

Bill as Introduced

HB 1134 - AS INTRODUCED

2010 SESSION

10-2058

04/09

HOUSE BILL **1134**

AN ACT authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

SPONSORS: Rep. Shurtleff, Merr 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill specifies the circumstances under which a federal officer or special agent may use deadly or non-deadly force in assisting a New Hampshire law enforcement officer.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

Amendments

Amendment to HB 1134

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT authorizing federal law enforcement officials to take emergency law enforcement
4 action to temporarily detain persons when assisting local law enforcement officials
5 or upon witnessing a crime.
6

7 Amend the bill by replacing section 1 with the following:

8

9 1 New Section; Detention Authority of Federal Officers. Amend RSA 594 by inserting after
10 section 6 the following new section:

11 594:6-a Detention Authority of Federal Officers. A federal law enforcement officer or special
12 agent who has been requested or directed by a New Hampshire law enforcement officer to assist in
13 effecting an arrest, or whose assistance is requested under mutual aid, or who observes a person
14 committing what the officer has reasonable grounds to believe is a felony, a misdemeanor
15 constituting a breach of the peace, or an offense under RSA 265-A, may detain such person provided
16 the detention is accomplished in a reasonable manner. The officer or special agent may use
17 reasonable and necessary force to effect the detention or to defend himself or herself or a third
18 person from what the officer believes to be imminent assault or bodily injury. Any person detained
19 pursuant to this section shall be released as soon as practicable to the custody of a New Hampshire
20 officer with jurisdiction.

2010-0687h

AMENDED ANALYSIS

This bill authorizes federal law enforcement officials to take emergency law enforcement action to temporarily detain persons when assisting local law enforcement officials or upon witnessing a crime.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1134

BILL TITLE: authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

DATE: January 14, 2010

LOB ROOM: 204 **Time Public Hearing Called to Order:** 3:07p.m.

Time Adjourned: 3:37 p.m.

(please circle if present)

Committee Members: Reps. Shurtleff, Pantelakos, Berube, Robertson, Movsesian, Burridge, Cushing, Rodd, Chandley, B. McCarthy, M. Ryder, Welch, Charron, Fesh, Weare, Stevens, Villeneuve, Gagne, Swinford and Willette.

Bill Sponsors: Rep. Shurtleff, Merr 10

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Shurtleff - Prime sponsor.

- Introduced in behalf of federal law enforcement officers association.

Chris Leone - (Opposed)

- Did not testify.

Frances Deippo - Federal Law Enforcement Officers of America ((In support)

- Federal Officers need the request of a local officer.
- Clarifies federal officer's authority to assist.

J. R. Hoell - N. H. Firearms Coalition (Opposed)

- Too broad.
- Fedal agents wouldn't understand New Hampshire laws.

Beth Sargent - N. H. Association of Chiefs of Police (In support)

Claire Ebel - N. H. Civil Liberties Union (No position)

- Has suggested amendment.
- Amend the statute (private person to apply to federal agents)

HB 1134 Page Two Continued

Earl Sweeney - Assistant Commissioner Department of Safety (Support)

- Bill needs some work.
- Restrict it to certain dangerous driving offenses.
- Crimes against persons they could act as a state officer.

Respectfully Submitted:


Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

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TESTIMONY

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HB 1134

14 Jan 2010

Start : 1507
Finish : 1537

Rep. Shuttleff primresponsor.

- introduce in behalf of federal law enforcement officers association

Chris Leme

did not testify

(opposed)

Frances Deippo Federal Law Enf. Officers of America (in support)
Deippo

- Federal Officers need the request of a local officer.
- clarifies federal officers authority to assist.

J.R. Howell NH Firearms Coalition (opposed)

- too broad.
- federal agents wouldn't understand NH laws.

Beth Sargent NH Assn. of Chiefs of Police in support

Clairabel NH Civil Liberties Union (no position)
• has suggested amendment

(2)

• amend the statute (private persons to apply to federal agents)

Earl Sweeney Asst. Commr. Dept of Safety (support)

- bill needs some work
- restrict it to certain dangerous driving offenses.
- crimes against persons they could act as a state officer.

Sub-Committee Actions

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON HB 1134

BILL TITLE: authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

DATE: February 11, 2010 at 9:00 a.m. and adjourned at 9:10 a.m.

Subcommittee Members: Reps. Laura Pantelakos, Chair, L. Movsesian and S. Stevens

Comments and Recommendations: The amendment replaces the bill.

Amendments:

Sponsor: Rep. Stanley E. Stevens

OLS Document #:

Sponsor: Rep. Lori A. Movsesian

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Stanley E. Stevens

Seconded by Rep. Lori A. Movsesian

Vote: 3-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Laura C. Pantelakos
Subcommittee Chairman/Clerk

Feb 11, 2010 R204 9:00

Sub Committee

The Amendment replaces the bill.

Stevens - Moresesian

OTPA

Stevens - Moresesian

3-0

Adjourned 9:10

Members present Pentelakos, Moresesian,
Stevens

Proposed Amendment to HB 1134

1. Amend the title of the bill to read as follows:

AN ACT authorizing federal law enforcement officials to take emergency law enforcement action to temporarily detain persons when assisting local law enforcement officials or upon witnessing a crime

2. Strike out all after the enacting clause and substitute the following:

Authority. Amend RSA 594:6 by inserting after said section the following new section:

594:6-a Detention Authority of Federal Officers -- A federal law enforcement officer or special agent who has been requested or directed by a New Hampshire law enforcement officer to assist in effecting an arrest, or whose assistance is requested under mutual aid, or who observes a person committing what the officer or special agent has reasonable grounds to believe is a felony, a misdemeanor constituting a breach of the peace, or an offense under RSA 265-A, shall have the power to detain such person, provided such detention is accomplished in a reasonable manner. The officer or special agent may use reasonable and necessary force to effect the detention or to defend him or herself or a third person from what the officer believes to be imminent assault or bodily injury. Any person detained pursuant to this section shall be released as soon as practicable to the custody of a New Hampshire officer with jurisdiction.

