

THE STATE OF NEW HAMPSHIRE  
SUPREME COURT  
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July 22, 2016

Attorney General Joseph A. Foster  
Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

Re: Reporting to NICS pursuant to 2016 Chapter Law 13

Dear Attorney General Foster,

Chief Justice Dalianis has referred to me for response your letter of July 8, 2016, regarding the above. In that letter, you request that the judicial branch begin reporting to the National Instant Criminal Background Check System (NICS) certain adjudications pursuant to RSA 126-A:5, XXX(e), as enacted by Chapter 13 of the Laws of 2016. Since receiving your letter, Chief Justice Dalianis has received a joint letter, dated July 19, 2016, from the Disabilities Rights Center-NH and the ACLU of New Hampshire, espousing a different interpretation of the statute.

Newly-enacted RSA 126-A:5, XXX(e) is not sufficiently clear on its face for the judicial branch to begin the reporting that you request. This letter reflects an administrative determination of the branch. If you disagree with this administrative determination, you are free to bring an action seeking a judicial determination of any reporting obligations to NICS that may arise as a result of RSA 126-A:5, XXX(e).

Very truly yours,

A handwritten signature in cursive script that reads "Howard J. Zibel".

Howard J. Zibel  
General Counsel

Attorney General Joseph A. Foster  
July 22, 2016  
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cc: Governor Margaret Wood Hassan  
Senate President Chuck Morse  
Speaker Shawn Jasper  
Hon. Linda S. Dalianis  
Hon. Tina L. Nadeau  
Hon. Edwin W. Kelly  
Hon. David D. King  
Christopher Keating, Esq.  
Commissioner John Barthelmes  
Benjamin Sahl, Esq., Disability Rights Center – NH  
Gilles Bissonnette, Esq., ACLU of New Hampshire