

Bill as Introduced

HB 210-FN - AS INTRODUCED

2011 SESSION

11-0602

04/09

HOUSE BILL

210-FN

AN ACT

relative to the use of deadly force to protect oneself.

SPONSORS:

Rep. Okerman, Rock 4; Rep. Hoell, Merr 13; Rep. Comtois, Belk 5; Rep. Malone, Belk 5; Sen. Bradley, Dist 3

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

This bill allows a person who is in any place where he or she has a right to be or reasonably believed he or she had a right to be to use deadly force to protect oneself.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the use of deadly force to protect oneself.

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

- 1 1 Physical Force in Defense of a Person. Amend RSA 627:4, III(a) to read as follows:
- 2 (a) Retreat from the encounter, except that he ***or she*** is not required to retreat if he ***or***
- 3 ***she*** is within his ***or her*** dwelling [œ], its curtilage, ***or in any place where he or she has a right***
- 4 ***to be or reasonably believed he or she had a right to be***, and was not the initial aggressor; or
- 5 2 Effective Date. This act shall take effect January 1, 2012.

LBAO
11-0602
01/14/11

HB 210-FN - FISCAL NOTE

AN ACT relative to the use of deadly force to protect oneself.

FISCAL IMPACT:

The Judicial Branch, the Judicial Council, Department of Corrections and the New Hampshire Association of Counties state this bill may decrease state and county expenditures by an indeterminable amount in FY 2012 and each year thereafter. The Department of Justice states this bill will have an indeterminable fiscal impact on state expenditures in FY 2012 and each year thereafter. There is no fiscal impact on local expenditures or state, county and local revenue.

METHODOLOGY:

The Judicial Branch states this bill amends RSA 627:4, III(a) to allow a person to use deadly force upon another to protect oneself if they are in any place where they have a right to be. The Branch states this bill could result in a decrease in costs to the Branch by removing any assault or homicide charge that would be classified as complex criminal and removing any felony offense for criminal threatening that would be classified as a routine felony. The Branch has no information to estimate how many cases will no longer be brought but does have estimated costs for processing a complex criminal case and a routine felony case. The Branch states a complex criminal case costs \$753.36 per case in FY 2012 and \$759.71 per case in FY 2013 and each year thereafter. A routine felony case costs \$394.13 in FY 2012 and \$399.33 in FY 2013 and each year thereafter. The Branch also states this bill could result in fewer appeals resulting in some cost decreases but has no information to determine the number of appeals that may not be made.

The Judicial Council states this bill may decrease expenditure of indigent defense funds by an indeterminable amount but has no information to determine how many indigent defense clients would not have been charged if this bill was in effect. Review of data shows there has not been significant amount of representation paid for these types of charges. The Council is able to provide information on the cost of misdemeanor and felony cases involving indigent defense clients. The Council states if an individual is found to be indigent, the flat fee of \$275 per misdemeanor or \$756.24 per felony is charged by a public defender or contract attorney. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$1,400 for a

misdeemeanor charge and \$4,100 for a felony charge. The Council also states additional costs could be incurred if an appeal is filed. The public defender, contract attorney and assigned counsel rates for Supreme Court appeals is \$2,000 per case, with many assigned counsel attorneys seeking permission to exceed the fee cap. Requests to exceed the fee cap are seldom granted. Finally, there are costs for services other than counsel when requested and approved by the court during the defense of a case or during an appeal.

The Department of Justice states this bill will have an indeterminable fiscal impact. The Department states it is not able to determine if expanding the situations in which the use of deadly force in self-defense is permissible will result in more individuals resorting to the use of deadly force, increasing homicides. If more homicides occur as a result of this bill the Department will have increased costs as the Department is responsible for overseeing the investigation of homicides and if the use of deadly force is not found to be justifiable the prosecution of the homicide case.

The Department of Corrections states it is not able to determine the fiscal impact of this bill because it does not have sufficient detail to predict the number of individuals who would be subject to this legislation and thus avoid incarceration in the State's prisons. The Department of Corrections states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2010 was \$32,492. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2010 was \$659.

The New Hampshire Association of Counties states to the extent less individuals are incarcerated in county facilities; county expenditures may decrease by an indeterminable amount. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000.

HB 210 FISCAL NOTE

AN ACT relative to the use of deadly force to protect oneself.