3. **Effective Date:** This act shall take effect 60 days after its passage.

Amendment to HB 1134

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2010-0687h

AMENDED ANALYSIS

This bill authorizes federal law enforcement officials to take emergency law enforcement action to temporarily detain persons when assisting local law enforcement officials or upon witnessing a crime.

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1134

BILL TITLE: authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

DATE: February 16, 2010

LOB ROOM: 204

Amendments:

Sponsor: Rep.	OLS Document #:	2010	0687h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Laura C. Pantelakos

Seconded by Rep. Beth Rodd

Vote: 14-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

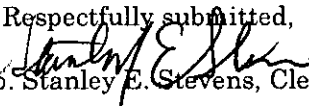
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 14-1

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1134

BILL TITLE: authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

DATE: 7/16/00

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep. 64-1

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Pantelakas*

Seconded by Rep. *Rodd*

Vote: *14-1* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *64-1*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 1134 Title: authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

PH Date: 6/1/10

Exec Session Date: 2/11/10

Motion: _____ Amendment #: 0687

MEMBER	YEAS	NAYS
Shurtleff, Stephen J, Chairman	✓	
Pantelakos, Laura C, V Chairman	✓	
Berube, Roger R		
Robertson, Timothy N	✓	
Movsesian, Lori A	✓	
Burridge, Delmar D	✓	
Cushing, Robert R	✓	
Rodd, Beth	✓	
Chandley, Shannon E	✓	
McCarthy, Barbara A		
Ryder, Mark R	✓	
Welch, David A	✓	
Charron, Gene P		
Fesh, Robert M		
Weare, Everett A	✓	
Stevens, Stanley E, Clerk	✓	
Villeneuve, Moe		✓
Fagne, Larry G	✓	
Swinford, Elaine B	✓	
Villette, Robert F		
	14	1
TOTAL VOTE:		
Printed: 12/18/2009		

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 1134 Title: authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

PH Date: 01 / 14 / 10

Exec Session Date: 2 / 16 / 10

Motion: OTPA

Amendment #: _____

MEMBER	YEAS	NAYS
Shurtleff, Stephen J, Chairman	✓	
Pantelakos, Laura C, V Chairman	✓	
Berube, Roger R		
Robertson, Timothy N	✓	
Movsesian, Lori A	✓	
Burridge, Delmar D	✓	
Cushing, Robert R	✓	
Rodd, Beth	✓	
Chandley, Shannon E	✓	
McCarthy, Barbara A		
Ryder, Mark R	✓	
Welch, David A	✓	
Charron, Gene P		
Fesh, Robert M		
Weare, Everett A	✓	
Stevens, Stanley E, Clerk	✓	
Villeneuve, Moe		✓
Gagne, Larry G	✓	
Swinford, Elaine B	✓	
Willette, Robert F		
	14	1

Committee Report

CONSENT CALENDAR

March 3, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB1134,

AN ACT authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Laura C Pantelakos

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB1134
Title:	authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.
Date:	February 16, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill would authorize a federal law enforcement officer, in the event of an emergency, to temporarily detain an individual for committing a criminal offense under New Hampshire law. Any individual detained pursuant to this bill must be turned over to New Hampshire authorities as soon as practicable.

Vote 14-1.

Rep. Laura C Pantelakos
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB1134, authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C Pantelakos for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. This bill would authorize a federal law enforcement officer, in the event of an emergency, to temporarily detain an individual for committing a criminal offense under New Hampshire law. Any individual detained pursuant to this bill must be turned over to New Hampshire authorities as soon as practicable. **Vote 14-1.**

Original: House Clerk
Cc: Committee Bill File

HB 1134 authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

This bill would authorize a federal law enforcement officer, in the event of an emergency, to temporarily detain an individual for committing a criminal offense under New Hampshire law. Any individual detained pursuant to this bill must be turned over to New Hampshire authorities as soon as practicable.

**Rep. Laura C. Pantelakos
For the Committee
14-1 OTP/A 2010-0687h CC**



HB 1134 authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

This bill would authorize a federal law enforcement officer, in the event of an emergency, to temporarily detain an individual for committing a criminal offense. Any individual detained pursuant to this bill must be turned over to New Hampshire authorities as soon as practicable.

**Rep. Laura C. Pantelakos
For the Committee
14-1 OTP/A 2010-0687h CC**

Under NH Law.

COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: HB 1134

TITLE: Authorizing federal law enforcement officers to use deadly and non-deadly force when assisting state law enforcement officials.

DATE: 2-16-10 CONSENT CALENDAR YES NO

- OUGHT TO PASS
- OUGHT TO PASS WITH AMENDMENT
- INEXPEDIENT TO LEGISLATE
- RE-REFER
- REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

**STATEMENT OF INTENT
(Include Committee Vote)**

This bill would authorize a Federal law Enforcement officer, in the event of an emergency, to temporarily detain an individual for committing a criminal offense. Any individual detained pursuant to this bill must be turned over to NH authorities as soon as possible.

Vote. 14-1

Rep. Laura C. Paulalakos
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT 