

Bill as Introduced

HB 567 - AS INTRODUCED

2011 SESSION

11-0339
04/03

HOUSE BILL

567

AN ACT relative to physical force in defense of a person.

SPONSORS: Rep. Mirski, Graf 10; Rep. Manuse, Rock 5

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill:

I. Removes the duty to retreat in the face of an attack.

II. Creates the presumption that an attacker or intruder intends to cause serious bodily injury and permits force, including deadly force, to be used to protect oneself, one's family, and others.

III. Provides that a person using force authorized by law shall not be prosecuted for using such force and prohibits a perpetrator or a perpetrator's family from suing a victim for injuring or killing the perpetrator.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to physical force in defense of a person.

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

1 1 Physical Force in Defense of a Person. RSA 627:4 is repealed and reenacted to read as follows:

2 627:4 Physical Force in Defense of a Person.

3 I. A person is presumed to have held a reasonable fear of imminent death or serious bodily
4 injury to himself, herself, or another when using deadly force that is intended or likely to cause
5 death or serious bodily injury to another if:

6 (a) The person against whom the deadly force was used was in the process of unlawfully
7 entering, or had unlawfully entered, forcibly or otherwise, a dwelling, residence, or occupied vehicle,
8 or if that person had removed or was attempting to remove another against that person's will from
9 the dwelling, residence, or occupied vehicle.

10 (b) The person who uses deadly force knew or had reason to believe that an
11 unauthorized entry, forcible or otherwise, was occurring or had occurred.

12 II. The presumption set forth in paragraph I shall not apply if:

13 (a) The person against whom the deadly force is used has the right to be in or is a lawful
14 resident of the dwelling, residence, or vehicle, such as an owner, lessee, invitee, or titleholder, and
15 there is not an injunction for protection from domestic violence or a written pretrial supervision
16 order of no contact against that person;

17 (b) The person or persons sought to be removed is a child or grandchild, or is otherwise
18 in the lawful custody or under the lawful guardianship, of the person against whom the deadly force
19 is used;

20 (c) The person who uses deadly force is engaged in an unlawful activity or is using the
21 dwelling, residence, or occupied vehicle to further an unlawful activity; or

22 (d) The person against whom the deadly force is used is a law enforcement officer who
23 enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official
24 duties and the officer identified himself or herself in accordance with any applicable law or the
25 person using force knew or reasonably should have known that the person entering or attempting to
26 enter was a law enforcement officer.

27 III. A person who is attacked in any other place where he or she has a right to be shall have
28 no duty to retreat and shall have the right to stand his or her ground and meet force with force,
29 including deadly force if he or she reasonably believes it is necessary to do so, to prevent death or
30 serious bodily injury to himself, herself, or another.

1 IV. A person who unlawfully enters or attempts to enter a person's dwelling, residence, or
2 occupied vehicle is presumed to do so with the intent to commit an unlawful act involving force or
3 violence.

4 V. As used in this section, the term:

5 (a) "Dwelling" means a building or conveyance of any kind, including any attached
6 porch, whether the building or conveyance is temporary or permanent, mobile or immobile, that has
7 a roof over it, including a tent, and is designed to be occupied by people lodging therein at night.

8 (b) "Residence" means a dwelling in which a person resides either temporarily or
9 permanently or is visiting as an invited guest.

10 (c) "Vehicle" means a conveyance of any kind, whether or not motorized, which is
11 designed to transport people or property.

12 VI. A person is justified in using force, except deadly force, against another when and to the
13 extent that the person reasonably believes that such conduct is necessary to defend himself or
14 herself or another against the such other's imminent use of unlawful force. However, a person is
15 justified in the use of deadly force and shall not have a duty to retreat only if:

16 (a) He or she reasonably believes that such force is necessary to prevent imminent death
17 or serious bodily injury to himself or herself; or

18 (b) Under other circumstances as permitted by law.

19 VII. A person is justified in the use of force, except deadly force, against another when and
20 to the extent that the person reasonably believes that such conduct is necessary to prevent or
21 terminate the such other's trespass on, or other tortious or criminal interference with, either real
22 property other than a dwelling or personal property, lawfully in his or her possession or in the
23 possession of another who is a member of his or her immediate family or household or of a person
24 whose property he or she has a legal duty to protect. However, the person is justified in the use of
25 deadly force only if he or she reasonably believes that such force is necessary. A person shall not
26 have a duty to retreat if the person is in a place where he or she has a right to be.

