

Section 1 Header

2024 SESSION

24-2043.1  
09/05

HOUSE BILL            *[bill number]*

AN ACT                relative to the return of weapons and ammunition upon expiration of protective orders.

SPONSORS:            [sponsors]

COMMITTEE:          [committee]

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ANALYSIS

This bill changes the burden to the plaintiff to file a request for a hearing prior to the expiration of a protective order or else any and all firearms, ammunition, or specified deadly weapons will be returned to the defendant. This bill further removes the prohibition that law enforcement agencies shall not release firearms, ammunition, or specified deadly weapons without a court order, and removes the authorization for law enforcement agencies to charge the defendant a fee for the storage of the firearms, ammunition, and specified deadly weapons. This bill further removes the subsection providing law enforcement agencies release from liability for damage or deterioration to the firearms, ammunition, or specified deadly weapons stored.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~in brackets and struckthrough.~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT                   relative to the return of weapons and ammunition upon expiration of protective orders.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Protection of Persons from Domestic Violence; Relief. Amend RSA 173-B:5, X to read as  
2 follows:

3           X.(a) Within 15 days prior to the expiration of the protective orders, the [~~defendant~~]  
4 **plaintiff** may request, by motion to the court, **a hearing on** the return of any and all firearms and  
5 ammunition and specified deadly weapons held by the law enforcement agency while the protective  
6 order was in effect. Upon receipt of such a motion, the court shall schedule a hearing no later than  
7 15 days after the expiration of the order. The court shall provide written notice to the [~~plaintiff~~]  
8 **defendant** who shall have the right to appear and be heard, and to the law enforcement agency  
9 which has control of the firearms, ammunition, and specified deadly weapons. The scope of the  
10 hearing shall be limited to:

11                   (1) Establishing whether the defendant is subject to any state or federal law or court  
12 order that precludes the defendant from owning or possessing a firearm; and

13                   (2) Under circumstances where the plaintiff has requested an extension of the  
14 protective order, whether the plaintiff has established by a preponderance of the evidence that the  
15 defendant continues to represent a credible threat to the safety of the plaintiff.

16                   (b) If the court finds that the defendant is not subject to any state or federal law or court  
17 order precluding the ownership or possession of firearms, [~~or~~] **and** if the court **either** denies the  
18 plaintiff's request to extend the protective order[~~;~~] **or if no motion for a hearing is filed by the**  
19 **plaintiff**, the court shall issue a written order directing the law enforcement agency to return the  
20 requested firearms, ammunition, or deadly weapon to the defendant.

21                   (c) [~~Law enforcement agencies shall not release firearms and ammunition and specified~~  
22 ~~deadly weapons without a court order granting such release. The law enforcement agency may~~  
23 ~~charge the defendant a reasonable fee for the storage of any firearms and ammunition and specified~~  
24 ~~deadly weapons taken pursuant to a protective order. The fee shall not exceed the actual cost~~  
25 ~~incurred by the law enforcement agency for the storage of the firearms and ammunition and~~  
26 ~~specified deadly weapons.] The defendant may make alternative arrangements with a federally  
27 licensed firearms dealer for the storage of firearms, at the defendant's own expense, upon approval  
28 of the court. Such firearms shall be turned over to the appropriate law enforcement agency for  
29 transfer to the storage facility. Retrieval of such firearms shall be through the law enforcement~~

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1 agency responsible for their transfer to the storage facility pursuant to a court order as prescribed in  
2 this ~~[paragraph]~~ **section**.

3 ~~[(d) No law enforcement agency shall be held liable for alleged damage or deterioration~~  
4 ~~due to storage or transportation to any firearms and ammunition and specified deadly weapons held~~  
5 ~~by a law enforcement agency, so long as due care is used.]~~

6 3 Effective Date. This act shall take effect January 1, 2025.