

# Bill as Introduced

HB 1680-FN - AS INTRODUCED

2010 SESSION

10-2498  
04/03

HOUSE BILL

***1680-FN***

AN ACT establishing the crime of aggravated harassment by an inmate.

SPONSORS: Rep. P. Garrity, Hills 14; Rep. D. Sullivan, Hills 8; Rep. Goley, Hills 8;  
Rep. Baldasaro, Rock 3; Rep. Rhodes, Hills 22; Sen. DeVries, Dist 18;  
Sen. Letourneau, Dist 19; Sen. D'Allesandro, Dist 20

COMMITTEE: Criminal Justice and Public Safety

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ANALYSIS

This bill establishes the crime of aggravated harassment by an inmate.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT                    establishing the crime of aggravated harassment by an inmate.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Paragraph; Assaults by Prisoners. Amend RSA 642:9 by inserting after paragraph II the  
2 following new paragraph:

3            II-a. An inmate is guilty of aggravated harassment of an employee when, with intent to  
4 harass, annoy, threaten, or alarm a person who the inmate knows or reasonably should know is an  
5 employee of such facility, or the department of corrections, or any law enforcement agency, the  
6 inmate causes or attempts to cause such employee to come into contact with blood, seminal fluid,  
7 urine, feces, emesis, or saliva by throwing or expelling such substance either directly or indirectly at  
8 the employee, thus contaminating the employee's work environment.

9            2 Assaults by Prisoners. Amend RSA 642:9, III-IV to read as follows:

10            III. For the purposes of this section:

11            (a) "Official custody" means custody in a penal institution or other confinement by an  
12 order of a court.

13            (b) "Inmate" means an offender, as defined in RSA 21-H:2, [VII] *VIII*, a person in  
14 pretrial confinement, or any person incarcerated in a local detention facility *operated by the*  
15 *department of corrections*.

16            (c) "Facility" means a correctional facility or local correctional facility hospital, operated  
17 by the department of corrections.

18            IV. The offense is a class B felony if it is an aggravated assault *or harassment* as defined in  
19 paragraph II *or II-a*, or if the offense committed is simple assault as defined under RSA 631:2-a  
20 unless committed in a fight entered into by mutual consent, in which case it is a misdemeanor. The  
21 offense is a class A felony if the offense committed is first degree or second degree assault as defined  
22 under RSA 631:1 or RSA 631:2.

23            3 Effective Date. This act shall take effect January 1, 2011.

LBAO  
10-2498  
12/18/09

**HB 1680-FN - FISCAL NOTE**

AN ACT            establishing the crime of aggravated harassment by an inmate.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

# Speakers

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1680-FN Date January 20, 2010

Committee Criminal Justice and Public Safety

**\*\* Please Print All Information \*\***

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Sen Bob Letourneau			D-19	X	
Rep Brian D Rhodes			Dist 22	✓	
Rep Carla Iskender Sullivan				✓	
Carl Pomeroy	445 Willow St Man NH			✓	
<del>_____</del>	T. Fitzpatrick			X	
Ala. Loubree				X	
Timothy Considine				X	
Rafael Gutierrez				X	
Andrew Holmes				X	
Jason Rabeza				X	
Tarotte Briz				X	
BILL GRILEY	SALFEM		NH POLICE ASSN	X	
Richard J. Meier	Manchester			X	
Andrew Crouse				X	
Jonathan P. Proulx				X	
Matthew S. Marin				X	
Nicholas Berube				X	
Richard C Lambert	12 Mammak Rd Hooksett 0325105			X	
Jeff Duclos	122 E Hobart St Nashua		HCDOJ	X	
Ronald Poirer	111 Cambridge Rd. Ipswich NH 03054			X	
Walter Reed Jr	260 Burr Center Rd. Nashua			X	
Jessie Hulse	"	"		X	
KRISTIN BAWES	39 LEANORE ST MANCHESTER NH 03102			X	



# Hearing Minutes



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1680-FN

**BILL TITLE:** establishing the crime of aggravated harassment by an inmate.

**DATE:** January 20, 2010

**LOB ROOM:** 204      **Time Public Hearing Called to Order:** 10:55 a.m.

**Time Adjourned:** 11:13 a.m.

(please circle if present)

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

**Bill Sponsors:** Rep. P. Garrity, Hills 14; Rep. D. Sullivan, Hills 8; Rep. Goley, Hills 8; Rep. Baldasaro, Rock 3; Rep. Rhodes, Hills 22; Sen. DeVries, Dist 18; Sen. Letourneau, Dist 19; Sen. D'Allesandro, Dist 20

TESTIMONY

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

**Rep. Garrity** - Prime sponsor.

- Establishes crime of aggravated inmate.

