

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

CHAPTER 185
SB 325 - FINAL VERSION

05/13/10 1972eba

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1 185:1 Loitering. Amend RSA 179:50 to read as follows:

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

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6 185:2 Effective Date. This act shall take effect January 1, 2011.

7 Approved: June 21, 2010

8 Effective Date: January 1, 2011

Committee Minutes

**SENATE CALENDAR NOTICE
JUDICIARY**

- ✓ Senator Deborah Reynolds Chairman
- ✓ Senator Bette Lasky V Chairman
- ✓ Senator Matthew Houde
- ✓ Senator Sheila Roberge
- ✓ Senator Robert Letourneau

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 27, 2010

HEARINGS

Tuesday

2/2/2010

JUDICIARY

SH 103

2:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: SB 398 WAS RECESSED ON 1/26/10

- | | | |
|--------------------|----------|---|
| 2:00 PM | SB472-FN | making the commission of certain murders eligible for the death penalty. |
| 2:30 PM | SB458-FN | relative to enforcement of child support obligations. |
| 2:45 PM | SB444 | relative to the medical child support obligation. |
| 3:00 PM | SB325 | relative to loitering by intoxicated persons. |
| 3:15 PM | CACR32 | relating to clarification of certain language. Providing that all references to people in the constitution shall refer to both male and female. |
| 3:30 PM | SB398-FN | relative to prohibited sales of alcoholic beverages. |

Sponsors:

SB472-FN

Sen. Sheila Roberge
Rep. Robert Mead
Sen. Jeb Bradley

Sen. Robert Letourneau
Sen. Michael Downing
Rep. Frank Holden

Sen. John Barnes, Jr.
Rep. Robert L'Heureux
Sen. Peter Bragdon

Rep. William O'Brien
Rep. David Welch

SB458-FN

Sen. Matthew Houde

Sen. Martha Fuller Clark

Rep. Mary Gile

Rep. Beth Arsenaunt

SB444

Sen. Deborah Reynolds

SB325

Sen. Martha Fuller Clark

Rep. John Hunt

CACR32

Sen. Kathleen Sgambati
Sen. John Gallus
Sen. Harold Janeway
Sen. Amanda Merrill
Rep. Candace Bouchard

Sen. Lou D'Allesandro
Sen. Peggy Gilmour
Sen. Molly Kelly
Sen. Deborah Reynolds
Rep. Michael Rollo

Sen. Betsi DeVries
Sen. Margaret Hassan
Sen. Sylvia Larsen
Rep. Edward Butler
Rep. Andrew White

Sen. Martha Fuller Clark
Sen. Matthew Houde
Sen. Bette Lasky
Rep. Beth Arsenaunt

SB398-FN

Sen. Martha Fuller Clark

Rep. John Hunt

Gail Brown 271-3076

Sen. Deborah Reynolds

Chairman

Judiciary Committee

Hearing Report

TO: Members of the Senate

FROM: Susan Duncan, *Senior Legislative Aide*

RE: Hearing report on **SB 325 – AN ACT relative to loitering by intoxicated persons.**

HEARING DATE: February 2, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Reynolds, Roberge, Letourneau and Houde

MEMBERS OF THE COMMITTEE ABSENT: Senator Lasky

Sponsor(s): Senator Fuller Clark; Representative Hunt

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

Who supports the bill: Senator Fuller Clark; Mike Somers representing the NH Lodging and Restaurant Association; Chief Eddie Edwards, NH Liquor Enforcement; Attorney John Pendleton

Who opposes the bill: No one

Summary of testimony received:

- Senator Houde introduced the legislation on behalf of Senator Fuller Clark who was unable to be present.
- Mike Somers testified in support and stated that he had received concerns because of intoxicated individuals who are ejected from a bar, then these individuals are being put back out on the street, which is probably not the best idea.
- He said the legislation merely deletes the word “intoxicated” from statute.
- Chief Edwards testified in support and explained that the Liquor Commission also is in support of the proposal.
- He stated that he has also had conversations with individuals from the NH Chiefs of Police about not having intoxicated individuals loitering.
- He clarified for the record that this change does not hamper law enforcement officials from maintaining order.

