



## New Hampshire

### Summary of State Firearms Law

Last Updated January 10, 2012

### Overview

In its publication [Gun Laws Matter: A Comparison of State Firearms Laws and Statistics](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. New Hampshire ranked 25th out of 50 – having enacted few gun violence prevention laws. New Hampshire:

- Requires handgun dealers (but not dealers in rifles and shotguns) to obtain a [state license](#); and
- Performs [its own background checks for handgun sales](#) (but not sales of rifles or shotguns) from licensed dealers.

However, New Hampshire does **not**, among other things:

- Require a [background check prior to the sale of any firearm from an unlicensed individual](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#) or [large capacity ammunition magazines](#);
- Require that [mental health information be reported](#) for use in firearm purchaser background checks;
- Require firearm owners or purchasers to obtain a [license](#);
- Require the [registration of firearms](#);
- Allow [local governments to regulate](#) firearms or ammunition; or
- Provide local law enforcement with discretion to deny a [license to carry firearms](#).

## **New Hampshire Statistics**

### **Gun Deaths**

In 2008, 93 people died from firearm-related injuries in New Hampshire.<sup>1</sup>

### **Crime Guns**

According to data published by [Mayors Against Illegal Guns](#), New Hampshire is a major source for crime guns. In 2009, New Hampshire had the ninth highest ratio of crime gun exports to imports per capita among the states.<sup>2</sup> New Hampshire exported more than three times as many crime guns as it imported, and was the top supplier of crime guns to Massachusetts, Maine, and Vermont.<sup>3</sup>

### **Number of Federally Licensed Firearms Dealers**

There are 372 federally licensed firearms dealers and pawnbrokers in New Hampshire.<sup>4</sup>

---

<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2008, for National, Regional, and States* (September 2011).

<sup>2</sup> Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* 5 (September 2010), at <http://www.tracetheguns.org/report.pdf>.

<sup>3</sup> *Id.* See also Mayors Against Illegal Guns, *Trace the Guns*, at <http://www.tracetheguns.org>.

<sup>4</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (December 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

## **New Hampshire “Right to Bear Arms”**

New Hampshire’s constitution provides for the keeping and bearing of arms, but has been interpreted to permit gun regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

## **Local Authority to Regulate Firearms in New Hampshire**

New Hampshire has preempted most areas of local firearms regulation. See [LCAV's State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

## State Firearms Policies in New Hampshire

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

### Persons Prohibited from Firearm Possession

#### New Hampshire Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Similarly, New Hampshire has incorporated the federal prohibition against selling firearms to felons as a state offense.<sup>5</sup> New Hampshire also prohibits any person who has been convicted of a felony against the person or property of another, or a felony under New Hampshire's Controlled Drug Act, or a similar law in another jurisdiction, from owning, possessing or controlling a firearm.<sup>6</sup> New Hampshire state law also prohibits any person from knowingly attempting to purchase a firearm while subject to a protective order.<sup>7</sup>

For information on the background check process used to enforce these provisions, see the [New Hampshire Background Checks](#) section.

New Hampshire has no laws preventing firearm purchase or possession by, among others:

- Violent misdemeanants;
- Persons with mental illness;
- Persons convicted of drug or alcohol misdemeanors; or
- Juvenile offenders.

---

<sup>5</sup> [N.H. Rev. Stat. Ann. § 159:7](#).

<sup>6</sup> [N.H. Rev. Stat. Ann. § 159:3](#). [Section 159:3-a](#) sets greater penalties for possession of a firearm by a person convicted of three or more of certain felonies. [Section 159:8\(III\)](#) prohibits a licensed dealer from delivering a firearm to a person convicted of a felony.

<sup>7</sup> [N.H. Rev. Stat. Ann. § 173-B:5\(II\)](#).