FISCAL IMPACT:

The Judicial Branch, the Judicial Council, Department of Corrections and the New Hampshire Association of Counties state this bill, as amended by the Senate (Amendment #2011-1780s), may decrease state and county expenditures by an indeterminable amount in FY 2012 and each year thereafter. The Department of Justice states this bill will have an indeterminable fiscal impact on state expenditures in FY 2012 and each year thereafter. There is no fiscal impact on local expenditures or state, county and local revenue.

METHODOLOGY:

The Judicial Branch states this bill amends RSA 627:4, III(a) to allow a person to use deadly force upon another to protect oneself if they are in any place where they have a right to be. The Branch states this bill could result in a decrease in costs to the Branch by removing any assault or homicide charge that would be classified as complex criminal and removing any felony offense for criminal threatening that would be classified as a routine felony. The Branch has no information to estimate how many cases will no longer be brought but does have estimated costs for processing a complex criminal case and a routine felony case. The Branch states a complex criminal case costs \$753.36 per case in FY 2012 and \$759.71 per case in FY 2013 and each year thereafter. A routine felony case costs \$394.13 in FY 2012 and \$399.33 in FY 2013 and each year thereafter. The Branch also states this bill could result in fewer appeals resulting in some cost decreases but has no information to determine the number of appeals that may not be made.

The Judicial Council states this bill may decrease expenditure of indigent defense funds by an indeterminable amount but has no information to determine how many indigent defense clients would not have been charged if this bill was in effect. Review of data shows there has not been significant amount of representation paid for these types of charges. The Council is able to provide information on the cost of misdemeanor and felony cases involving indigent defense clients. The Council states if an individual is found to be indigent, the flat fee of \$275 per misdemeanor or \$756.24 per felony is charged by a public defender or contract attorney. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$1,400 for a misdemeanor charge and \$4,100 for a felony charge. The Council also states additional costs could be incurred if an appeal is filed. The public defender, contract attorney and assigned

counsel rates for Supreme Court appeals is \$2,000 per case, with many assigned counsel attorneys seeking permission to exceed the fee cap. Requests to exceed the fee cap are seldom granted. Finally, there are costs for services other than counsel when requested and approved by the court during the defense of a case or during an appeal.

The Department of Justice states this bill will have an indeterminable fiscal impact. The Department states it is not able to determine if expanding the situations in which the use of deadly force in self-defense is permissible will result in more individuals resorting to the use of deadly force, increasing homicides. If more homicides occur as a result of this bill the Department will have increased costs as the Department is responsible for overseeing the investigation of homicides and if the use of deadly force is not found to be justifiable the prosecution of the homicide case.

The Department of Corrections states it is not able to determine the fiscal impact of this bill because it does not have sufficient detail to predict the number of individuals who would be subject to this legislation and thus avoid incarceration in the State's prisons. The Department of Corrections states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2010 was \$32,492. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2010 was \$659.

The New Hampshire Association of Counties states to the extent less individuals are incarcerated in county facilities; county expenditures may decrease by an indeterminable amount. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000.

Amendments

Draft Amendment to HB 210-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to the use of deadly force upon another person.
4

5 Amend the bill by replacing all after the enacting clause with the following:

6
7 1 Physical Force in Defense of a Person. RSA 627:4, II is repealed and reenacted to read as
8 follows:

9 II. An actor is justified in using deadly force upon another person when:

10 (a) He or she is not the initial aggressor; and

11 (b) He or she is in a place he or she has a right to be or reasonably believes that he or
12 she has a right to be; and

13 (c) He or she reasonably believes that another person:

14 (1) Is about to use unlawful deadly force; or

15 (2) Is attempting to commit burglary; or

16 (3) Is attempting to commit kidnapping or a forcible sex offense; or

17 (4) Is likely to use any unlawful force in the commission of a felony against the actor
18 within the actor's dwelling or curtilage.

19 2 Effective Date. This act shall take effect 60 days after its passage.

Draft Amendment to HB 210-FN

- Page 2 -

2011-1428s

AMENDED ANALYSIS

This bill revises the circumstances in which a person is justified in using deadly force upon another person.



Amendment to HB 210-FN

1 Amend the bill by replacing section 1 with the following:

2

3 1 Physical Force in Defense of a Person. Amend RSA 627:4, III to read as follows:

4 III. A person is not justified in using deadly force on another to defend himself, *herself*, or a
5 third person from deadly force by the other if he *or she* knows that he *or she* and the third person
6 can, with complete safety:

7 (a) Retreat from the encounter, except that he *or she* is not required to retreat if he *or*
8 *she* is within his *or her* dwelling [~~or~~], its curtilage, *or in any place where he or she has a right*
9 *to be*, and was not the initial aggressor; or

10 (b) Surrender property to a person asserting a claim of right thereto; or

11 (c) Comply with a demand that he *or she* abstain from performing an act which he *or*
12 *she* is not obliged to perform; nor is the use of deadly force justifiable when, with the purpose of
13 causing death or serious bodily harm, the actor has provoked the use of force against himself *or*
14 *herself* in the same encounter.