- He explained that their intention would be for an establishment to separate an affected patron from being served alcoholic beverages.
- Chief Edwards said that some police chiefs were concerned that they would not be able to take action, but he assured them that they still will be able to do so.
- Attorney John Pendleton appeared in support but did not testify.

Fiscal Impact: Not applicable

Action: Senator Letourneau moved "Ought to Pass." Senator Roberge seconded the motion. The Committee voted 4 to 0 in support of the motion. Senator Letourneau will report the bill out of committee.

sfd

[file: SB 325]

Date: February 3, 2010

RMB

Date: February 2, 2010
Time: 3:40 p.m.
Room: State House Room 103

The Senate Committee on Judiciary held a hearing on the following:

SB 325 relative to loitering by intoxicated persons.

Members of Committee present: Senator Reynolds
Senator Houde
Senator Roberge
Senator Letourneau

The Chair, Senator Deborah R. Reynolds, opened the hearing on SB 325 and in the absence of the prime sponsor, invited Senator Houde to introduce the legislation.

Senator Matthew Houde, D. 5: Thank you very much, Madam Chair, members of the Committee. For the record, my name is Matthew Houde, representing Senate District 5 and I'm here to introduce SB 325, an act relative to loitering by intoxicated persons. I'm hoping that is the extent of my responsibilities in this hearing, Madam Chair.

Senator Deborah R. Reynolds, D. 2: Thank you for that compelling testimony, Senator Houde. Thank you very much. We do have a number of people who are signed in to speak and the first is Mike Somers, on behalf of New Hampshire Lodging and Restaurant Association. Welcome, Mr. Somers.

Mike Somers: Thank you, Madam Chair. Again, Mike Somers for the New Hampshire Lodging and Restaurant Association. We worked closely with Senator Fuller Clark to introduce this piece of legislation.

Just to give you a little back story of kind of how we ended up here. We had received two concerns from some of our constituents based on, in certain areas of the state, where intoxicated individuals may have been ejected from a bar down the street and they wander on the premises. It then opens up certain levels of liability. In today's age responsibility, putting them back out on the street, may not necessarily be the best course of action and probably not the safest to the public. So, we really kind of worked with Liquor

JAB

Enforcement, Chief Edwards specifically, along with community action group to really kind of what were we trying to accomplish, how best that looked, and it turned out that really eliminating the word intoxicated is probably the safest, quickest and easiest fix for the concerns.

That's about it. With that, I would be happy to answer questions.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Mr. Somers. Any questions? Seeing none, thank you for your testimony. I would like to call Chief Eddie Edwards from the New Hampshire State Liquor Commission. Welcome, Chief Edwards.

Chief Eddie Edwards: Good afternoon, Chairwoman and Committee members. For the record again, my name is Eddie Edwards and I am the Chief of Enforcement and Licensing for the New Hampshire Liquor Commission. The Commission is in support of this piece of legislation.

As was stated earlier by Mike Somers of the Restaurant and Lodging Association, this is something we have had extensive communications about and I have also spoken to members of the New Hampshire Chiefs Association regarding this issue. The primary concern was that this would not open up a situation where we would have intoxicated people just kind of loitering on establishments and not being able to control the folks. I don't necessarily think this will happen. In fact, I think I was the one who suggested to the Restaurant and Lodging Association they move forward and just have intoxicated taken out of the statute. That doesn't hamper local law enforcement or the Liquor Commission and it maintains proper control of a licensed establishment.

What we would look for in an establishment like this where it says a person loiters for disorderly or illegal purpose kind of encapsulates anything that would result in a fight or assault or things of that nature. So, from that perspective, we are in full support of this legislation. I think it does speak to some of those things that may happen at a licensed establishment. Someone may find themselves under the influence of alcohol. As long as the licensee has separated that person from the drinking environment where they no longer have access to alcohol, we wouldn't see much of a problem. In fact, we addressed most of this in administrative rules in terms of providing guidelines for licensees on how to separate those affected patrons.