## **New Hampshire Minimum Age to Purchase or Possess Firearms**

New Hampshire provides no minimum age for the possession of firearms, and does not penalize sale of a long gun to a minor, although [federal age restrictions](#) still apply. New Hampshire prohibits any person from transferring a handgun to a person under the age of 18,<sup>8</sup> and transferring ammunition of any kind to a person under the age of 16, other than her or his own child, grandchild, or ward.<sup>9</sup>

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

---

<sup>8</sup> [N.H. Rev. Stat. Ann. § 159:12](#). This section does not apply to: 1) parents, grandparents, guardians, administrators and executors giving a revolver to their children, wards, or heirs to an estate; 2) firearm safety instructors during a training program, with the parent or guardian's permission; 3) licensed hunters accompanying a minor while lawfully hunting; and 4) individuals supervising minors using firearms during a lawful shooting event or activity. *Id.*

<sup>9</sup> [N.H. Rev. Stat. Ann. § 644:15](#). This prohibition does not apply to: 1) individuals instructing children in the safe use of firearms during a supervised firearms training program, if the child's parent or guardian has granted permission for the child to participate in the program; 2) licensed hunters accompanying children while lawfully taking wildlife; and 3) individuals supervising children using firearms during a lawful shooting event or activity. *Id.*

## Domestic Violence and Firearms in New Hampshire

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

New Hampshire law, unlike [federal law](#), does not prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition.

New Hampshire prohibits a defendant subject to a domestic violence protective order from purchasing, receiving, or possessing any and all firearms and ammunition for the duration of the order.<sup>10</sup> If there is probable cause to believe that firearms and ammunition are kept on the defendant's premises, the court may issue a search warrant authorizing a peace officer to seize any and all firearms and ammunition.<sup>11</sup> New Hampshire law also includes a specific provision penalizing a person who completes and signs an application for purchase of a firearm and who knows that such purchase is illegal because he or she is subject to a protective order.<sup>12</sup>

In issuing a domestic violence protective order, a New Hampshire court must direct the defendant to relinquish to a peace officer any and all firearms and ammunition in the control, ownership or possession of the defendant or any other person on behalf of the defendant. The firearms and ammunition must remain relinquished for the duration of the protective order.<sup>13</sup> In issuing a temporary domestic violence protective order, a court may (but need not) include a similar command.<sup>14</sup>

Whenever any peace officer has probable cause to believe that a person has been abused, New Hampshire law requires the officer to use all means within reason to prevent further abuse, including confiscating any firearms and ammunition in the defendant's control, ownership or possession.<sup>15</sup>

---

<sup>10</sup> [N.H. Rev. Stat. Ann. § 173-B:5\(II\)](#).

<sup>11</sup> [N.H. Rev. Stat. Ann. § 173-B:5\(II\)](#). In addition, following a defendant's arrest for violating a temporary or permanent protective order, the arresting officer must seize any firearms or ammunition in the control, ownership or possession of the defendant. [N.H. Rev. Stat. Ann. § 173-B:9](#).

<sup>12</sup> [N.H. Rev. Stat. Ann. § 159-D:3](#).

<sup>13</sup> [N.H. Rev. Stat. Ann. § 173-B:5\(I\)](#).

<sup>14</sup> [N.H. Rev. Stat. Ann. § 173-B:4\(I\)](#).

<sup>15</sup> [N.H. Rev. Stat. Ann. § 173-B:10\(I\)\(a\)](#).

## **Disarming Prohibited Persons in New Hampshire**

New Hampshire has no law requiring the removal of firearms from persons who have become prohibited from possessing them, except when a court issues a domestic violence protective order. For laws governing the procedure for surrender of firearms by a person subject to a protective order, see the section entitled [Domestic Violence and Firearms in New Hampshire](#).

## Sales & Transfers

### Background Checks in New Hampshire

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

New Hampshire is a “partial point of contact” state for NICS. New Hampshire law authorizes, but does not require, the New Hampshire Department of Safety (“DOS”) to act as a point of contact for NICS.<sup>16</sup> DOS has chosen to act as a point of contact for handgun sales, but not long gun sales. This means that, in New Hampshire, firearms dealers selling handguns must initiate the background check required by federal law by contacting DOS, but firearm dealers selling long guns must initiate the background check required by federal law by contacting the FBI directly.<sup>17</sup>

For a discussion of persons prohibited by federal or state law from possessing or purchasing a firearm, see the [New Hampshire Prohibited Purchasers Generally](#) section.

