

# Bill as Introduced

HB 432 - AS INTRODUCED

2011 SESSION

11-0850  
09/01

HOUSE BILL        **432**

AN ACT            limiting traffic violation stops of women at night.

SPONSORS:        Rep. Ingbretson, Graf 5; Rep. Itse, Rock 9

COMMITTEE:       Criminal Justice and Public Safety

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ANALYSIS

This bill limits law enforcement officers from stopping women for traffic violations at night until arriving at a lighted area.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT            limiting traffic violation stops of women at night.

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

1            1 New Section; Limits on Stopping Women at Night for Traffic Violations. Amend RSA 265 by  
2 inserting after section 1-a the following new section:

3            265:1-b Limits on Stopping Women at Night for Traffic Violations. No law enforcement officer  
4 shall knowingly stop a lone woman at night for a violation of a traffic law until her vehicle is in a  
5 lighted area, unless the offense constitutes an immediate and serious safety hazard. This section  
6 shall not prohibit the law enforcement officer from issuing a citation for the violation at a later time  
7 or date.

8            2 Effective Date. This act shall take effect January 1, 2012.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 432

**BILL TITLE:** limiting traffic violation stops of women at night.

**DATE:** February 8, 2011

**LOB ROOM:** 204      **Time Public Hearing Called to Order:** 2:15 p.m.

**Time Adjourned:** 3:00 p.m.

(please circle if present)

**Committee Members:** Reps. Swinford, Gagne, Welch, Fields, Fesh, Charron, Villeneuve, Antosz, Greazzo, Kreis, Parsons, Tasker, Warden, Pantelakos, Berube, Shurtleff and Ginsburg.

**Bill Sponsors:** Rep. Ingbretson, Graf 5; Rep. Itse, Rock 9

TESTIMONY

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

**Rep. Paul Ingbretson, Graf 5** - Supports. Believes safety is an issue for women at night.

**Rep. Itse** - Supports - It is important to the safety of women. All traffic stops should be in a lit area.

**Assistant Commissioner Earl Sweeney, Department of Safety**

**Jill Rockey - N.H. Troopers Association** - Provided examples. Written testimony. Provided language.

Respectfully Submitted:



Rep. Gene P. Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

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TESTIMONY

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



HB432-

~~HB432~~ FNA

2-8-2011

① 2:15 Rep Paul Ingrat - Sponsor - GRAF-5  
supports. Believes safety is an ~~is~~ issue.  
For women at night.

② 2:25 Rep D'Arcy: It is important to the safety  
supports & women. - All traffic stops should be in  
a lit area.

③ 2:35 asst Commissioner Earl Sweeney. Det Sgt  
Jill Rockey. Provided examples:  
Written testimony - ~~Provides~~  
Provides language  
Jill Rockey represents - State Troopers -

CLOSED  
15:00

# Testimony

Department of Safety Comments on HB\_432\_\_\_ SB \_\_\_ as Introduced (x) as amended( )

[This bill limits law enforcement officers from stopping women for traffic violations at night until arriving at a lighted area.]

This bill provides that no police officer shall stop a vehicle he or she knows is occupied by a woman at night for a violation of a traffic law until her vehicle is in a lighted area, unless the offense constitutes an immediate and serious safety hazard. The officer is not prohibited from issuing a citation for the violation at a later date and time.

The Department of Safety reluctantly opposes this bill as written. We say reluctantly because we fully understand and agree with the intent behind it. There have been occasional instances in recent months of persons posing as police officers and attempting to pull people over or pulling them over. Many years ago there was a rapist in California dubbed the "red light bandit" that was pulling people over and molesting them. The red light bandit would follow drivers to secluded areas and flash a red light to trick them into stopping, thinking he was a police officer. When they exited their vehicles or opened he driver's window he would rob, and in the case of several young women, rape them. A convict named Caryl Chessman was convicted of being the red light bandit and sentenced to death. He went to his death proclaiming his innocence and many people believed him.

This is one of the reasons that in New Hampshire we have fought off numerous attempts in the Legislature to allow other emergency responders to have blue lights on their vehicles. By reserving blue lights for law enforcement, we limit the ability of people to obtain a red or yellow light such as a volunteer firefighter, and EMT or a public works employee would have, and pull people over with it. In New Hampshire, people at least know if it is not a blue light they do not have to stop. There is a criminal penalty under the Motor Vehicle Code for having a blue light if you are not a police officer, and DMV's inspection station rules say the car cannot be inspected without proof that this is a police vehicle. There is also in the criminal code a criminal penalty for impersonating a police officer.

Although the bill permits such a stop if the offense constitutes an "immediate and serious safety hazard" which we assume might be such as someone who is weaving all over the road or driving totally recklessly, this does not cover all the instances when the public might be at risk if a driver was not stopped. It also creates a significant opportunity for someone who is transporting illegal items in the vehicle to dispose of them under the cover of darkness or someone who has a strong reason to avoid apprehension to plan and carry out an attack on the officer once the officer gets the vehicle stopped. The bill also makes no distinction for whether the woman was driving alone or had a companion in the vehicle. There could be a woman driver and 4 or 5 men in the vehicle, and the officer would still be prohibited from making the stop. There is also no definition of "at night" so we do not know if that means during the hours of darkness, or a half hour before sunset to a half hour after sunrise, or after p.m., or where an officer is supposed to draw the line. The bill is also gender biased because it applies only to females. What if the officer who wants to make the stop is also a female?

