

Submitted: 07/17/98
Reviewed by committee 09/18/98
Reporter's draft 10/16/98

PISTOLS AND REVOLVERS

DRAFT

RSA 159:3: Felon in Possession

The defendant is charged with the crime of being a felon in possession of a firearm or dangerous weapon. The definition of this offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [owned] [had in his possession][had under his control] a [pistol][revolver] [other firearm][slingshot][metallic knuckles][billies][stiletto][switchblade knife][sword cane][pistol cane][blackjack][dagger][dirkknife][any other dangerous weapon]; and ¹
2. The defendant has previously been convicted of [a felony against the person or property of another] [a felony under the controlled drug statute of this State] [a felony under the controlled drug statute of any State, relating to controlled drugs as defined in the New Hampshire controlled drug statute]; and
3. The defendant acted knowingly.

These are the elements of the crime of felon in possession. Certain words in the definition need to be defined.

“Knowingly” means [see definition of knowingly]

“Possession” means [see definition of possession.]

¹ If the defendant is charged with possession of a specific item named in this list, identify that item only, rather than reading the entire list. If the defendant is charge with possession of a specific item not included in the list, read the entire list to help the jury better understand the meaning of “or other dangerous weapon.”