**Rep. Baldasaro** - Co-sponsor. (Supports)

- Need to protect our correction officers.

**Jim O'Mara** - Superintendant Hillsborough County Jail - (Supports)

- Staff works in the same environment in which the inmates live.
- Cases thrown out where an inmate threw objects at officers, but because they missed, the case was dismissed.
- Need to have attempts defined.

**Capt. Hiscoe** - Hillsborough County House of Corrections (Supports)

- Provided folder of photos showing feces thrown around the jail and at officers.
- Happened in excess of 500 times.

**Brian Martineau** - Deputy Chief Hillsborough County House of Corrections (In support)

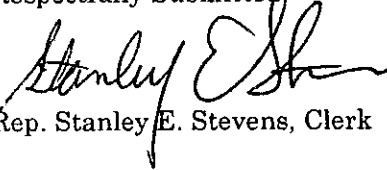
- This bill protects correction officers.

**HB 1680-FN Page Two Continued**

**David Archambault** - Correction Officer Hillsborough County - (In support)  
House of Correction

- Creates hostile work environment.

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 1680-FN

20 Jan 2010

Start : 1055  
Finish : 1113

Rep. Hamity prime sponsor

- ~~brought at~~ establishes crime of aggravated inmate.

Rep. Baldasoro co sponsor (support)

- need to protect our correction officers

Jim Omana Superintendent Hillsborough County Jail (support)

- staff works in the same environment in which the inmates live.
- cases thrown out where an inmate threw objects at officers but because they missed the case was dismissed.
- need to have attempts defined.

Capt. Hiscoe Hills. Cty. House of Corrections (support)

- provided folder of photos showing feces thrown around the jail and at officers
- happened in excess of 500 times.

(2)

Brian Martineau Deputy Chief Hills. Cty. House of Corrections (in support)

• This bill protects corrections officers.

David Archambault Corrections Officer Hills Cty (in support)  
House of Corrections