27 VIII.(a) A person who is justified in the use of force as described in this section shall be
28 immune from criminal prosecution and civil action for the use of such force, unless the person
29 against whom force was used is a law enforcement officer who was acting in the performance of his
30 or her official duties and the officer identified himself or herself in accordance with any applicable
31 law or the person using force knew or reasonably should have known that the person was a law
32 enforcement officer. As used in this paragraph, the term "criminal prosecution" includes arresting,
33 detaining in custody, and charging or prosecuting the defendant.

34 (b) A law enforcement agency shall use standard procedures for investigating the use of
35 force but the agency shall not arrest the person for using force unless it determines that there is
36 probable cause that the force used was unlawful.

1 (c) The court shall award reasonable attorney's fees, court costs, compensation for loss of
2 income, and all expenses incurred by the defendant in defense of any civil action brought by a
3 plaintiff if the court finds that the defendant is immune from prosecution under this section.

4 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 207-FN, HB 210 and HB 567

BILL TITLE: relative to physical force in defense of a person.

DATE: March 3, 2011

LOB ROOM: 204 Time Public Hearing Called to Order: 10:00 a.m.

Time Adjourned: 12:25 p.m.

(please circle if present)

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

Entered
11:30

Bill Sponsors: Rep. Pepino, Hills 11; Rep. Infantine, Hills 13; Rep. Mirski, Graf 10; Rep. Ball, Hills 9; Rep. Proulx, Hills 15; Rep. Simmons, Hills 17; Rep. Jennifer Coffey, Merr 6; Rep. Tamburello, Rock 3; Rep. Warden, Hills 7; Rep. DeLemus, Straf 1; Sen. Barnes, Jr., Dist 17; Sen. Boutin, Dist 16; Sen. DeBlois, Dist 18; Sen. Stiles, Dist 24

TESTIMONY

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

***Rep. Pepino - Supports - Sponsor - Spoke about different instances as part of the reason for the bill. States this bill is an extension of the "(Castle Doctrine)". This bill will allow you to protect yourself outside of your home. Testimony (written) provided.**

Rep. Susan DeLemus - Supports. Spoke to the importance of the bill. She is also the co-sponsor. No written testimony.

Rep. Paul Mirski - Supports. Co-sponsor. Reminded that this law is directed in a Commission of a felony a "Stand Gun Ground Bill".

Attorney General's Associate Ann Rice - Opposes. Has written testimony on the three bill: HB 207, HB 210 and HB 567. Does not feel the three bills are necessary.

Claire Ebel - NH CLU - Opposes. Addressing the three bills HB 207, HB 210 and HB 567. Does not support the three bills. HB 567 creates more issues then not. No written testimony.

Chief Ryan Heath - Alton Police Department and Chief Andrew Shagoury, Wolfeboro Police Department also representing N. H. Police Chiefs Association. Opposes. Chief Shagoury opposes the three bills. Chief Heath is also opposed to the three bills. No written testimony.

Rep. Rick Okerman - Supports. Sponsor of HB 210. Spoke to his bill. Sketch notes provided.

HB 207- HB 210 and HB 567 all heard at same time - Page Two

Rep. Guy Comtois - Supports the bill. HB 210.

Rep. Andrew Manuse - Supports. Recommends merge the three bills. Supports HB 210, HB 207 and HB 567.

Ann Rice Attorney General's Office - Note. Opposes. Pink card only. Opposes the bill addressed all three bills so noted in their minutes.

Ralph Demicco - Gun Owners of New Hampshire - Supports HB 207 and HB 210. Feels that HB 567 needs work and that HB 207 and HB 210 could be merged because they are pretty close.

Claire Ebel, NHCLU - Opposes HB 210. No speaking.

Mr. James Wheeler - Supports HB 210. Also presented a letter from Jonathan R. Evans, President of N. H. Firearms Coalition. Has concerns with HB 567.

Rep. Paul Mirski - Supports HB 567. Co-sponsor presented information on the definition of Tortious Interference.

Cards by Ann Rice and Claire Ebel - Both oppose HB 567.

Rep. J. R. Hoell - Supports - but commented that working on HB 210 and HB 207 may be easier.

Don Gorman - representing self - Supports. Talked about his being a firearm instructor and explained what he does as an instructor. "Life before Property".

