

The following is being sent on behalf of Attorney General John Formella to County Attorneys, County Sheriffs, Police Chiefs, and NH State Police:

The Attorney General's Office, the Department of Education, and the Department of Safety, Division of Homeland Security and Emergency Management are providing the following interim guidance regarding the passage of HB 1178 and the procedure for responses to any threats at schools:

The principle of “see something, say something” remains a critical component of protecting public safety in our communities, especially in our New Hampshire schools. **Local and state law enforcement officers are empowered to respond to, investigate, and take action with respect to any potential threat to schools pursuant to their authority under the New Hampshire Criminal Code.** The passage of HB 1178 does not alter this. **If any individual feels threatened or believes that a crime has occurred or is about to occur on school property, with or without a firearm, that person should immediately contact law enforcement by dialing 911, immediately notifying a law enforcement officer, and/or activating their local emergency operations plan.**

As previously announced, the Attorney General anticipates issuing further guidance with respect to the passage of HB 1178. However, questions have arisen due to the publication of irresponsible and inflammatory statements specifically with respect to firearms on school property resulting in the above interim guidance. If school officials are unclear whether or not there is a public safety or criminal code violation, they should immediately seek assistance from law enforcement. The passage of HB 1178 does not alter the current state of the law in this respect. As our Office has previously advised, state and local officials generally do not possess the authority to enforce federal firearms laws, including the Gun Free Schools Act, and that has not changed with the passage of HB 1178. **Members of the public or school employees have always had the ability to contact state or local law enforcement if they perceive a threat (regardless of whether that threat involves a firearm), and state and local law enforcement have always had the authority to respond to such calls. This authority has not changed with the passage of HB 1178.**

Until such time that a complete Memorandum is issued, the Chief or designee of any law enforcement agency may contact Senior Assistant Attorney General Matthew Broadhead at 603-271-1392 or Matthew.T.Broadhead@doj.nh.gov with any questions with respect to this newly enacted law.

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