

Bill as Introduced

SB 325 - AS INTRODUCED

2010 SESSION

10-2819

03/09

SENATE BILL **325**

AN ACT relative to loitering by intoxicated persons.

SPONSORS: Sen. Fuller Clark, Dist 24; Rep. Hunt, Ches 7

COMMITTEE: Judiciary

ANALYSIS

This bill eliminates the prohibition against a liquor licensee allowing an intoxicated person to loiter on the premises.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to loitering by intoxicated persons.

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

1 1 Loitering. Amend RSA 179:50 to read as follows:

2 179:50 Loitering; [~~Intoxication;~~] Unlawful Purpose.

3 I. No licensee shall allow any person to loiter on his premises who is [~~intoxicated or~~]
4 disorderly or who loiters for any illegal purpose.

5 II. No licensee shall use, or allow to be used, such premises for any purpose contrary to law.

6 2 Effective Date. This act shall take effect January 1, 2011.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON LOCAL AND REGULATED REVENUES

PUBLIC HEARING ON SB 325

BILL TITLE: relative to loitering by intoxicated persons.

DATE: March 16, 2010

LOB ROOM: LOB 303 **Time Public Hearing Called to Order:** 11:15 am

Time Adjourned: 11:50 am

(please circle if present)

Committee Members: Reps. Walz, Taylor, Hamm, Theberge, Mulholland, Butterworth, D. Howard, Lyons, Merry, Stetson, C. Webber, Stohl, Kidder, Hess, P. Katsakiores, Vaillancourt, A. Peterson, M. Allen and Hinkle, Blankenbeker.

Bill Sponsors: Sen. Fuller Clard, Dist 24; Rep. Hunt, Ches 7

TESTIMONY

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

Rep. John Hunt: We want a bartender to tell someone they are drunk and can't serve them. But what are they to do with them. Now not allowed to sit in bar.

Rep. Vaillancourt: What does loiter mean? A - Much case law on subject, lingering,

Rep. Hinkle: Fights in bar. Need to get intoxicated person out of bar? A - Owner does want them to leave.

Rep. Howard: What about the words "illegal purpose"? A - Wait for Edwards.

Rep. Blankenbeker: By taking out word "intoxicated" out it allows person to wait for cab? Yes.

Eddie Edwards: (Liquor License enforcement.) Safe harbor concerns. What if they leave and go to car or even walk?

- 1) Can't serve to intoxicated person.
- 2) Separate intoxicated person from the drinking area.
- 3)

Rep. Katsakiores: Intoxicated person in lounge: Don't they become violent. A - bars have to have a plan in place. Bartender in MA was just shot for refusing.

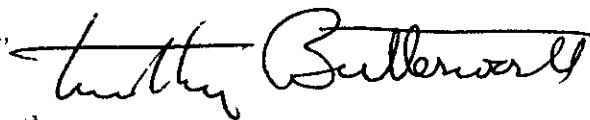
K - You'd need a bouncer to do it. A - it depends on how often it happens.

Rep. Butterworth: Can you give me the procedure now. A - yes.

Rep. Vaillancourt: Have patrons been arrested for loitering? A - No. Q - Do we penalize bars for allowing this? A - Yes. An offense to have intoxicated people in your establishment.

Mike Somers, Lodging and Restaurant Assoc. : We support this. Some people do move from one place to another. Better to have them wait a while. Maybe not a separate room.

Respectfully submitted,



Rep. Timothy Butterworth
Clerk

HOUSE COMMITTEE ON LOCAL AND REGULATED REVENUES

PUBLIC HEARING ON SB 325

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DATE:

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Bill Sponsors: Sen. Fuller Clard, Dist 24; Rep. Hunt, Ches 7

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COMMITTEE: Judiciary

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This bill eliminates the prohibition against a liquor licensee allowing an intoxicated person to loiter on the premises.

John Hunt: We want a bartender to tell someone they are drunk and can't serve them. But what are they to do with them. Now not allowed to sit in bar.

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Blankenbecker: By taking out word “intoxicated” out it allows person to wait for cab.? Yes.

Edwards: (Liquor License enforcement.) Safe harbor concerns. What if they leave and go to car or even walk?

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Katsiakorus: Intoxicated person in lounge: Don't they become violent. A – bars have to have a plan in place. Bartender in MA was just shot for refusing.

K – You'd need a bouncer to do it. A – it depends on how often it happens.

Butterworth: Can you give me the procedure now. A – yes.

Vaillaincourt: Have patrons been arrested for loitering? A – No. Q – Do we penalize bars for allowing this? A – Yes. An offense to have intoxicated people in your establishment.

Mike Summers, Restaurant Ass. : We support this. Some people do move from one place to another. Better to have them wait a while. Maybe not a separate room.