Patriot Pastor Garrettlear, Representing "The Well of Living Water Church and the Heroes of American Liberty" - Supports.

The minutes of HB 207 represents the combination of three bills. HB 207, HB 210 and HB 567.

The three bills were heard at the same time. Testimony was simultaneous.

Respectfully Submitted:



Rep. Gene P. Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 567

BILL TITLE: relative to physical force in defense of a person.

DATE:

LOB ROOM: 204

Time Public Hearing Called to Order: 10:00

Time Adjourned: 12:25

(please circle if present)

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

Bill Sponsors: Rep. Mirski, Graf 10; Rep. Manuse, Rock 5

TESTIMONY

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

MARCH 3-2011

HB-207-210-567

Relative to Physical Force in Defense of a Person.

① 10:00
support

Rep. Pepino, Sponsor spoke about different instances as part of the reason for the bill. states this bill is an extension of the "(Castle Doctrine)" this bill will allow you protect yourself outside of your home. Testimony (written) provided.

② 10:15
support

Rep. Susan DeLemus, spoke to the importance of the bills she is also the Co-sponsor. no written testimony.

③ 10:24
support

Rep. Paul Mirski Co Sponsor: reminded that this law is directed in a Commission of a felony a "Stand your Ground Bill".

④ 10:30
opposes

Attorney Greats Associate Ann Rice: Has written testimony on the three bills. HB-207, 210, 567

⑤ 10:50
opposes

Does not feel the three bills are necessary - CLAIRE EBEL - NH ACLU - addressing the three bills HB-207-210-567.

Does not support the three bills. HB-567 Creates more issues than not. no written testimony.

MARCH-3-2011

HB - 207-210-567

11

10:55
opposes
(6)

ALTON PD Chief Ryan Heath. WOLFBORO PD Chief Andrew Shagaw
also representing N.H. Police Chiefs Assn. Chief Shagaw opposes the three bills. Chief Heath is also opposed to the three bills - no written testimony.

7) 11:25
supports

Rep. Rick Oberman sponsor HB 210 spoke to his bill. sketch notes provided

8) 11:33
supports

Rep. Guy Lamoie supports the bill. HB 210

9) 11:35
supports

Rep. Andrew Manuse recommends merge the three bills. supports HB-210-207 - HB-567

note
10) opposes

Ann. Ric a6's office card only, opposes the bill addressed all three bills somoted in three minutes. Supports

11) 11:40

Ralph Demico National Rifle Association supports - 207-210 GUN OWNER'S OF NEW HAMPSHIRE. Feels that HB 567 needs work and that 207-210 could be merged because they are pretty close.

12. -
opposes

Clair Ebel NHCNV opposes HB-210 no speaking

MARCH 3-2011

111

HB 207-210-567

(13)
11:45
support

Mr. James Wheeler - supports the bill
HB 210 - also presented a letter from
Johnathan R. Evans, President of U.H.
Firearms Coalition. Has concerns
with HB 567 -

14.
11:50
support

Rep. ~~Paul~~ Paul Mirski, supports HB 567 -
~~defunct~~ Co Sponsor presented -
information on the definition
of tortious interference

Vote 15
opposes

Cards by Ann Rice and Claire Ebel
both oppose HB 567

(16)
12:10
support

Rep. J-R. Hoell - supports - but
commented that working on HB 210-207
may be easier.

(17)
12:15
support

Wlon Gorman - representing self -
talked about his being a firearm instructor
and explained what he does as an
instructor. "Life before Property"

(18)
support
12:15

Patriot Pastor Barrett Lear - representing
"The Well of Living Water Church + The Heroes
of American Liberty. Closed 12:25"

3-3-2011

The minutes in HB 207 represents
the combination of three bills. HB-207,
HB-210 and HB-567,

The three bill were heard at the same
time. Testimony was simultaneous.

Gene Charron

Testimony

New Hampshire residents have always taken a lot of pride in their right to self defense, which is quite clear from the strong language of Article 2a of the state constitution, which was written as recently as 1982: "All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state."