New Hampshire does not require private sellers (sellers who are not licensed dealers) to initiate a background check when transferring a firearm. See [Regulating Guns in America: Private Sales](#).

---

<sup>16</sup> [N.H. Rev. Stat. Ann. § 159-D:1](#).

<sup>17</sup> Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited January 12, 2012).

## Mental Health Reporting in New Hampshire

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”<sup>18</sup> No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

There is no law in New Hampshire requiring the reporting of mental health information to NICS. New Hampshire law allows for the release of confidential patient information when provided for “by the need to protect the welfare of the individual or the public interest.”<sup>19</sup> However, as of October 2011, New Hampshire had submitted only two mental health records to the NICS Index.<sup>20</sup>

For general information on the background check process and categories of prohibited purchasers or possessors, see the [New Hampshire Background Checks](#) section and the section entitled [Prohibited Purchasers Generally](#).

---

<sup>18</sup> [18 U.S.C. § 922\(d\)\(4\)](#).

<sup>19</sup> [N.H. Rev. Stat. § 332-I:2\(I\)\(e\)](#).

<sup>20</sup> Mayors Against Illegal Guns, *Fatal Gaps: How Missing Records in the Federal Background Check System Put Guns in the Hands of Killers* 44 (Nov. 2011), at [http://www.mayorsagainstillegalguns.org/downloads/pdf/maig\\_mimeo\\_revb.pdf](http://www.mayorsagainstillegalguns.org/downloads/pdf/maig_mimeo_revb.pdf).

## **Multiple Purchases / Sales of Firearms in New Hampshire**

New Hampshire has no law restricting sales or purchases of multiple firearms.

See [\*Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms\*](#) for a comprehensive discussion of this issue.

## **Retention of Sales / Background Check Records in New Hampshire**

New Hampshire law requires the Department of Safety (“DOS”) to destroy any records containing information about a firearm transferee who is not prohibited from possessing a firearm within one day of the request for a background check. New Hampshire law prohibits DOS from disclosing those records to any person or agency. If a potential transferee is prohibited from receiving a firearm, DOS must retain any records pertaining to the potential transferee for three years.<sup>21</sup>

New Hampshire does not require firearms dealers to retain sales records, although [federal law](#) applies.

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

---

<sup>21</sup> [N.H. Rev. Stat. Ann. § 159-D:2](#). Although DOS may maintain for an indefinite period a log of dates of requests for criminal background checks and unique approval numbers corresponding to such dates, DOS is not allowed to maintain records containing the names of the firearms dealers who receive unique approval numbers, or records of firearm transactions including the names or other identification of firearms dealers or transferees not prohibited from receiving firearms. *Id.*

## **New Hampshire Waiting Periods**

New Hampshire imposes no waiting period between the time of purchase and the actual physical transfer of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

## Gun Dealers & Other Sellers

### New Hampshire Dealer Regulations

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent ATF from properly overseeing all its licensees.

New Hampshire prohibits any person from selling, advertising or exposing for sale, or having in one's possession with intent to sell, a handgun without a local license to sell handguns.<sup>22</sup> However, a person who is not licensed to sell handguns and not engaged in the business of selling handguns may sell a handgun to a person who is personally known to her or him or who is licensed to sell handguns.<sup>23</sup> A license to sell a handgun may be obtained from the selectmen of a town or the chief of police of a city, and remains in effect for up to three years.<sup>24</sup> Licensees must:

- Conduct business in the building designated in the license or at certain sporting shows or collectors' meetings;
- Display the license on the premises; and
- Deliver firearms only to purchasers who provide evidence of their identity or to purchasers personally known to the licensee.<sup>25</sup>

Failure to comply with these conditions may result in revocation of the license to sell handguns.<sup>26</sup>

Licensees must 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."<sup>27</sup>

New Hampshire does not require sellers of rifles or shotguns to obtain a license.