Closed 11:50

Voting Sheets

HOUSE COMMITTEE ON LOCAL AND REGULATED REVENUES

EXECUTIVE SESSION on SB 325

BILL TITLE: relative to loitering by intoxicated persons.

DATE: April 27, 2010

LOB ROOM: LOB 303

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. Butterworth

Seconded by Rep. Vaillancourt

Vote: 11-2 (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: Yes-vv

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Timothy Butterworth, Clerk

HOUSE COMMITTEE ON LOCAL AND REGULATED REVENUES

EXECUTIVE SESSION on SB 325

BILL TITLE: relative to loitering by intoxicated persons.

DATE: 4/27/2010

LOB ROOM: LOB 303

Amendments:

Sponsor: Rep.

OLS Document #:

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Moved by Rep.

Butterworth

Seconded by Rep.

Vallancourt

Vote: 11-2 (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:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Timothy Butterworth, Clerk

Timothy Butterworth

LOCAL AND REGULATED REVENUES

Bill #: SB325 Title: Loitering by intoxicated persons.

PH Date: 3, 16, 2010

Exec Session Date: 4, 27, 2010

Motion: OFF

Amendment #: _____

MEMBER	YEAS	NAYS
Walz, Mary Beth, Chairman	✓	
Taylor, Kathleen N, V Chairman	✓	
Hamm, Christine C	✓	
Theberge, Robert L	✓	
Mulholland, Catherine	✓	
Butterworth, Timothy, Clerk	✓	
Howard, Doreen		
Lyons, Melissa L.B.		
Merry, Liz H		
Stetson, William A	✓	
Webber, Carolyn B	✓	
Stohl, Eric G	✓	
Kidder, David H		✓
Hess, David W		✓
Katsakiores, Phyllis M		
Vaillancourt, Steve	✓	
Peterson, Andrew R		
Allen, Mary M		
Hinkle, Peyton B	✓	
Blankenbeker, Lynne Ferrari		
	11	2
TOTAL VOTE:	11	2

Committee Report

CONSENT CALENDAR

April 27, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on LOCAL AND REGULATED

REVENUES to which was referred SB325,

AN ACT relative to loitering by intoxicated persons.

Having considered the same, report the same with the

recommendation that the bill OUGHT TO PASS.

Rep. Timothy Butterworth

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	LOCAL AND REGULATED REVENUES
Bill Number:	SB325
Title:	relative to loitering by intoxicated persons.
Date:	April 27, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The majority of the committee believes this is a practical, optional solution for liquor licensees to a problem with our regulations. We put a lot of effort into making sure intoxicated people are not served any more alcohol. The law now states they must not loiter on the premises. But it would be inhumane, dangerous, and a possible liability if inebriated people were thrown out on the street, perhaps to drive or injure themselves and others. A much better solution is to have inebriated, non-disorderly people wait or "loiter" in any area away from the other drinkers, at the discretion of the management, until a ride is available.

Vote 11-2.

Rep. Timothy Butterworth
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

LOCAL AND REGULATED REVENUES

SB325, relative to loitering by intoxicated persons. **OUGHT TO PASS.**

Rep. Timothy Butterworth for LOCAL AND REGULATED REVENUES. The majority of the committee believes this is a practical, optional solution for liquor licensees to a problem with our regulations. We put a lot of effort into making sure intoxicated people are not served any more alcohol. The law now states they must not loiter on the premises. But it would be inhumane, dangerous, and a possible liability if inebriated people were thrown out on the street, perhaps to drive or injure themselves and others. A much better solution is to have inebriated, non-disorderly people wait or "loiter" in any area away from the other drinkers, at the discretion of the management, until a ride is available. **Vote 11-2.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Local & Regulated Revenue

BILL NUMBER: SB 325

TITLE: Loitering by intoxicated persons

DATE: 4/27/200 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

believes the
 This ~~stands the~~ ~~majority~~ majority of the committee ~~is~~ believes the
 is a practical, ~~practical~~ ^{optional} solution ~~to~~ for ~~persons~~ liquor licenses
 a problem with our ~~liquor~~ ^{liquor} regulations. We put a lot of effort into making sure
 intoxicated people are not served any more alcohol. The law
 now states they must ~~not~~ not loiter on the premises. But
 it would be inhumane, dangerous, and a possible liability
 if ~~intoxicated~~ ^{intoxicated} people were thrown out on the street, ~~possibly~~ ^{possibly} ~~perhaps~~
 to drive or injure themselves ^{+ others}. A much better solution is to have
~~intoxicated~~ ^{intoxicated}, non-disorderly ~~people~~ ^{people} wait - or "loiter" -
 in any area away from the ~~area~~ ^{other drinkers} where drinks are served, at
 the discretion of the management, until a ride is available.

COMMITTEE VOTE: 11-2

RESPECTFULLY SUBMITTED,

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

Rep. Wesley Bullerwood
For the Committee

OK Mary Beth Wall