crime [PDF].) About half are owned by civilians and the other half by police departments and other governmental agencies (Gary Kleck, Targeting Guns: Firearms and Their Control, Walter de Gruyter, Inc., New York, 1997.)

Since 1934, there appear to have been at least two homicides committed with legally owned automatic weapons. One was a murder committed by a law enforcement officer (as opposed to a civilian). On September 15th, 1988, a 13-year veteran of the Dayton, Ohio police department, Patrolman Roger Waller, then 32, used his fully automatic MAC-11 .380 caliber submachine gun to kill a police informant, 52-year-old Lawrence Hileman. Patrolman Waller pleaded guilty in 1990, and he and an accomplice were sentenced to 18 years in prison. The 1986 'ban' on sales of new machine guns does not apply to purchases by law enforcement or government agencies.

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Thanks to the staff of the Columbus, Ohio Public Library for the details of the Waller case. Source: talk.politics.guns FAQ, part 2.

The other homicide, possibly involving a legally owned machine gun, occurred on September 14, 1992

A second MAC-11 was used (PDF) by Dr. Shou Chao Ho in the murder of Dr. Carmelito Olaes in 1992 may be the only murder committed with a legally-owned, BATF-registered machine gun since the National Firearms Act (NFA) of 1934 began requiring registration 74 years ago, also in Ohio (source).

In Targeting Guns, Kleck cites the director of ATF testifying before Congress that he knew of less than ten crimes that were committed with legally owned machine guns (no time period was specified). Kleck says these crimes could have been nothing more than violations of gun regulations such as failure to notify ATF after moving a registered gun between states.

Crime Involving Illegally Owned Machine Guns
In Targeting Guns, Kleck writes, four police officers were killed in the line of duty by machine guns from 1983 to 1992. (713 law enforcement officers were killed during that period, 651 with guns.)

In 1980, when Miami's homicide rate was at an all-time high, less than 1% of all homicides involved machine guns. (Miami was supposedly a "machine gun Mecca" and drug trafficking capital of the U.S.) Although there are no national figures to compare to, machine gun deaths were probably lower elsewhere. Kleck cites several examples:

- Of 2,200 guns recovered by Minneapolis police (1987-1989), not one was fully automatic.
- A total of 420 weapons, including 375 guns, were seized during drug warrant executions and arrests by the Metropolitan Area Narcotics Squad (Will and Grundie counties in the Chicago metropolitan area, 1980-1989). None of the guns was a machine gun.
- 16 of 2,359 (0.7%) of the guns seized in the Detroit area (1991-1992) in connection with "the investigation of narcotics trafficking operations" were machine guns.

NFA law also prohibits the use of Registry information obtained from natural persons (only) for any law enforcement purpose except prosecutions for making a false statement on a transfer form (26 U.S.C. sec. 5848). Other tax laws prohibit the release of transfer information by the Feds, as a tax return, except for certain narrow law enforcement type circumstances. See 26 U.S.C. sec. 6103. The Feds may not legally disclose whether someone has a registered NFA firearm, or not, to any state or local law enforcement agency or personnel.

However, as most NFA weapons are also regulated by the GCA, purchases from a dealer in NFA weapons requires the completion of the standard 4473 yellow form, as well as dealer bound book records, and this source of information is not so similarly restricted. ATF may release this information to local law enforcement for a host of law enforcement purposes. See 18 U.S.C. sec. 923(g)(1)(D).

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=c0446dacc881eaf82c11a4affb748da9;rgn=div5;view=text;node=49%3A2.1.1.3.8;idno=49;cc=ecfr

49 CFR § 172.102 List of Marine Pollutants

FOPA prohibits non NFA registry, find cite and explain