

STATE OF NEW HAMPSHIRE

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the following certified rule(s) filed with the Director of Legislative Services, in accordance with RSA 541-A, the Administrative Procedures Act.

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Relative to: Saf-C 2100 - Nonresident Pistol/Revolver License Rules.

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In all communications with this office concerning the above rule(s), please cite the appropriate document number, as indicated above.

A handwritten signature in cursive script that reads "Jill K. Sieveking".

Jill K. Sieveking, Director  
Office of Legislative Services

Readopt with amendment Saf-C 2100, effective October 15, 2004 (Doc. #8189), to read as follows:

## CHAPTER Saf-C 2100 NONRESIDENT PISTOL/REVOLVER LICENSE

Statutory Authority: RSA 21-P:14, II(f) and RSA 159:6

### PART Saf-C 2101 PURPOSE

Saf-C 2101.01 Purpose. These rules set forth the procedures for nonresidents who wish to obtain a license to carry a revolver or pistol in New Hampshire.

Saf-C 2101.02 Applicability. These rules shall not apply to nonresidents from a state which provides reciprocity privileges, pursuant to RSA 159:6-d.

### PART Saf-C 2102 APPLICATION

Saf-C 2102.01 Nonresident Application. A nonresident applicant for a license to carry pistols and revolvers shall complete form DSSP 260 "Application for Nonresident Pistol/Revolver License".

Saf-C 2102.02 Information Required.

(a) The applicant shall submit his/her:

- (1) Name;
- (2) Date of application;
- (3) Address;
- (4) Resident state license number, as defined in Saf-C 2102.03(a);
- (5) Driver's license number;
- (6) Date of birth;
- (7) Place of birth;
- (8) Height;
- (9) Weight;
- (10) Sex; and
- (11) Color of hair and eyes.

(b) The applicant may submit his or her social security number on DSSP 260.

(c) The applicant shall indicate on the form whether or not he or she is a United States citizen. If the applicant indicates he or she is not, the applicant shall provide his or her alien resident number.

- (d) The applicant shall state his/her:
  - (1) Occupation;
  - (2) Present employer and address; and
  - (3) Previous employer and address.
- (e) The applicant shall state on the form whether s/he has ever been:
  - (1) Denied a pistol permit or license;
  - (2) Convicted of a felony which has not been annulled;
  - (3) Convicted of a misdemeanor crime which has not been annulled involving drugs or violence;
  - (4) An unlawful user of or addicted to any controlled substance;
  - (5) Adjudicated as a mental defective by a court or committed by a court to any mental institution;  
or
  - (6) Convicted in any court of a misdemeanor of domestic violence.
- (f) An affirmative answer to any of the questions under (e) shall require a clarification on the reverse side of the application form so that a determination of the circumstances can be made.
- (g) The applicant shall state his reasons and purpose for requesting a pistol or revolver license.
- (h) Names and addresses of 3 references shall be included.
- (i) If the application is for a renewal license, the applicant shall submit on form DSSP 260 the previously issued New Hampshire handgun license number and the date of expiration.
- (j) The applicant shall sign DSSP 260 before submitting it to the division of state police. The applicant's signature shall indicate that the applicant:
  - (1) Understands that any information provided by the applicant may be investigated as allowed by law;
  - (2) Consents to the release of information about the applicant's ability and fitness to carry a pistol or revolver; and
  - (3) Certifies that all the statements provided on the application are true, correct and complete.
- (k) Notwithstanding (b) above, an applicant's application shall be processed in accordance with these rules, if the applicant chooses not to provide his or her social security number.

Saf-C 2102.03 License Required.

- (a) For the purposes of this section, "resident state license" means a license to carry a pistol or revolver concealed in the state where the applicant resides.

(b) No nonresident license shall be issued unless the applicant provides a copy of the applicant's resident state license, or unless the applicant displays, for verification, a resident state license.

(c) Notwithstanding (b) above, an applicant who is a resident of a state that does not require a resident state license may provide the following in lieu of a copy of the applicant's resident state license:

- (1) A letter from the resident's local police department signed by an authorized representative indicating the following:
  - a. [Vermont] The state does not require a license to carry concealed for residents;
  - b. To the best of the local police department's knowledge, the applicant:
    1. Is not a drug user of controlled drugs or narcotics without orders from a physician;
    2. Has not been treated for mental illness, emotional problems, or confined to a mental health facility;
    3. Has no domestic violence petitions that would prevent possession of weapons under federal law; and
    4. Has not been arrested or convicted of a misdemeanor domestic violence.