• creates hostile work environment

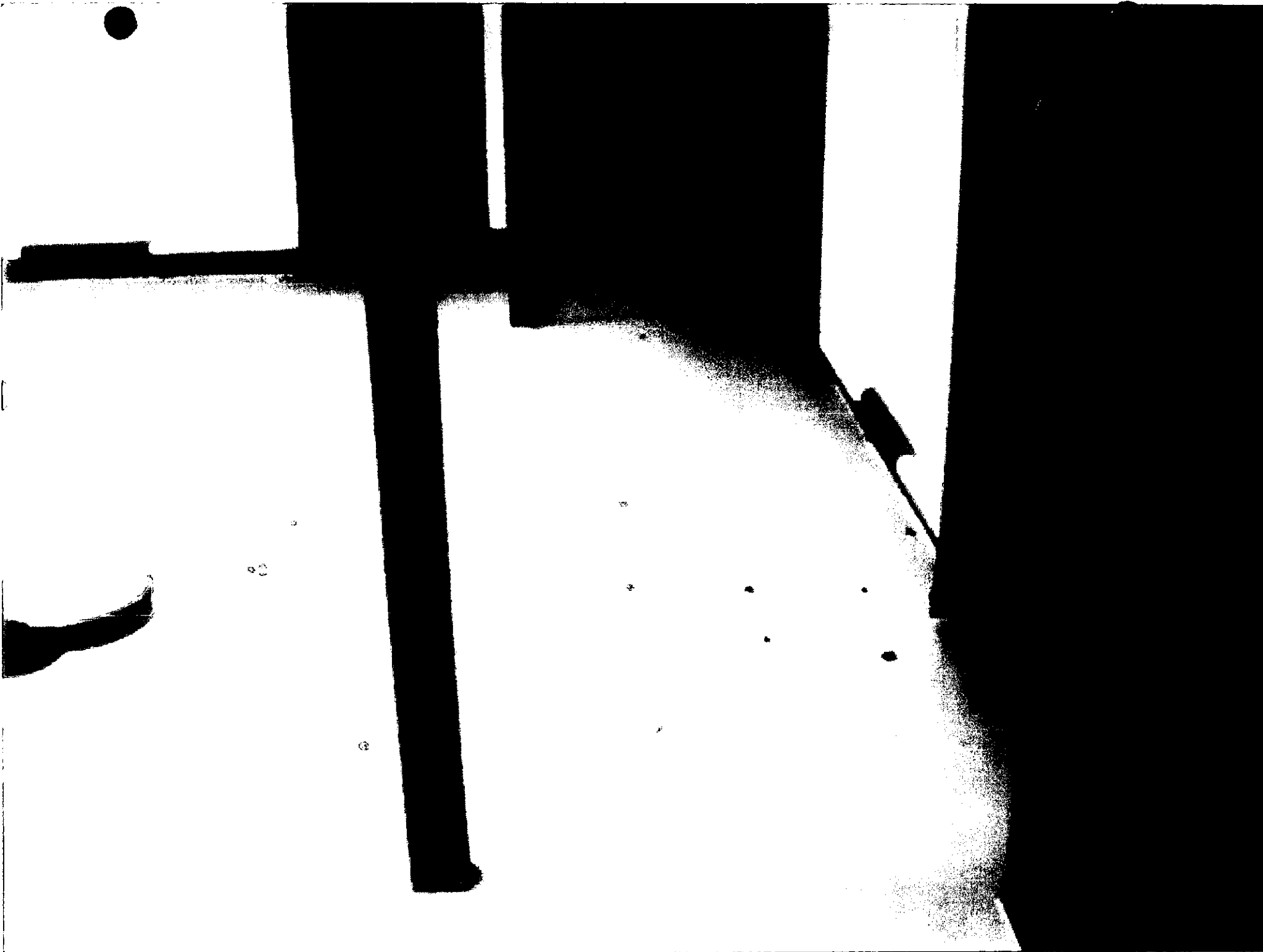
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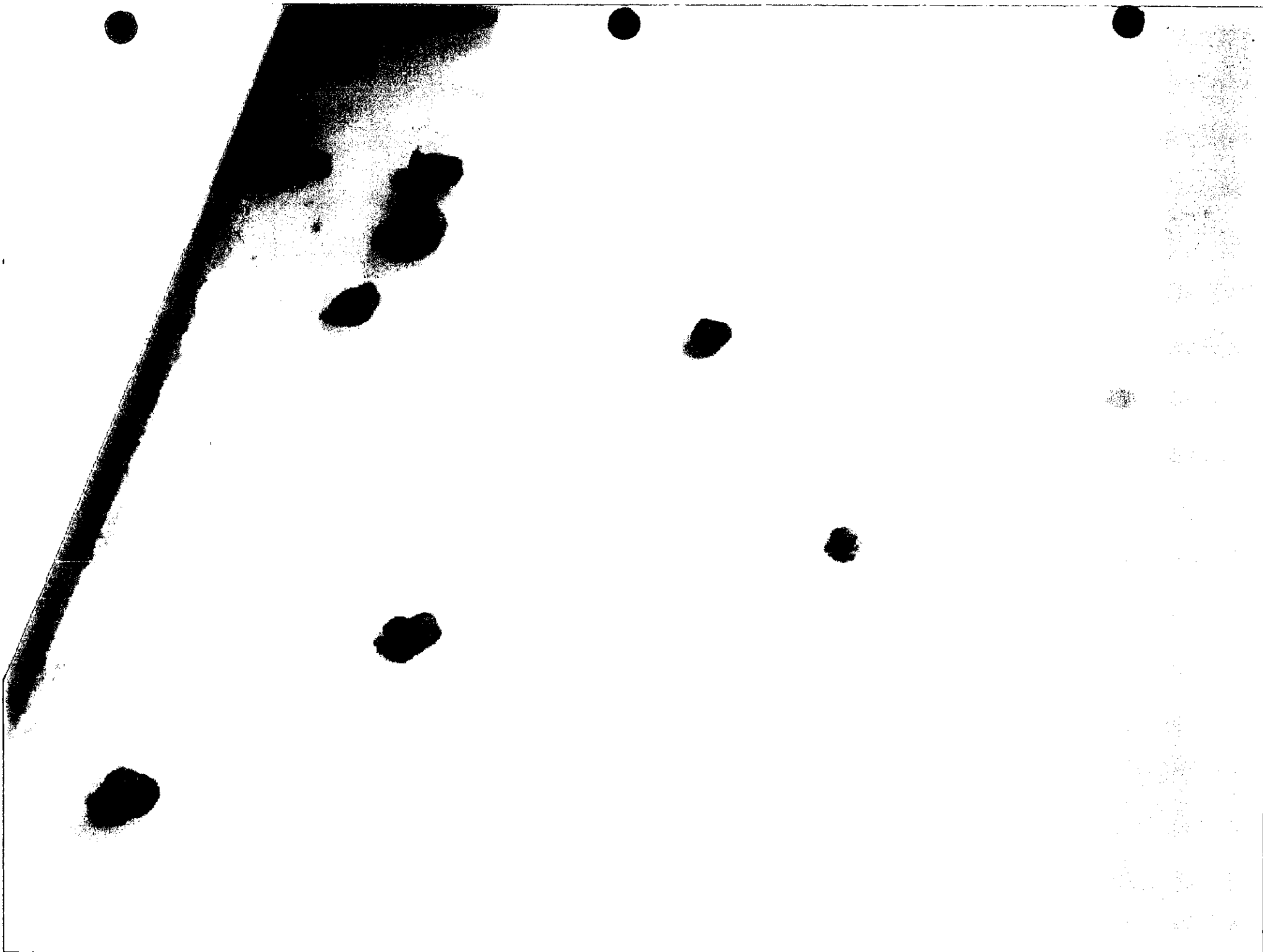