As to being able to issue a citation at a later time without making the stop, there are numerous reasons why this is impractical. State law says that a citation can be issued in lieu of an arrest. An arrest can only

be made on the spot – to make an arrest after the fact requires a warrant, so to issue a ticket in lieu of an arrest after the incident is over also requires a warrant and requires the officer to be able to identify the person in court as the one that was operating that vehicle at that particular time and place. Unless the officer could see into the car well enough and the driver was someone the officer knew and recognized it would be very difficult if not impossible to prove who was driving the car.

The bill requires that the stop be made in a lighted area, but it does not define a lighted area. Is this somewhere under a streetlight, or some other condition? There are some rural towns in our state where there simply are no lighted areas where the stop could be made.

Most professional law enforcement agencies today have policies and do training of their officers on this subject. Departments that run low profile or unmarked cars in particular usually have policies regarding putting on the dome light and being sure the officer is wearing the uniform hat, and if the person hesitates to stop because the stop is taking place in a remote area, calling for a marked cruiser if one is available and allowing the person to proceed cautiously to a lighted area or a location such as a fire station or gas station where other people are present. There are so many variables that this topic is best left to the police departments themselves to control by policy – there can be no “one size fits all” policy that is workable.

This would be a better bill if the present language was struck out and either one or two or both of the following were substituted: One would be to require that all law enforcement agencies that conduct traffic stops have a policy that reflects best practices on the stopping of lone female drivers at night and place the copy on file with the Police Standards and Training Council to ensure that there is in fact such a policy. Another might be to provide an affirmative defense to a charge of disobeying an officer for a lone female who was being stopped at night in an isolated or poorly lit area and was attempting to proceed slowly and safely to an inhabited or illuminated area and had attempted to signal that intent to the officer. Under RSA 626:7, the onus is on the defendant to establish the defense by a preponderance of the evidence.

*for Committee to review.*

We are not aware of any state that has a similar law.

**NEW HAMPSHIRE TROOPERS ASSOCIATION****The Troopers Building**

107 North State Street  
 Concord, NH 03301-4334  
 (603) 228-8228

**President**

William Graham  
 Concord

**Vice President**

Patrick Curran  
 Center Harbor

**Secretary**

Jill C. Rockey  
 Dover

**Treasurer**

Eric Shirley  
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 Wolfeboro

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Seth Cooper  
 Campton

**Troop G**

Jeff Caulder  
 North Woodstock

**Headquarters**

Joseph Ebert  
 Stratham

February 8, 2011

Good Afternoon. My name is Jill Rockey and I am the Secretary for the New Hampshire Troopers Association. I am also a Sergeant with the New Hampshire State Police Major Crimes Unit. I have been with the State Police since 1994 and I have been a detective for 12 years. During the course of my career I have investigated over 50 sexual assaults and I have reviewed hundreds of police reports, which documented sexual assaults, while I worked at the Sex Offender Registry.

The New Hampshire Troopers Association is opposed to HB 432 for a variety of reasons. While we believe the intent of this bill is to protect lone female drivers, it will not prevent sex offenders from impersonating police officers and stopping these women so they can assault them.

The New Hampshire Coalition Against Domestic and Sexual Violence released a 2006 study, which states, almost 1 in 4 women in New Hampshire has been sexually assaulted. More than half of all women in New Hampshire will experience sexual and/or physical violence at some point in their life.

This bill does nothing to reduce these numbers. It merely gives some women a false sense of security and creates a dangerous situation for law enforcement.

When a driver does not stop for law enforcement it heightens stress and makes the officer ask, "Why isn't this person stopping for me?" In many cases it's because the operator has committed a crime. While that is not always the case, that is the assumption until an officer ensures their safety during the course of the motor vehicle stop.

So how do we make sure lone female drivers are protected? We educate them. If you are stopped at night in a poorly lit area, lock your doors and only open your window a crack. Call 911 and tell the dispatcher you are being stopped and you aren't sure the person is a police officer. Advise the officer of this when he approaches. Ask the 911 dispatcher to confirm it is a police officer.

# NEW HAMPSHIRE TROOPERS ASSOCIATION

## The Troopers Building

107 North State Street  
Concord, NH 03301-4334  
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### **Headquarters**

Joseph Ebert  
Stratham

If you don't have a phone signal advise the officer you aren't sure if he is really a police officer. Ask him to call another officer to the scene. If he refuses to do so or orders you from a car, drive away and go to a well lighted, populated area and call 911 from a business.

There are many areas in New Hampshire that are remote and poorly lit. We need to educate independent female drivers to protect themselves. We don't want to create an excuse for women with nefarious intents to not stop for police.

For these reasons, the New Hampshire Troopers Association is opposed to this bill.