---

<sup>22</sup> [N.H. Rev. Stat. Ann. § 159:10.](#)

<sup>23</sup> [N.H. Rev. Stat. Ann. § 159:14.](#)

<sup>24</sup> [N.H. Rev. Stat. Ann. § 159:8.](#)

<sup>25</sup> [N.H. Rev. Stat. Ann. § 159:8.](#)

<sup>26</sup> [N.H. Rev. Stat. Ann. §§ 159:8, 159:8-b.](#)

<sup>27</sup> [N.H. Rev. Stat. Ann. § 650-C:1.](#)

For information about the laws:

- Requiring federally licensed dealers to conduct background checks on firearm purchasers, see the [New Hampshire Background Checks](#) section.
- Requiring dealers to maintain records of sales, see the [New Hampshire Retention of Sales / Background Check Records](#) section.
- Applicable to both licensed and private firearm sellers, see the [New Hampshire Private Sales](#) section.

## Private Sales in New Hampshire

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

New Hampshire has no law requiring a background check prior to transfer of a firearm when the seller is not a licensed dealer (a “private sale”). New Hampshire law explicitly allows a person who is not licensed to sell handguns and who is not engaged in the business of selling handguns to sell a handgun to any person who is known to her or him or who is licensed to sell handguns.<sup>28</sup> No person may transfer a handgun to a convicted felon.<sup>29</sup> New Hampshire has no other laws regarding private sales of firearms.

See the section entitled [Firearms Trafficking](#) for additional laws that limit private sales of firearms.

---

<sup>28</sup> [N.H. Rev. Stat. Ann. § 159:14.](#)

<sup>29</sup> [N.H. Rev. Stat. Ann. § 159:7.](#)

## **New Hampshire Gun Shows**

New Hampshire does not specifically regulate gun shows. See also the [New Hampshire Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

## New Hampshire Immunity Statutes

New Hampshire law provides that no civil liability action may be brought in any state court against a trade association, manufacturer, or seller of a "qualified product" for damages resulting from unlawful use of the product by the person bringing the action or by a third party. A "qualified product" is defined as "a firearm or ammunition or a component part of a firearm or ammunition, manufactured in compliance with federal and state law, that has been shipped or transported in intrastate, interstate, or foreign commerce." An action may still be brought "against a manufacturer, seller, or trade organization convicted of a felony under state or federal law, by a party directly harmed by the felonious conduct."<sup>30</sup> [Federal law](#) contains a similar provision.

New Hampshire law also limits state and local regulation of shooting ranges.<sup>31</sup>

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

---

<sup>30</sup> [N.H. Rev. Stat. Ann. § 508:21](#).

<sup>31</sup> [N.H. Rev. Stat. Ann. §§ 159-B:1](#) through [159-B:8](#) limit state and local regulation of shooting ranges. The owners, operators, or users of a shooting range may not be subject to civil liability or criminal prosecution, a nuisance action, or an action to enjoin the use of operation of the range, on the basis of noise or noise pollution, provided that the owners of the ranges are in compliance with any applicable noise control laws or ordinances in existence at the time the range was established, was constructed, or began operations. [Sections 159-B:1](#), [159-B:2](#). Subsequent physical expansion of the shooting range or change in the types of firearms in use at the range shall not establish a new date of commencement of operations for the portion or portions of the range in existence prior to the expansion. [Section 159-B:3](#). In addition, a person whose property is in the vicinity of the shooting range may not bring an action for nuisance against the owners, operators or users of the shooting range, if the shooting range was established, constructed, or being used on a regular basis when the person acquired the property. [Section 159-B:5](#). [Section 159-B:6](#) provides that no state standards for limiting noise levels in the "outdoor atmosphere" shall apply to shooting ranges. [Section 159-B:4](#) prohibits the retroactive application of any administrative rule, statute, or ordinance of the state or any of its political subdivisions to a shooting range in operation prior to the adoption, enactment, enforcement, or proposal of the rule, statute or ordinance. The owners of a shooting range have a right of action to enforce the provisions of [sections 159-B:1](#) through [159-B:8](#). [Section 159-B:7](#). A New Hampshire appellate court cited [sections 159-B:2](#) and [159-B:5](#) in affirming the dismissal of a nuisance action against a shooting range in *Sara Realty, LLC v. Country Pond Fish & Game Club, Inc.*, 972 A.2d 1038 (N.H. 2009).

