



**GUN OWNERS OF AMERICA**

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April 26, 2021

The Honorable Daryl Abbas  
Chair  
House Criminal Justice and Public Safety Committee

Sent via email to: [HouseCriminalJusticeandPublicSafety@leg.state.nh.us](mailto:HouseCriminalJusticeandPublicSafety@leg.state.nh.us)

RE: Support of SB 141

Dear Committee Members:

May this find you all well. Please accept this letter of support for SB 141 by Gun Owners of America. GOA is a grassroots lobbying organization with over two million members and supporters nationwide. I am writing as the organization's New Hampshire State Director *and* as a New Hampshire resident. I hope that the detailed information contained in this letter, as well as the attached comments, will answer any questions that you may have about what SB 141.

As you may know, SB 141 will abolish the New Hampshire "gun line" and replace it with a better system. A system that is already operated by the Federal Bureau of Investigation is paid for with federal, instead of state funds; and has, for the majority of transactions, been able to approve the gun sale in fewer than five minutes. This is in sharp contrast to the weeks and months long delays by the New Hampshire "gun line" — which is operated by the Department of Safety and paid for with state funds.

I want to help the committee to better understand the history of firearms background checks in New Hampshire; when and why they were instituted and how we arrived at the current problem.

In late 1993, the US Congress passed, and President Clinton signed the "Brady Act" which required handgun buyers to wait seven days, after purchasing a handgun, before being allowed to bring the newly purchased handgun home from the licensed gun dealer. The law contained an exception for states which had any type of a permit, license or background check system. In response, the General Court enacted, and Governor Merrill signed, HB 438 which created the New Hampshire "gun line" and freed handgun sellers and buyers from the seven day "Brady Wait." The provisions of HB 438 took effect on January 1, 1995, and HB 438 also contained a sunset provision, which stated that:

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*“Contingent Prospective Repeal. Sections 1, 3 and 4 of this act are repealed on the date that any federal law is effective that requires federally licensed firearms dealers to contact a federal or state government agency or official to determine whether receipt of a firearm by a prospective purchaser would violate federal or state law. If such federal law becomes effective, the commissioner of safety shall certify to the secretary of state the date that such federal law took effect.”*

The date described in HB 438 above was November 30, 1998. Unfortunately, even though an automatic repeal provision was part of the law, the New Hampshire Department of Safety continued to conduct these checks for close to a year — without legislative authority! **That was a clear violation of the law!**

In 1999, the General Court approved, and Governor Shaheen signed HB 537 which took effect on November 3, 1999. HB 537 repealed the provisions of HB 438 which were found in R.S.A. 159-C and replaced them with R.S.A. 159-D. R.S.A. 159-D is the law that we are discussing today, and the law that SB 141 will repeal.

Federal law allows states to optionally be a “point of contact” for some or all firearms sales. November 30, 1998 was also the date that Federal law began to require a check for all firearms sales, not just handgun sales. New Hampshire never checked buyers of rifles or shotguns and when HB 537 was enacted, it limited the state’s role to only checking on handgun buyers. Therefore, the FBI performs checks on buyers of rifles and shotguns.

The problem of handgun buyers being subjected to long waits by the state police is not new. Since the “gun line’s” inception, checks were processed in about an hour or less. However, as gun sales increased last year, the delays went from hours to days — and then to weeks and months.

Many gun dealers have told us that when they contact the “gun line” one of two things happens. Either they are told “we will call you back,” and then at some later time, the dealer is asked for the customer’s information (name, date of birth, etc.)

Or the person who answers the phone takes the buyers information on the initial call and just says “we will call you back.” When gun sales are not hitting record high volumes, the call back comes anywhere from 15 minutes to a few hours.

However, during busy times we have observed over the past year, the hours have turned into days and, in the wake of the COVID-19 pandemic, the days are turning into weeks and sometimes months. This is far from instant and completely unacceptable — especially when compared to the FBI NICS system which typically gives a much quicker response than does the NHSP.

The membership of Gun Owners of America includes many licensed firearms dealers and manufacturers. Most dealers have told me that for the past two and a half decades the New

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Hampshire “gun line” has been operated in this grossly inefficient manner — especially when compared to the FBI NICS system which, again, typically gives a response in less than five minutes.

For a gun buyer, a delay means the difference between being able to access a needed self-defense tool quickly. For a gun dealer, these long delays result in increased costs and lost business. The owner of Shooters Outpost told me that he has over \$100,000 in inventory waiting the state gun to approve for transfer to customers.

I am attaching a small sampling of the many comments we have received from gun buyers and dealers who have given us permission to publish their concerns. These comments clearly show that even though New Hampshire law does not impose a waiting period on gun buyers, many are being forced to wait — sometimes days or weeks between purchase and delivery of a firearm. This is particularly concerning because in 2019, Governor Sununu vetoed HB 514 which would have imposed a waiting period, and the General Court upheld that veto.