Gun control laws help criminals, while innocent law-abiding citizens are made more vulnerable to attack by them. According to John R. Lott Jr. in his March 2003 book, "The Bias Against Guns," he said that "the effect of gun ownership on crime is quite large: a 1 percent increase in gun ownership reduces violent crime by 4.1 percent." That's pretty significant. Perhaps that is why New Hampshire has such a low per capita gun crime rate. In 2004, New Hampshire had 167 violent crimes per 100,000 people, the fourth lowest number of any state in the country, according to the U.S. Bureau of Justice Statistics. Compare that with Washington, D.C.'s 1,371.2 violent crimes per 100,000 people in the same year. This is a city that until recently outlawed guns within its limits.

In short, I think New Hampshire's existing gun control laws are too strong, and we need to pass laws and/or repeal laws so that people can carry guns almost anywhere in the state, which will reduce our crime rate further and make everyone safer.

While I am an ardent supporter of gun rights, I also support the rights of private property owners. As such, private businesses and homeowners who do not want people to carry guns on their property have the right to restrict them. To be clear, this right does not extend to public property. There is support for this in the state constitution; namely, Article 13 says: "No person, who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto." So really, if a business doesn't want you to carry your gun on its property, that is that business's prerogative. But I would encourage folks who don't like those types of "home rules" to refrain from patronizing those businesses or visiting those private properties.

HB ~~1~~
567
207
210

France

- Joe D'Neely 603-595-24539

Paul 617-573-8750

Mike WTSN - Dae

Pamp 742-0987

TSA
bill.

11am - noon

HB 567



New Hampshire Firearms Coalition

NH's Only No-Compromise Gun Rights Organization

March 3, 2011

Dear Criminal Justice Committee Member,

The New Hampshire Firearms Coalition is an organization comprised of law abiding firearms owners, manufacturers and dealers.

NHFC requests that you review and report HB 210 as "Ought to Pass".

NH citizens should not be forced retreat when faced with serious bodily injury or death. Current NH law places an undue burden on citizen having to make split second decisions on whether it is appropriate to use deadly force. While we do not think deadly force should be used lightly, citizens should not be put in position of having to choose between defending themselves and possibly going to jail because they might have been able to retreat safely, or facing serious injury from an assailant.

This bill removes the requirement that a person retreat from an situation if they are in any place they have the right, or reasonably believe they have the right to be.

This is the right move for the Granite State and its citizens.

With this in mind, NHFC asks that you forward this bill to the General Court with the Recommendation of an OTP.

We will be informing our members about the actions you take on this and other legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan R. Evans".

Jonathan R. Evans, Esq.
President, NHFC

Tortious interference

From Wikipedia, the free encyclopedia

Tortious interference, also known as **Intentional interference with contractual relations**, in the common law of tort, occurs when a person intentionally damages the plaintiff's contractual or other business relationships. This tort is broadly divided into two categories, one specific to contractual relationships (irrespective of whether they involve business), and the other specific to business relationships or activities (irrespective of whether they involve a contract).

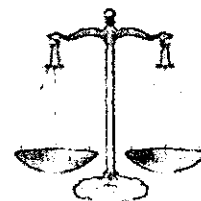
Contents

- 1 Description
- 2 Case Law
- 3 Typical examples
- 4 Elements
- 5 Damages
- 6 See also
- 7 Source

Description

Tortious interference with contract rights can occur where the tortfeasor convinces a party to breach the contract against the plaintiff, or where the tortfeasor disrupts the ability of one party to perform his obligations under the contract, thereby preventing the plaintiff from receiving the performance promised. The hardcore instance of this tort occurs when one party induces another party to breach a contract with a third party, in circumstances where the first party has no privilege to act as it does and acts with knowledge of the existence of the contract. Such conduct is termed tortious inducement of breach of contract.

Tortious interference with business relationships occurs where the tortfeasor acts to prevent the plaintiff from successfully establishing or maintaining business relationships. This tort may occur when a first party's conduct intentionally causes a second party not to enter into a business relationship with a third party that otherwise would probably have occurred. Such conduct is termed



Tort law

Part of the common law series

Intentional torts

Assault · Battery
 False imprisonment
 Intentional infliction of emotional distress (IIED)
 Transferred intent

Property torts

Trespass (land · chattels)
 Conversion · Detinue
 Replevin · Trover

Defenses

Assumption of risk
 Comparative negligence
 Contributory negligence
 Consent · Necessity
 Statute of limitations
 Self-defense
 Defense of others
 Defense of property
 Shopkeeper's privilege

Negligence

Duty of care · Standard of care
 Proximate cause · Res ipsa loquitur
 Calculus of negligence
 Rescue doctrine · Duty to rescue

Specific types

Negligent infliction of emotional distress (NIED)
 Employment-related · Entrustment
 Malpractice (legal · medical)

tortious interference with prospective business relations, expectations, or advantage or with prospective economic advantage.

Case Law

An early, perhaps the earliest, instance of recognition of this tort occurred in *Garret v. Taylor*, 79 Eng. Rep. 485 (K.B. 1620). In that case, the defendant drove customers away from the plaintiff's quarry by threatening them with mayhem and also threatening to "vex [them] with suits." The King's Bench court said that "the defendant threatened violence to the extent of committing an assault upon ... customers of the plaintiff ... whereupon 'they all desisted from buying.'" The court therefore upheld a judgment for the plaintiff.

In a similar case, *Tarleton v. McGawley*, 170 Eng. Rep. 153 (K.B. 1793), the defendant shot from its ship Othello off the coast of Africa upon natives while "contriving and maliciously intending to hinder and deter the natives from trading with" plaintiff's rival trading ship Bannister. This action caused the natives (plaintiff's prospective customers) to flee the scene, depriving the plaintiff of their potential business. The King's Bench court held the conduct actionable. The defendant claimed, by way of justification, that the local native ruler had given it an exclusive franchise to trade with his subjects, but the court rejected this defense.

The tort was described in the case of *Keeble v Hickeringill*, (1707) 103 Eng. Rep. 1127, styled as a "trespass on the case". In that case, the defendant had used a shotgun to drive ducks away from a pond that the plaintiff had built for the purpose of capturing ducks. Thus, unlike the foregoing cases, here the actionable conduct was not directly driving the prospective customers away, but rather eliminating the subject matter of the prospective business. Although the ducks had not yet been captured, the Justice Holt wrote for the court that "where a violent or malicious act is done to a man's occupation, profession, or way of getting a livelihood, there an action lies in all cases." The court noted that the defendant would have the right to draw away ducks to a pond of his own, raising as a comparison a 1410 case in which the court deemed that no cause of action would lie where a schoolmaster opened a new school that drew students away from an old school.

Typical examples

1. Tortious interference of business.- When false claims and accusations are made against a business or an individual's reputation in order to drive business away.

Liability torts

Product liability
 Ultrahazardous activity

Nuisance

Public nuisance
Rylands v. Fletcher

Dignitary torts

Defamation · Invasion of privacy
 False light · Breach of confidence
 Abuse of process
 Malicious prosecution
 Alienation of affections · Seduction

Economic torts

Fraud · Tortious interference
 Conspiracy · Restraint of trade

Liability, remedies

Last clear chance · Eggshell skull
 Vicarious liability · Volenti non fit injuria
 Ex turpi causa non oritur actio
 Neutral reportage · Damages
 Injunction · Torts and conflict of laws
 Joint and several liability
 Comparative responsibility
 Market share liability

Duty to visitors

Trespassers · Licensees · Invitees
 Attractive nuisance

Other common law areas

Contracts · Criminal law · Evidence
 Property · Wills, trusts and estates

Portals

Law

2. Tortious interference of contract.- When an individual uses "tort" (a wrongful act) to come in between two parties mutual contract.

Elements

Although the specific elements required to prove a claim of tortious interference vary from one jurisdiction to another, they typically include the following:

1. The existence of a contractual relationship or beneficial business relationship between two parties.
2. Knowledge of that relationship by a third party.
3. Intent of the third party to induce a party to the relationship to breach the relationship.
4. Lack of any privilege on the part of the third party to induce such a breach.
5. The contractual relationship is breached.
6. Damage to the party against whom the breach occurs.

The first element may, in employment-at-will jurisdictions, be held fulfilled in regards to a previously untermintated employer/employee relationship.

Damages

Typical legal remedies for Tortious Interference include economic losses if they can be proven with certainty and mental distress. Additionally punitive damages may be awarded if malice on the part of the wrongdoer can be established.

Equitable remedies may include injunctive relief in the form of a negative injunction that would be used to prevent the wrongdoer from benefiting from any contractual relationship that may arise out of the interference, i.e., the performance of a singer who was originally contracted with the Plaintiff to perform at the same time.