#### Saf-C 2102.04 Expiration of License.

(a) A license to carry pistols or revolvers that is issued in accordance with RSA 159:6 and these rules, shall have an expiration date of the later date between the following:

- (1) Four years from the date of issue; or
- (2) The last day of the month of the fourth anniversary of the license holder's date of birth following the date of issuance.

### PART Saf-C 2103 DENIAL OF LICENSE

#### Saf-C 2103.01 Suitable Person.

(a) A license to carry pistols and revolvers shall be denied if it is determined that the applicant is not a suitable person to be licensed.

(b) A license shall be denied if any of the following factors exist:

- (1) The reasons for which an applicant was denied a prior license;
- (2) The applicant was convicted of a felony;
- (3) The applicant is a drug abuser;
- (4) The applicant had a prior mental health problem, as defined in RSA 135-C:2, X;

- (5) The applicant is under the age of 18;
- (6) The applicant was convicted of a misdemeanor involving drugs or violence and the conviction date is less than 20 years from the date of application; or
- (7) Any other evidence that would indicate the applicant is not suitable for licensing.

Saf-C 2103.02 False Statements. The application shall be denied and the applicant subject to punishment under RSA 641:3, if it is determined that the applicant intentionally made a false statement in response to any question on form DSSP 260.

#### PART Saf-C 2104 SUSPENSION OR REVOCATION OF LICENSE

Saf-C 2104.01 Conditions for Suspension. A license to carry pistols or revolvers shall be suspended if:

- (a) The licensee is arrested for any felony or a misdemeanor involving drugs or violence; or
- (b) The licensee has his or her resident license suspended.

Saf-C 2104.02 Conditions for Revocation. A license to carry pistols or revolvers shall be revoked if:

- (a) The licensee is convicted for any felony or a misdemeanor involving drugs or violence;
- (b) The commissioner receives verifiable information from law enforcement officials that the licensee is not a suitable person to be licensed, as set forth in Saf-C 2103.01;
- (c) The licensee is found to have provided false information on the license application;
- (d) The licensee becomes a resident of New Hampshire; or
- (e) The licensee has his or her resident state license revoked.

Saf-C 2104.03 Fees. The fee paid for a license shall not be returned to a licensee whose license has been suspended or revoked.

#### PART Saf-C 2105 SUSPENSION, OR REVOCATION HEARINGS

Saf-C 2105.01 Form of Request. Each request for a hearing on a suspended or revoked license shall:

- (a) Be in writing from the person requesting the hearing; and
- (b) Shall contain the following information:
  - (1) Name;
  - (2) Address;
  - (3) Telephone number; and
  - (4) The reason(s) for contesting the suspension or revocation.

Saf-C 2105.02 Time of Request. All requests for hearings shall be addressed to the commissioner and shall be postmarked or otherwise received in the office of the commissioner within 7 days from the date of suspension or revocation.

Saf-C 2105.03 Procedure for Hearing. All hearings conducted by the commissioner as required by RSA 159:6-b shall be in accordance with the department of safety's general rules for procedure for hearings, Saf-C 200.

Saf-C 2105.04 Appeal from Hearing Decision. Pursuant to RSA 159:6-c, an appeal of a hearing examiner's decision shall be made to the Concord District Court within 30 days of the decision.

PART Saf-C 2106 APPEAL FROM DENIAL

Saf-C 2106.01 Appeal. Pursuant to RSA 159:6-c, any person whose license to carry a loaded pistol or revolver has been denied may appeal to the Concord District Court within 30 days of the denial, suspension or revocation.

**APPENDIX**

<b>PROVISION OF THE PROPOSED RULE</b>	<b>SPECIFIC STATE OF FEDERAL STATUTES OR REGULATIONS WHICH THE RULE IS INTENDED TO IMPLEMENT</b>
Saf-C 2101	RSA 159:6
Saf-C 2102.01	RSA 159:6
Saf-C 2102.02	RSA 541-A:16, I(b)(1) and RSA 159:6
Saf-C 2102.03	RSA 159:6
Saf-C 2102.04	RSA 159:6
Saf-C 2103	RSA 159:6
Saf-C 2104	RSA 159:6
Saf-C 2105.01 & Saf-C 2105.02	RSA 159:6-b
Saf-C 2105.03	RSA 541-A:16, I(b)(2)
Saf-C 2105.04	RSA 159:6-c
Saf-C 2106	RSA 159:6-c