On behalf of Gun Owners of America, I am urging the Criminal Justice and Public Safety Committee to vote the version of SB 141 which was passed by the Senate, “ought to pass” without any amendments or changes.

I respectfully request that this letter as well as the attached comments be included in the official records of SB 141.

Thank you for your kind consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Alan M. Rice".

Alan M. Rice  
New Hampshire State Director

Attachment: Comments from gun buyers and dealers.

The following comments and complaints about the New Hampshire "gun line" were received by Gun Owners of America between December 22, 2020 and April 26, 2021.

Comment from Jason, from Litchfield who was forced to wait 3 days to purchase a handgun from Shooters Outpost in Hooksett

Completely unacceptable de-facto wait period being extra-legally imposed by leftists within state organizations. Governor Sununu has many times vetoed bills for wait period in this state, so instead of legally requiring these wait periods, left leaning individuals are using the Covid pandemic as an "excuse" to prolong the background check period and impose illegal wait periods! It MUST STOP!

Comment from Stephen, from Lisbon who was forced to wait 4 days to purchase a handgun from Corey's Sport Shop

This is now the 2nd time in the last 2 months I have had to wait 4 days to get my "Instant Check" approved for my Handgun Purchase. This has been going on now for over 2 years. Waiting days to get approved. What we have here is a de-facto Waiting period. I have had an FFL C&R (Expires 08/01/23) for last 20 years, and a NH Pistol License (Expires 12/06/24) for 20 years as well. yet I am forced to wait days for my handgun purchases. We need the same "Instant Check" system for Handguns as we have for Long Guns. Instant, as in Right then and there.

Leigh from Merrimack reported that it took 2 days for a simple transfer to be approved

I purchased my Shield in October from an FFL in VT and the transfer was done by Merrimack Firearms. I was quite surprised when they told me to call back in a couple of days.

Jeffrey from Bedford said:

This is a situation whereby all of the requirements for the return of firearms, including a Hearing have been completed successfully and the Merrimack Family Court issued an Interim Order pending response from the "gun line." A Final Order cannot be issued by the Court until a response is received, this process began in September 2020. Been waiting months.

Steven from Manchester said:

Purchased gun on 12/5. Told the next day I am delayed and could give me no reason (I am 66 and have done nothing wrong - I have no record) I have purchased a gun before, approved in 15 minutes walked out of store with gun. This used to be America!

Jason from Groveton said:

2 to 3 days all year long

Amanda from Antrim attempted to buy a gun Bass Pro Shop in Hookset and she said:

I have been trying since November to get a handgun. I bought it but can't have it. Bass pro shop in Hooksett submitted a background check in November and another one on December 15th. Both background checks came back delayed!! I was given the phone number to the NH state police gun line I left a message for them on December 21st and have heard nothing back. I've been trying to call but it says the mailbox is full.

Jere had to wait 9 days and make 2 trips from Claremont to Manchester to pick up his new gun

Check a few weeks before took 24 hours (and a long drive up and back again). The one after took 5 days. A later one took 3 days. (regardless if trading anything in, that has already had a check done)

Jason from South Hampton had to wait 2 days to buy a gun from State Line Guns

This was one of several purchases this year, and all have been delayed at least one day (most being delayed two days).

Roland who is a small gun dealer in Meredith told us:

I'm a really small FFL holder. My store is attached to the house so I really don't do a lot of transactions especially during COVID. I do the occasional online purchase transfer, I'm a bit out of the way and it is extremely embarrassing to tell a customer it might take 3 days before they can pick up their firearm after they have just filled out the paperwork since typically one would expect to be able to take one's property home. Also during the current pandemic it is rather concerning to have to go through more than one interaction with the same customer just because it is taking days to get an answer from the gun line.

Bryan a gun dealer from Cornish said:

I so glad that GOA is taking on a pet peeve of mine, one that goes back many years, before I had a FFL. NH Gun Line has NEVER completed a b/g check in 15 minutes or less for me. Pre-COVID, the best they ever did was maybe 30 minutes, with about an hour or two being the average. Since COVID began, NHSP has operated a de facto, unlegislated handgun waiting period of up to several weeks.

In April, 2020 I transferred a handgun from my FFL to myself. Even for someone who is a RP on a FFL, it took 2 full weeks to get a response. All my 4473s for 2020 show one date for calling in the b/g check, then another date for a tracking number and a result. So every buyer after COVID has had to come back to my shop another day, days or weeks later, to get their handgun.

The NH Gun Line is especially irritating because we are already paying for a much better

system (NICS). The NH Gun Line is just the NHSP bureaucrats clinging desperately to their little kingdom, while the state always pleads poverty.

I have one case where a person wanted to buy a handgun from us back in March or April. I have called NHSP several times to ask why they are not working on that case. They always lie and claim they are working on it, but obviously they are not. The last time I inquired about it, months ago, I asked to speak to the manager and was connected to a quite hostile woman who did not give her name, but claimed she was the manager. I think she was really a NHSP officer working in that office, and she was quite testy about being questioned, made all sorts of COVID-related excuses, and told me to quit bothering them and to just keep waiting. Nearly a YEAR later, they still have not responded to that background check.

While the NHSP Gun Line is not now as bad as it was last spring and early summer, up until very recently, it was still 2-3 days to get a response. My last 2 NHSP b/g checks have been unusually fast (for them in 2020) and took 3 hours.

The whole NHSP GunLine should be abolished and we should be using the NICS that we're already paying for anyway. Thank you so much for taking on this issue!

Leon from Tilton said:

First off, I have been a FFL dealer, FFL Collector, a Class 3 MG owner and a current Concealed Pistol license holder. Up until about 3 years ago never had a problem with my hobby. Then I ordered a handgun sent to Average Joe's and initially was approved and took my new pistol home. Two weeks later Joe called me and said I had to bring it back because I had suddenly been denied. So I did and Gunline eventually told me I was potentially prohibited because of a problem I had in Mass, 1974. That had been vacated and dismissed by the court. I freaked out and hired a high profile attorney Penny Dean to fix it which she never was able to do. She told me that if I wasn't allowed to own a handgun, I wasn't allowed to own ANY gun! She did explain my situation to the local Police, Belmont, and I never heard any more about it. So early January 2020 I bought a pistol at Shooter's Outpost, and got denied. Then 5 days later Shooter's called and I had been APPROVED! So I got my new gun and thought that the problem had been settled and fixed. But in June, I tried to buy an AR receiver, and got denied again! I called the Gun Line but never got a reply back. I'm not giving up. In October I bought a new rifle and it was approved in less than 2 minutes! So that's where I am with them after 3 years and \$5000 to the lawyer I still don't know what their problem is.

Jeremy from Goffstown reported that:

This is my first experience purchasing a handgun in the State of NH through a FFL dealer. When I saw that the electronic 4473 was being used, I was excited because I assumed that meant the check would be completed much faster than with paper documents. I paid for the handgun on Sunday afternoon and was informed on Monday that I had been put into "delay" status. It is now ten days later and I am still on "delay". In the age of fully-digital form submissions, communications, and conviction records, I see zero reason why the results of a

4473-related NICS check can't be nearly instantaneous. I fully support keeping firearms out of the wrong hands but, for the rest of the eligible population, the Constitution of The United States, Amendment 2 specifically states that this right "...shall not be infringed." Waiting on the government to "allow" an individual the "right" to exercise what is already a clear Constitutional right is the very epitome of anti-Constitutional government overreach. Finally, I will close with this: I wanted to see my NH Criminal History Record for my self so, this past Monday, I went into the NHSP office in Concord, paid \$25, and received a copy of my record within minutes - MINUTES. Zero issues on my record and nothing to cause anything other than an immediate "Proceed" on the 4473 check.

Maurice from Derry reported that he attempted to purchase a gun from Shooters Outpost in Hooksett and it took 3 weeks to get an approval.

Zachary from Dover said: I have bought several handguns over the past year or so. Most of these purchases have taken days or in some cases weeks to be approved by the state police. One such purchase was in late June/ July of 2020... I had to wait nearly two weeks before I could actually take possession of the firearm I had just purchased. A 38 special revolver. If this was my first or only firearm and I actually ended up needing it to defend my family, what would I have done? During a national pandemic, widespread civil unrest and rioting this policy is extremely irresponsible.

Alden from Campton told us: I was falsely accused of domestic violence by my spiteful ex wife. The judge dismissed the case and I had a hearing to get my guns back. I was told my background check came back clear, the pd didn't show up to the hearing to protest nor did my accuser. The judge said he hadn't heard back from the gun line yet so he set another hearing date for 90 days from that date. My next court date is in April, my guess is the judge is going to say he still hasn't heard from the gun line. This is an enormous infringement on my natural rights, I've done nothing wrong yet I can't get possession of my property because I'm waiting for the govt to give me permission

Jeffrey from Bedford said: he waited 5 weeks to purchase a pistol and Just insane that it would take this long. The GUN LINE MUST BE ABOLISHED!

Cyril from Chichester said it took 3 days for his pistol sale to be approved.

George from Hillsboro said: Went to bass pro Saturday, Sunday I'm called and told I'm on delay. I have no record and no need for a delay, this is frustrating and seems like a violation of my constitutional rights. "Shall not be infringed" NH gun line needs TO GO ASAP.

Chris from Henniker told us that: " I have been delayed for 5 weeks. I was approved and purchased a handgun. One week later I returned to purchase another handgun and have been on delay for 5 weeks. I have left messages with the resolution live with no response."

And Cy from Chichester didn't buy a gun because he didn't want to wait for 4 or 5 days to bring it home.