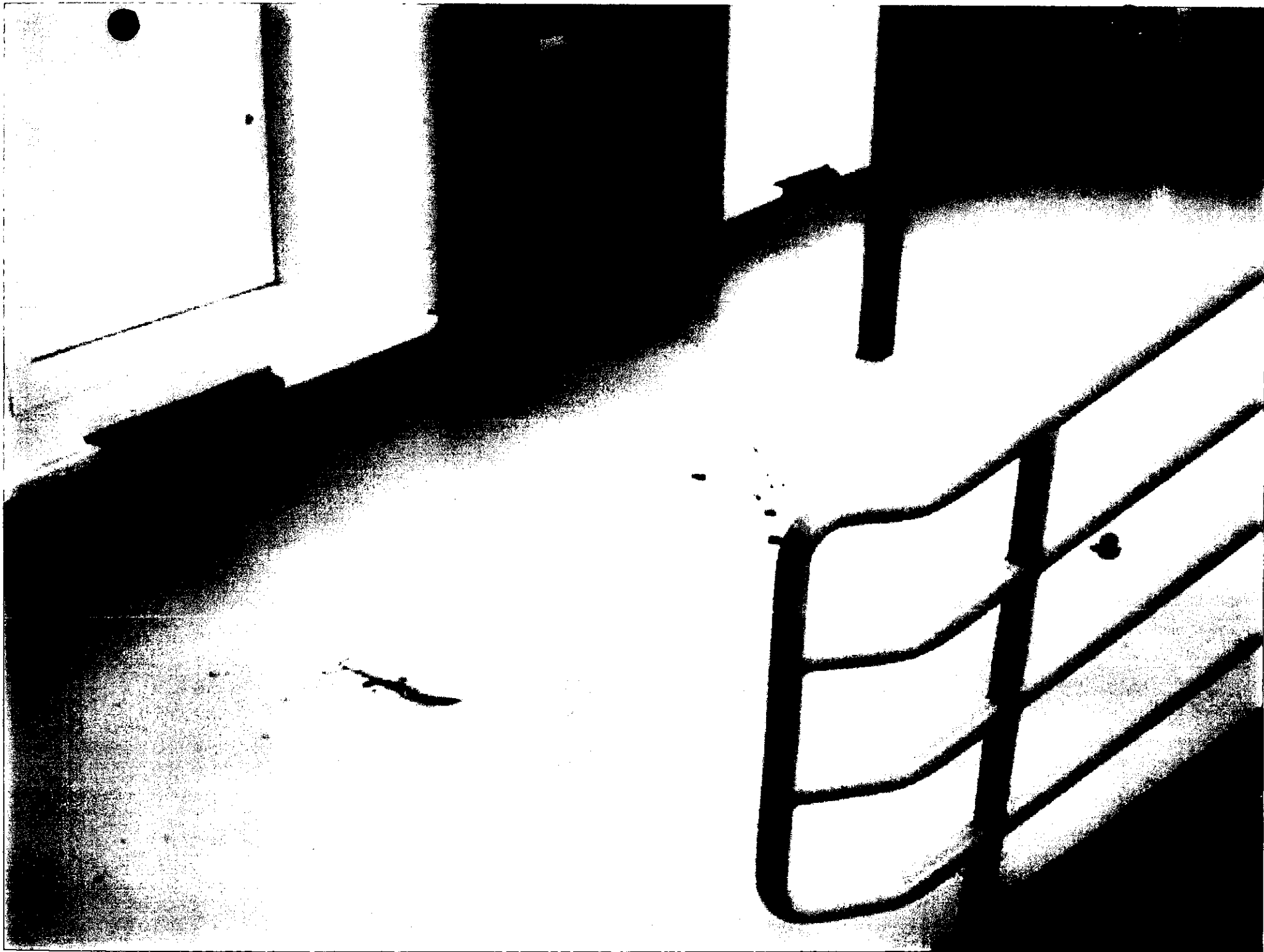


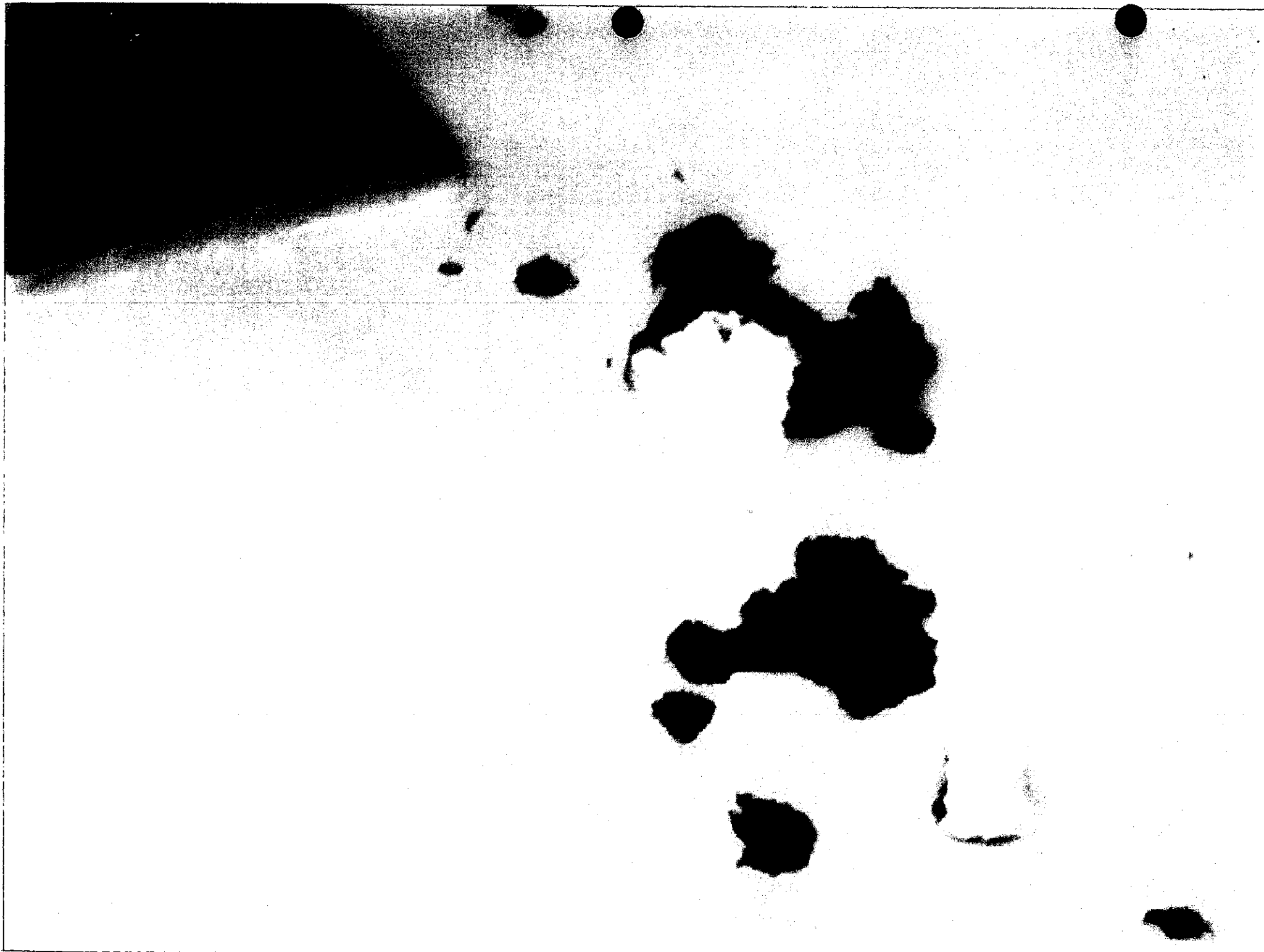






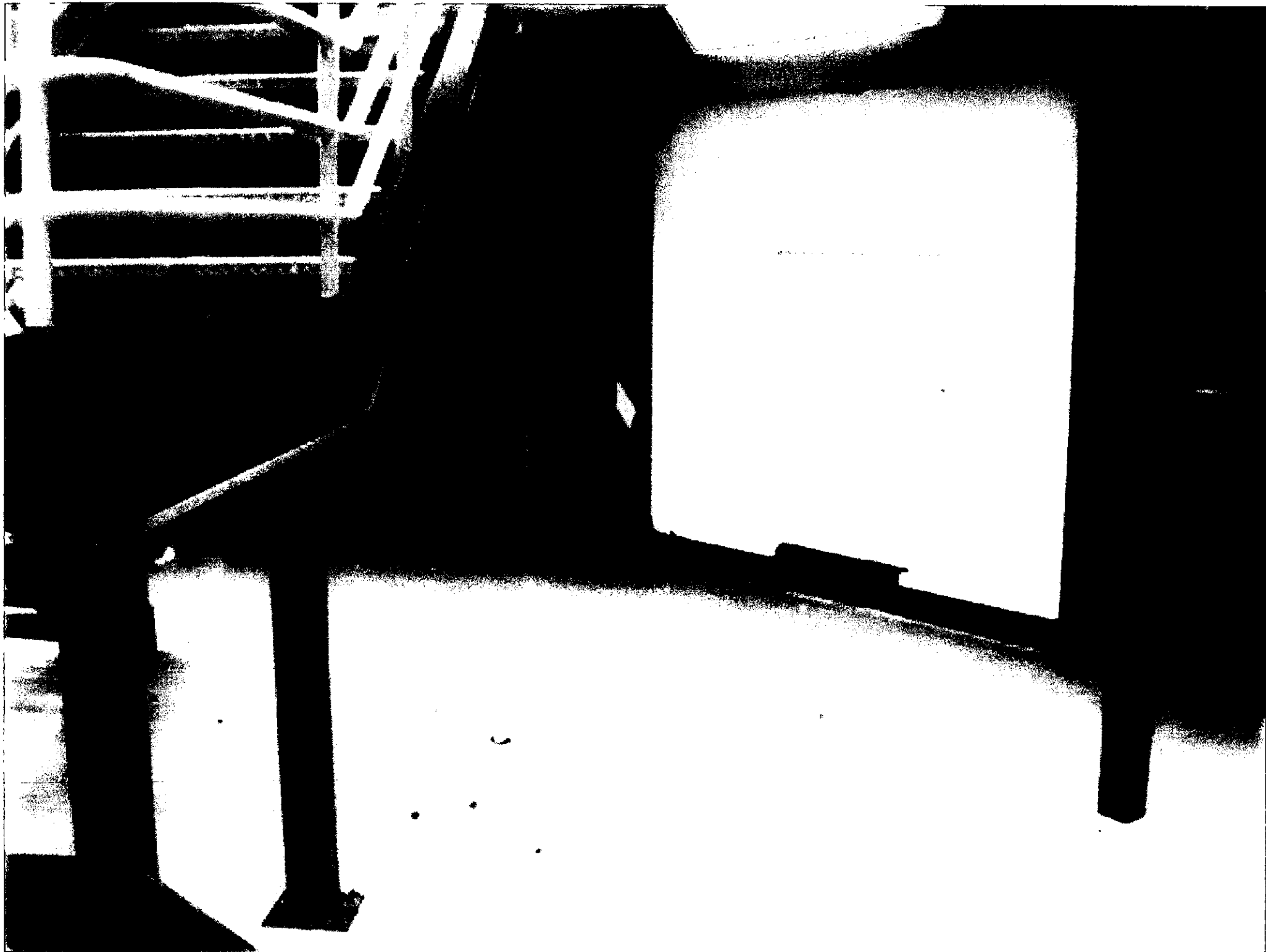




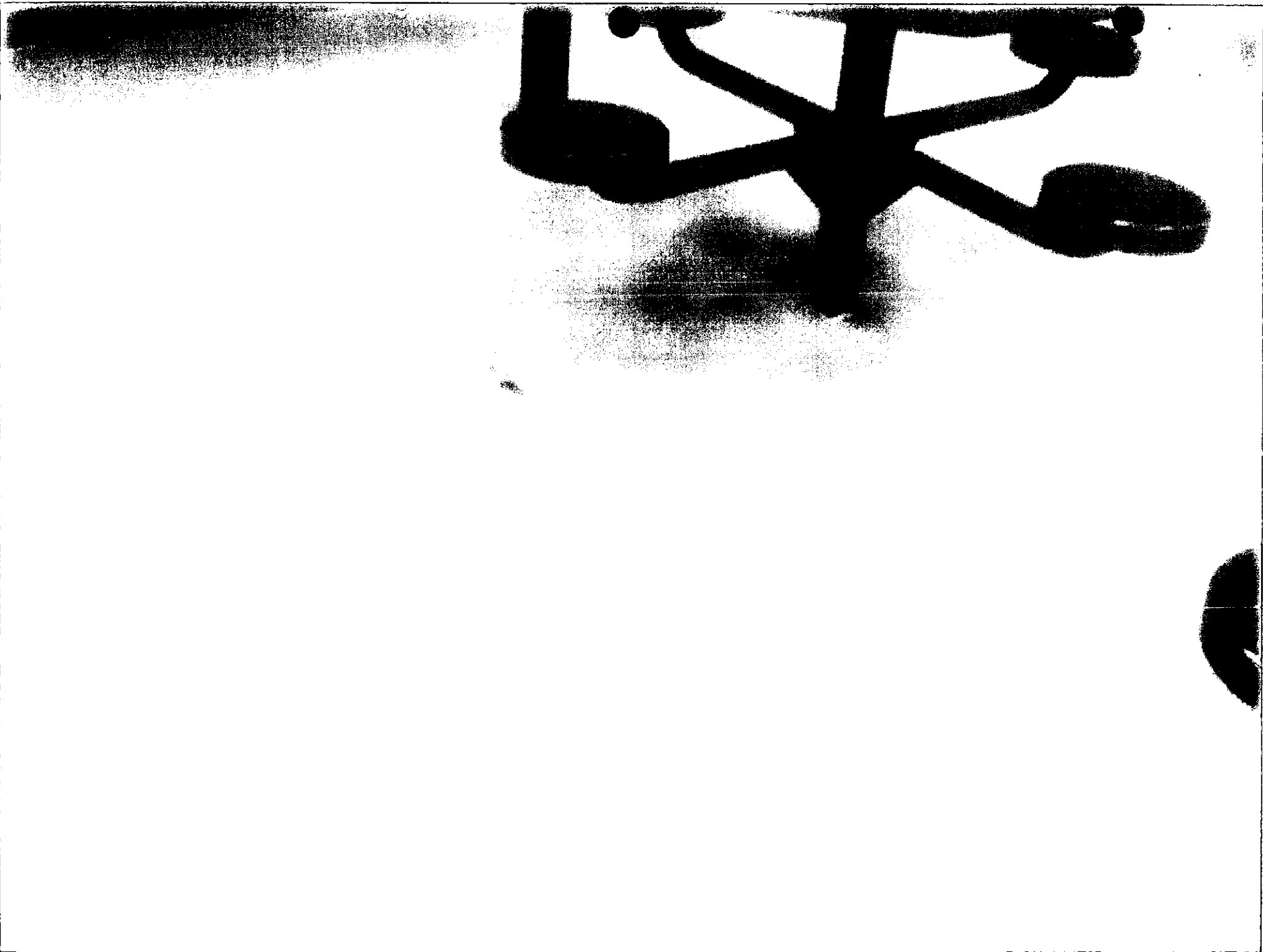


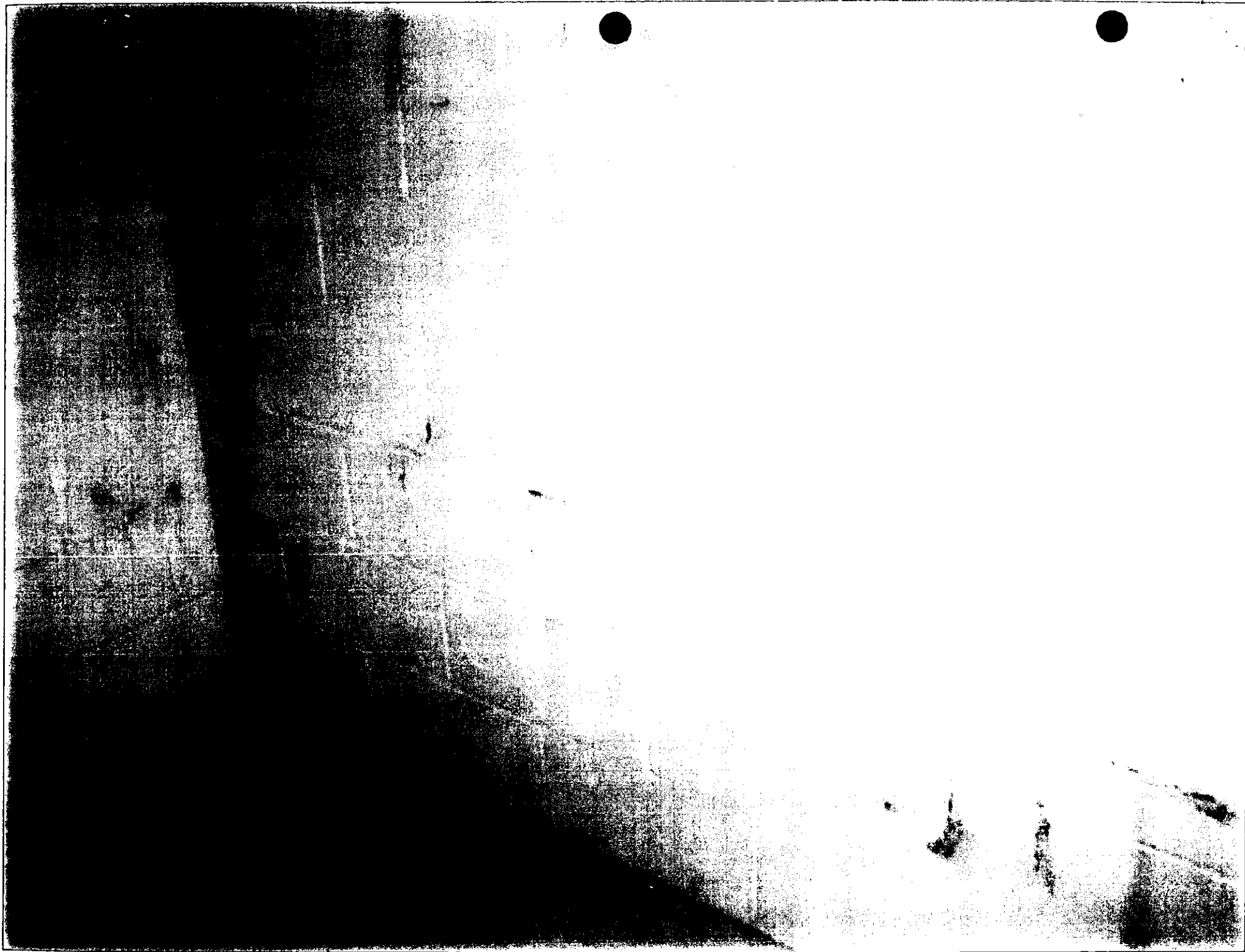












# Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1680-FN

**BILL TITLE:** establishing the crime of aggravated harassment by an inmate.

**DATE:** February 2, 2010

**LOB ROOM:** 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Robert R. Cushing

Seconded by Rep. Stanley E. Stevens

Vote: 19-0 (Please attach record of roll call vote.)

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

Moved by Rep.

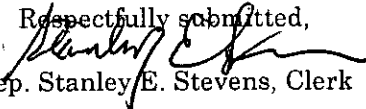
Seconded by Rep.

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

**CONSENT CALENDAR VOTE: 19-0**

(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 1680-FN

BILL TITLE: establishing the crime of aggravated harassment by an inmate.

DATE:

LOB ROOM: 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep.

*Cushing*

Seconded by Rep.

*Stevens*

Vote: *19-0* (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: *19-0*

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk





# Committee Report

**CONSENT CALENDAR**

**February 4, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB1680-FN,

**AN ACT** establishing the crime of aggravated harassment by an inmate. Having considered the same, report the same with the recommendation that the bill **OUGHT TO PASS.**

**Rep. Robert R Cushing**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>CRIMINAL JUSTICE AND PUBLIC SAFETY</b>
Bill Number:	<b>HB1680-FN</b>
Title:	<b>establishing the crime of aggravated harassment by an inmate.</b>
Date:	<b>February 4, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS</b>

### STATEMENT OF INTENT

This bill makes it a crime for an inmate to throw blood, seminal fluid, urine, feces, emesis or saliva on corrections or law-enforcement employees. This type of behavior has been a problem in a number of institutions, and passage of this bill will serve as a deterrent and provide protections for those working with inmates.

Vote 19-0.

Rep. Robert R Cushing  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB1680-FN**, establishing the crime of aggravated harassment by an inmate. **OUGHT TO PASS.**  
Rep. Robert R Cushing for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. This bill makes it a crime for an inmate to throw blood, seminal fluid, urine, feces, emesis or saliva on corrections or law-enforcement employees. This type of behavior has been a problem in a number of institutions, and passage of this bill will serve as a deterrent and provide protections for those working with inmates.  
**Vote 19-0.**

Original: House Clerk  
Cc: Committee Bill File

HB 1680, CONSENT CALENDAR OTP, 19-0, REP. ROBERT "RENNY"  
CUSHING

This bill makes it a crime for an inmate to throw blood, seminal fluid, urine, feces, emesis or saliva on corrections or law-enforcement employees. This type of behavior has been a problem in a number of institutions, and passage of this bill will serve as a deterrent and provide protections for those working with inmates.

*R.P.*

HB 1680, CONSENT CALENDAR OTP, 19-0, REP. ROBERT "RENNY"  
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COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: HB 1680-FN

TITLE: Establishing the crime of aggravated harassment by an inmate.

DATE: 2/2/10

CONSENT CALENDAR: YES  NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

This bill makes it a crime for an inmate to throw blood, sea-mial fluid, urine, feces, emesis or saliva on corrections or law-enforcement ~~employees~~ employees. This <sup>type of behavior</sup> has been a problem in a number of institutions, and passage of this bill will <sup>and</sup> provide protections for those working with inmates, ~~and~~ serve as a deterrent

COMMITTEE VOTE: 19-0

RESPECTFULLY SUBMITTED,

Rep. Robert Renny Cushing  
For the Committee

- Copy to Committee Bill File
- Use Another Report for Minority Report