## **Gun Owner Responsibilities**

### **Licensing of Gun Owners or Purchasers in New Hampshire**

New Hampshire has no law requiring gun owners or purchasers to obtain a license.

See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

## **New Hampshire Registration of Firearms**

New Hampshire has no law requiring firearms to be registered.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

## **Reporting Lost or Stolen Firearms in New Hampshire**

New Hampshire does not require firearm owners to report the loss or theft of a firearm.

See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

## Firearms in Public Places

### Concealed Weapons Permitting in New Hampshire

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

New Hampshire does not prohibit a person from carrying a loaded handgun in a vehicle or concealed in public if the person has a license to carry a loaded handgun. Furthermore, no license is required to carry a concealed handgun if it is unloaded, or to carry a loaded handgun in public if it is not concealed.<sup>32</sup>

New Hampshire is a "shall issue" state, meaning that local law enforcement must issue a license to carry a loaded handgun 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 is considered a proper purpose.<sup>33</sup> In addition, "[n]o 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."<sup>34</sup> Non-residents may submit applications to the division of state police.<sup>35</sup>

### Firearm Safety Training

New Hampshire law does not require applicants for a license to carry a firearm to undergo firearm safety training or otherwise demonstrate knowledge of firearms safety.

---

<sup>32</sup> [N.H. Rev. Stat. Ann. § 159:4](#). A loaded handgun includes any handgun with a magazine, cylinder, chamber, or clip in which there are loaded cartridges. *Id.*

<sup>33</sup> [N.H. Rev. Stat. Ann. § 159:6\(I\)](#). The New Hampshire Supreme Court has repeatedly held that an applicant may be unsuitable if he or she has a "significant and unexplained arrest history." See, e.g., *Garand v. Town of Exeter*, 977 A.2d 540, 544 (N.H. 2009).

<sup>34</sup> [N.H. Rev. Stat. Ann. § 159:6\(II\)](#). Additional application and background check requirements, as well as permit suspension and disqualification information, are detailed in [sections 159:6](#), [159:6-b](#), [159:6-c](#).

<sup>35</sup> N.H. Code Admin. R. Ann. Saf-C 2101.01-2105.02.

## **Duration & Renewal**

A New Hampshire concealed weapons license is valid for up to four years from the date of issue. "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."<sup>36</sup>

## **Disclosure or Use of Information**

New Hampshire law states: "All papers and records, including applications, pertaining to the issuance of... licenses [to carry loaded handguns] are subject to inspection only by law enforcement officials...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."<sup>37</sup>

## **Reciprocity**

A non-resident of New Hampshire holding a current and valid license to carry a loaded handgun in the state in which he or she resides is not required to obtain a license to carry a loaded handgun within New Hampshire if he or she carries the license from his or her home state on his or her person, and that state provides a reciprocal privilege for residents of New Hampshire.<sup>38</sup> See the [New Hampshire Department of Safety web site](#) for a list of the specific states with which New Hampshire has reciprocity. State administrative rules govern the procedures for a nonresident to obtain a New Hampshire license to carry a loaded handgun.<sup>39</sup>

---

<sup>36</sup> [N.H. Rev. Stat. Ann. § 159:6.](#)

<sup>37</sup> [N.H. Rev. Stat. Ann. § 159:6-a.](#)

<sup>38</sup> [N.H. Rev. Stat. Ann. § 159:6-d.](#)

<sup>39</sup> N.H. Code Admin. R. Ann. Saf-C 2101.01-2105.02.

## Open Carrying in New Hampshire

New Hampshire law prohibits any member of any civil group from assuming any semblance of military organization or character by bearing or possessing rifles, pistols, or military weapons of any kind.<sup>40</sup> It is otherwise lawful in New Hampshire to carry an unconcealed, loaded handgun in public without a license.<sup>41</sup> New Hampshire has no other law regulating the open carrying of firearms in public. *For a comprehensive discussion of this issue, see [LCAV's policy page on the Open Carrying of Firearms in Public](#).*

---

<sup>40</sup> [N.H. Rev. Stat. Ann. § 111:15](#).

<sup>41</sup> See [N.H. Rev. Stat. Ann. § 159:4](#).

## Location Restrictions

### Guns in Vehicles in New Hampshire

New Hampshire prohibits the carrying of a loaded handgun in any vehicle without a valid [license to carry a loaded handgun](#).<sup>42</sup> New Hampshire law also prohibits the carrying of a loaded firearm in:

- An off highway recreational vehicle or a trailer towed by an off highway recreational vehicle;<sup>43</sup> or
- A snowmobile or a trailer towed by a snowmobile.<sup>44</sup>

However, neither of these prohibitions applies to handguns carried under a license to carry a loaded handgun.

Having or carrying a loaded rifle or loaded shotgun in or on a motor vehicle, off highway recreational vehicle, snowmobile, or aircraft, whether moving or stationary, or a moving boat is also prohibited.<sup>45</sup>

---

<sup>42</sup> [N.H. Rev. Stat. Ann. § 159:4](#). This provision does not apply to the regular and ordinary transportation of handguns as merchandise. [Section 159:5](#).

<sup>43</sup> [N.H. Rev. Stat. Ann. § 215-A:20](#).

<sup>44</sup> [N.H. Rev. Stat. Ann. § 215-C:35](#).

<sup>45</sup> [N.H. Rev. Stat. Ann. § 207:7](#). This restriction also applies to rifles and shotguns with a cartridge in a magazine or clip attached to the gun. *Id.*

## **Guns in Schools in New Hampshire**

New Hampshire has no law prohibiting persons who are not pupils from possessing firearms in a school zone. Any pupil who brings or possesses a firearm – concealed or otherwise – in a safe school zone (any school property or school bus) without written authorization from the superintendent shall be expelled from school by the local school board for at least 12 months.<sup>46</sup> See [LCAV's policy page on Guns in Schools](#) for further information.

---

<sup>46</sup> [N.H. Rev. Stat. Ann. § 193:13](#); see [section 193-D:1](#) (defining school zone to include any school property or school bus).

## Other Location Restrictions in New Hampshire

New Hampshire prohibits any person, even the holder of a [license to carry a loaded handgun](#), from carrying any firearm into a courtroom or area used by a court.<sup>47</sup>

New Hampshire has no laws prohibiting firearms in the following places, although administrative regulations may apply:

- Parks;
- Hospitals;
- Bars and other places where alcoholic beverages are sold or served;
- Places of worship;
- Sports arenas;
- Gambling facilities; or
- Polling places.

---

<sup>47</sup> [N.H. Rev. Stat. Ann. § 159:19](#).

## **Consumer & Child Safety**

### **New Hampshire Design Safety Standards for Handguns**

New Hampshire imposes no design safety standards on handguns. See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

## **Locking Devices in New Hampshire**

New Hampshire has no laws regarding locking devices for firearms, although [federal law](#) applies.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

## **Personalized / Owner-Authorized Firearms in New Hampshire**

New Hampshire does not require firearms to be personalized. See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

## New Hampshire Child Access Prevention

New Hampshire has established the offense of "negligent storage of firearms." However, a person may be guilty of this offense only if the firearm was used in a reckless or threatening manner, used during the commission of any misdemeanor or felony, or negligently or recklessly discharged.<sup>48</sup> In addition, ALL of the following statements must be true for a person to be guilty of this offense:

- The person stored or left a loaded firearm on premises under that person's control;
- A person under the age of 16 gained access to the firearm; and
- The adult knew or should have known that a person under the age of 16 was likely to gain access to the firearm without the permission of that child's parent or guardian.<sup>49</sup>