See also

- Contorts
- Alienation of affections

Source

- Jesse Dukeminier and James E. Krier, *Property, Fifth Edition*, Aspen Law & Business (New York, 2002), pp. 31-36. ISBN 0-7355-2437-8
- John L. Diamond and Lawrence C. Levine and M. Stuart Madden, *Understanding Torts Second Edition*, Lexis Nexis (New York, 2000), p. 413. ISBN 0-8205-5219-4

Retrieved from "http://en.wikipedia.org/wiki/Tortious_interference"

Categories: Tort law

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Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 567

BILL TITLE: relative to physical force in defense of a person.

DATE: March 9, 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. Shurtleff

Seconded by Rep. Pantelakos

Vote: 11-6 (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. Gene Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 567

BILL TITLE: relative to physical force in defense of a person.

DATE: 3-9-2011

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. *Shurt left*

Seconded by Rep. *Pantalakas*

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,

Rep. Gene Charron, Clerk

Gene Charron

*Regular
Calendar*

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 567 Title: Relative to physical force in defense of a person.

PH Date: 3 / 9 / 2011

Exec Session Date: 03 / 09 / 11

Motion: ITL 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	✓	
	11	6

Committee Report

REGULAR CALENDAR

March 15, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB567,

AN ACT relative to physical force in defense of a person. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Stephen J Shurtleff

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB567
Title:	relative to physical force in defense of a person.
Date:	March 9, 2011
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would expand the "Castle Doctrine," the right to use deadly force within one's home. As Assistant Attorney General Ann Rice said in her testimony, "This (bill) is an impenetrable morass of law." The bill would grant immunity from criminal prosecution. The term "criminal prosecution" as defined includes arresting, detaining in custody, charging or prosecuting a defendant. This bill would have a chilling effect on law enforcement, as well as state or county prosecutors. Furthermore, the bill grants immunity from a civil action. A person under this bill could, in using deadly force, injure an innocent third person. That innocent individual would be barred from seeking relief in the courts.

Vote 11-6.

Rep. Stephen J Shurtleff
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB567, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J Shurtleff for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. This bill would expand the "Castle Doctrine," the right to use deadly force within one's home. As Assistant Attorney General Ann Rice said in her testimony, "This (bill) is an impenetrable morass of law." The bill would grant immunity from criminal prosecution. The term "criminal prosecution" as defined includes arresting, detaining in custody, charging or prosecuting a defendant. This bill would have a chilling effect on law enforcement, as well as state or county prosecutors. Furthermore, the bill grants immunity from a civil action. A person under this bill could, in using deadly force, injure an innocent third person. That innocent individual would be barred from seeking relief in the courts.

Vote 11-6.

Original: House Clerk
Cc: Committee Bill File

HB 567 relative to physical force in defense of a person.

ITL 11-6 RC

This bill would expand the "Castle Doctrine," the right to use deadly force within one's home. As Assistant Attorney General Ann Rice said in her testimony, "This (bill) is an impenetrable morass of law." The bill would grant immunity from criminal prosecution. The term "criminal prosecution" as defined includes arresting, detaining in custody, charging or prosecuting a defendant. This bill would have a chilling effect on law enforcement, as well as state or county prosecutors. Furthermore, the bill grants immunity from a civil action. A person under this bill could, in using deadly force, injure an innocent third person. That innocent individual would be barred from seeking relief in the courts.

Stephen Shurtleff

Rep. Elaine Swenford

COMMITTEE REPORT

COMMITTEE: Criminal Justice & Public Safety

BILL NUMBER: HB ~~2095~~ 567

TITLE: Relative to physical force in defense of a person.

DATE: March 9, 2011 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:

This bill would expand the "Castle Doctrine", the right to use deadly force within ones home. As ASST A.G. ANN rice said ^{in her testimony} "This (bill) is a ~~not~~ impenetrable morass of laws" The bill would grant immunity from criminal prosecution. The term "Criminal Prosecution" as defined ~~is~~ includes arresting, detaining in custody, charging or prosecuting a defendant. This bill would have a chilling effect on law enforcement, as well as state or county prosecutors. Furthermore, the bill grants immunity from a civil action. A person under this bill could, in using deadly force, ~~injure~~ injure an innocent third person. That innocent ^{individual} ~~person~~ would be barred from seeking relief in the courts.

COMMITTEE VOTE: 12-7 11-6

RESPECTFULLY SUBMITTED,

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

Rep. Steph J. Shurtleff
For the Committee

Rep. Elaine Searles