Thank you.

KB 432 file

outside  
Testimonies

Hi, Paul:

I was at a self defense course in North Haverhill. The instructor was a policeman from Lebanon. He told us that a women in Enfield had been arrested for not stopping for the cop in a dark road at night and was fined. He was very happy about this. He led me to believe that she was going to a safe place. This upset me as on the t.v. they tell you if you are not sure it is a real officer that you should put your flashers on and drive slow to a safe area. I lived in C.T. for 50 years and this is true there.

I also went to a womens health seminar at the White Mt. Hotel and a state trooper was giving a self defence talk. I asked him about the law and he said that if they come up behind you you should stop as that is the law. He also said that criminals can't get a car, uniform or guns like his. Please, what planet is he from. Would you pleased change this law.

Thanks.

Virginia Crowe  
Piermont, NH

# Voting Sheets



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 432

**BILL TITLE:** alimiting traffic violation stops of women at night.

**DATE:** February 22, 2011

**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. Phil J. Greazzo

Seconded by Rep. Stephen J. Shurtleff

Vote: 15-0 (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: 15-0**

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

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

  
Rep. Gene Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 432

BILL TITLE: alimiting traffic violation stops of women at night.

DATE:

*2/15/11 2/22/11*

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.

*GREAZZO*

Seconded by Rep.

*Shurt left.*

Vote:

(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,

*Consent*

Rep. Gene Charron, Clerk

*Gene D. Charron*

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: 432 Title: Violation stops of women at night.

PH Date: 02/08/11

Exec Session Date: 2/22/2011

Motion: [TLC]

Amendment #: \_\_\_\_\_

| MEMBER                       | YEAS | NAYS |
|------------------------------|------|------|
| Swinford, Elaine B, Chairman | ✓    |      |
| Gagne, Larry G, V Chairman   | ✓    |      |
| Welch, David A               | ✓    |      |
| Fields, Dennis H             | ✓    |      |
| Fesh, Robert M               | ✓    |      |
| Charron, Gene P              | ✓    |      |
| Villeneuve, Moe              | ✓    |      |
| Antosz, Jason P              | ✓    |      |
| Greazzo, Phil J              | ✓    |      |
| Kreis, Kenneth               | ✓    |      |
| Parsons, Robbie L            | ✓    |      |
| Tasker, Kyle J               | ✓    |      |
| Warden, Mark                 | ✓    |      |
| Pantelakos, Laura C          | ✓    |      |
| Berube, Roger R              | ✓    | ✓    |
| Shurtleff, Stephen J         | ✓    |      |
| Ginsburg, Philip E           | ✓    |      |
|                              | 15 - | 0    |
| TOTAL VOTE:                  |      |      |

# Committee Report

**CONSENT CALENDAR**

**March 2, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB432,

AN ACT limiting traffic violation stops of women at night. Having considered the same, report the same with the following Resolution: **RESOLVED**, That it is **INEXPEDIENT TO LEGISLATE**.

**Rep. Phil J Greazzo**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

|                   |  |
|-------------------|--|
| Committee:        | <b>CRIMINAL JUSTICE AND PUBLIC SAFETY</b>                  |
| Bill Number:      | <b>HB432</b>   |
| Title:            | <b>limiting traffic violation stops of women at night.</b> |
| Date:             | <b>February 22, 2011</b>                                   |
| Consent Calendar: | <b>YES</b>   |
| Recommendation:   | <b>INEXPEDIENT TO LEGISLATE</b>                            |

### STATEMENT OF INTENT

We feel this to be arbitrary to the spirit of equality in the law and believe women currently have the ability to drive to the nearest police station, or stop in a well lit area during a traffic stop.

Vote 15-0.

Rep. Phil J Greazzo  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## **CONSENT CALENDAR**

### **CRIMINAL JUSTICE AND PUBLIC SAFETY**

**HB432**, limiting traffic violation stops of women at night. **INEXPEDIENT TO LEGISLATE.**  
Rep. Phil J Greazzo for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. We feel this to be arbitrary to the spirit of equality in the law and believe women currently have the ability to drive to the nearest police station, or stop in a well lit area during a traffic stop. **Vote 15-0.**

Original: House Clerk  
Cc: Committee Bill File

**HB 432 limiting traffic violation stops of women at night.**

**We feel this to be arbitrary to the spirit of equality in the law and believe women currently have the ability to drive to the nearest police station, or stop in a well lit area during a traffic stop.**

**Rep. Phil J. Greazzo  
For the Committee  
15-0 ITL CC**

*Rep. Elaine Soper*



COMMITTEE REPORT

COMMITTEE: Criminal Justice & Public Safety

BILL NUMBER: HB432

TITLE: Limiting traffic violation stops of women at night.

DATE: Feb 22, 2011 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:

We feel this to be arbitrary to the spirit of equality in the law, and believe women currently have the ability to drive to the nearest police station, or stop in a well lit area during a traffic stop.

COMMITTEE VOTE: 15-0

RESPECTFULLY SUBMITTED,

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

Rep. Phil Greazzo  
For the Committee