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

---

<sup>48</sup> [N.H. Rev. Stat. Ann. § 650-C:1](#). Nonetheless, a person is **not** guilty of the offense of negligent storage of a firearm if the: 1) child has completed a firearm safety or hunter safety course; 2) firearm is kept in a secure locked space or is secured with a trigger lock or similar device that prevents the firearm from discharging; 3) firearm is carried on the person or close enough that the person can readily retrieve the firearm; 4) child obtains the firearm in lawful self-defense or defense of another; 5) person has no reasonable expectation that a child is likely to be on the premises; or 6) child obtains the firearm due to illegal entry of the premises or illegal taking of the firearm from the premises. *Id.*

<sup>49</sup> *Id.*

## **Classes of Weapons / Ammunition**

### **Assault Weapons in New Hampshire**

New Hampshire has no law regulating assault weapons. See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

## **Large Capacity Ammunition Magazines in New Hampshire**

New Hampshire has no law regulating large capacity ammunition magazines. See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

## **Fifty Caliber Rifles in New Hampshire**

New Hampshire has no law restricting fifty caliber rifles. See [\*Regulating Guns in America: Fifty Caliber Rifles\*](#) for a comprehensive discussion of this issue.

## **Machine Guns/Automatic Firearms in New Hampshire**

New Hampshire has no law restricting machine guns.

See [LCAV's policy page on Machine Guns](#) for further information.

## Non-Powder Guns in New Hampshire

Any student in New Hampshire who possesses a pellet or BB gun, rifle, or paint ball gun in a safe school zone (any school property or school bus) may be expelled by the local school board. The student may not attend school until restored by the local board.<sup>50</sup> New Hampshire does not otherwise regulate non-powder guns. See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

---

<sup>50</sup> [N.H. Rev. Stat. Ann. § 193:13](#); see [section 193-D:1](#) (defining school zone to include any school property or school bus).

## Ammunition Regulation in New Hampshire

New Hampshire prohibits any person from transferring ammunition of any kind to a person under the age of 16, other than her or his own child, grandchild, or ward.<sup>51</sup>

New Hampshire law prohibits any person from attempting to use or using, in the course of committing any misdemeanor or felony, any teflon-coated or armor-piercing bullet or cartridge or any bullet or cartridge that contains an explosive substance in the projectile and is designed to explode upon impact.<sup>52</sup>

Among other things, New Hampshire law does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers; or
- Prohibit persons who are ineligible to possess firearms from possessing ammunition.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

---

<sup>51</sup> [N.H. Rev. Stat. Ann. § 644:15](#). This prohibition does not apply to: 1) individuals instructing children in the safe use of firearms during a supervised firearms training program, if the child's parent or guardian has granted permission for the child to participate in the program; 2) licensed hunters accompanying children while lawfully taking wildlife; and 3) individuals supervising children using firearms during a lawful shooting event or activity. *Id.*

<sup>52</sup> [N.H. Rev. Stat. Ann. § 159:18](#).

## **Investigating Gun Crimes**

### **New Hampshire Microstamping/Ballistic Identification**

New Hampshire has no laws regarding microstamping or ballistic identification.

See [Regulating Guns in America: Ballistic Identification](#) and LCAV's policy page on [Firearm Microstamping](#) for a comprehensive discussion of these issues.

## Firearms Trafficking in New Hampshire

See [LCAV's policy page on Firearms Trafficking](#) for further information on this topic.

New Hampshire penalizes any person who, in purchasing or otherwise securing delivery of a firearm, gives false information or offers false evidence of his identity.<sup>53</sup>

New Hampshire law provides that a handgun dealer licensed in New Hampshire may sell a handgun to a non-resident only if the non-resident has the authority to purchase a handgun in her or his own state, or if the New Hampshire state police, for good cause shown, has issued the non-resident a permit to purchase a handgun.<sup>54</sup> [Federal law](#) further restricts interstate firearm sales.

New Hampshire has no other laws aimed at firearms trafficking.

---

<sup>53</sup> [N.H. Rev. Stat. Ann. § 159:11](#).

<sup>54</sup> [N.H. Rev. Stat. Ann. § 159:8-a](#).

## **New Hampshire State Links**

[Attorney General / New Hampshire Department of Justice](#)

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Boston Field Division \(CT, ME, MA, NH, RI, VT\)](#)

[New Hampshire Coalition Against Domestic and Sexual Violence](#)