Senator Deborah R. Reynolds, D. 2: Thank you, Chief. So, I gather you have spoken with the Association and the State Liquor Commission thinks this is good policy. Right?

Chief Edwards: Yes. We think it is good public policy as well as safety.

I spoke with Bobby Wareham who is the legislative liaison for the Chiefs Association and he and I had a conversation yesterday regarding this particular issue. Some of the chiefs were concerned that their patrolmen had intoxicated people in this establishment, they wouldn't be able to take any action. But, as I explained the law to them, it is my understanding they were comfortable with that information. It doesn't hamper our ability to properly maintain control.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Any questions for Chief Edwards? Seeing none, thank you very much for your testimony.

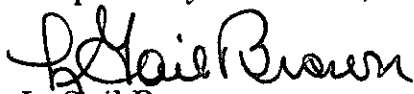
Chief Edwards: Thank you.

Senator Deborah R. Reynolds, D. 2: I want to note that Attorney John Pendleton has signed in in favor of the bill, does not wish to speak. Does anybody want to move on this?

I'm going to close the hearing.

Hearing concluded at 3:45 p.m.

Respectfully submitted,



L. Gail Brown

Senate Secretarial Supervisor

2/25/10

Speakers

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # SB 325

Hearing date: 2/2/10

Executive session date: 2/2/10

Motion of: OTP

VOTE: N-O

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Motion of: _____

VOTE: _____

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Reynolds, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: February 3, 2010

THE COMMITTEE ON Judiciary

to which was referred Senate Bill 325

AN ACT relative to loitering by intoxicated persons.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 4-0

AMENDMENT # s

Senator Robert J. Letourneau
For the Committee

L. Gail Brown 271-3076

New Hampshire General Court - Bill Status System

Docket of SB325

Docket Abbreviations

Bill Title: relative to loitering by intoxicated persons.*Official Docket of SB325:*

Date	Body	Description
01/06/2010	S	Introduced 1/6/2010 and Referred to Judiciary Committee; SJ 1 , Pg.5
01/27/2010	S	Hearing: February 2, 2010, Room 103, State House, 3:00 p.m.; SC5
02/03/2010	S	Committee Report: Ought to Pass 2/10/10; SC6
02/10/2010	S	Ought to Pass, MA, VV; OT3rdg; SJ 6 , Pg.75
02/10/2010	S	Passed by Third Reading Resolution; SJ 6 , Pg.77
02/17/2010	H	Introduced and Referred to Local and Regulated Revenues; HJ 18 , PG.1017
03/02/2010	H	Public Hearing: 3/16/2010 11:30 AM LOB 303
04/20/2010	H	Executive Session: 4/27/2010 10:00 AM LOB 303
04/27/2010	H	Committee Report: Ought to Pass for May 5 (Vote 11-2; CC); HC 34 , PG.1624
05/05/2010	H	Ought to Pass: MA VV; HJ 38 , PG.1893
05/12/2010	H	Enrolled Bill Amendment #1972 Adopted; HJ 41 , PG.2097
05/13/2010	S	Enrolled Bill Amendment #1972 Adopted
05/19/2010	H	Enrolled; HJ 46 , PG.2238
05/19/2010	S	Enrolled
06/21/2010	S	Signed by the Governor on 06/21/2010; Effective 01/01/2011; Chapter 0185

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 325 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE on which you have taken attendance
- HEARING REPORT (written summary of hearing testimony)
- HEARING TRANSCRIPT (verbatim transcript of hearing)
List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____
- SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

_____ - AMENDMENT # _____ _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

- EXECUTIVE SESSION REPORT
- _____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 7/12/10 [Signature]
COMMITTEE SECRETARY