15 (d) If he *or she* is a law enforcement officer or a private person assisting [~~him~~] *a law*
16 *enforcement officer* at [~~his~~] *the law enforcement officer's* direction and was acting pursuant to
17 RSA 627:5, he *or she* need not retreat.

Amendment to HB 210-FN
- Page 2 -



2011-1780s

AMENDED ANALYSIS

This bill allows a person who is in any place where he or she has a right to be to use deadly force to protect oneself or a third person.

Committee Minutes

SENATE CALENDAR NOTICE

JUDICIARY

Senator Matthew Houde Chairman
 Senator Sharon Carson V Chairman
 Senator Fenton Groen
 Senator Jim Luther

For Use by Senate Clerk's
 Office ONLY

☐ Bill Status

☐ Docket

☐ Calendar

Proof: ☐ Calendar ☐ Bill Status

Date: March 30, 2011

HEARINGS

Thursday

4/7/2011

JUDICIARY

LOB 101

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM HB572-FN

relative to official oppression.

1:15 PM HB210-FN

relative to the use of deadly force to protect oneself.

1:30 PM HB378-FN

(New Title) inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of "non-deadly" force.

1:45 PM HB524-FN

(New Title) relative to the release of prisoners on probation or parole.

Sponsors:

HB572-FN

Rep. Daniel Itse

Rep. Paul Ingbreton

Rep. Dan McGuire

Sen. John Barnes, Jr.

HB210-FN

Rep. Richard Okerman

Rep. J.R. Hoell

Rep. Guy Comtois

Rep. Robert Malone

Sen. Jeb Bradley

HB378-FN

Rep. Betsey Patten

Sen. Jeanie Forrester

Rep. David Welch

Rep. Dennis Fields

Rep. Franklin Sterling

Rep. J. David Knox

HB524-FN

Rep. Jennifer Coffey

Rep. Gene Chandler

Rep. William O'Brien

Rep. Alfred Baldasaro

Rep. Elaine Swinford

Sen. Peter Bragdon

Sen. Sharon Carson

Susan Duncan 271-8631

Sen. Matthew Houde

Chairman

Judiciary Committee

Hearing Report

TO: Members of the Senate

FROM: Susan Duncan, Senior Legislative Aide

RE: Hearing report on HB 210-FN – relative to the use of deadly force to protect oneself.

HEARING DATE: April 7, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senators Houde, Carson, Groen and Luther

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Representatives Okerman, Hoell, Comtois, Malone and Senator Bradley

What the bill does: This bill allows a person who is in any place where he or she has a right to be or reasonably believed he or she had a right to be to use deadly force to protect oneself.

Who supports the bill: Representatives Okerman; Ken Kreis; Gagne; Sorg; Tasker; DeLemus; Cunningham; Baldasaro; Cunningham; Chris Leone; Peter Bearse; Itse; James E. Wheeler for NH Firearms Coalition; Executive Councilor David Wheeler, District 5; Keith Carlsen; Ralph Demicco for Gun Owners of NH; John Hohenwarter on behalf of the National Rifle Association; Attorney Penny Dean;

Who opposes the bill: Chris Dornin; Franklin Police Chief David Goldstein on behalf of the NH Chiefs of Police; Claire Ebel, NHCLU; Andrew Shagoury on behalf of the NH Chiefs of Police; Attorney Ann Rice, Dept. of Justice; Timothy Chrysoston;

Summary of testimony received:

- **Senator Houde** opened the hearing at 2:35 p.m.
- **Representative Okerman** introduced the legislation and explained that he crafted this after SB 318 which was vetoed by Governor Lynch. He explained that many violent crimes take place outside the home, which is protected. This legislation provides that targeted victims will not be required to turn their backs and retreat.

- He noted that statistics show that violent crimes occur every 30 seconds and that armed citizens make very good decisions.
- **Representative DeLemus** appeared in support as a certified pistol instructor with the NRA. She said that this is not a sport – it's about personal protection and talked about how much safer she feels when walking to the parking lot now that she is armed.
- **Andrew Shagoury** testified in opposition and noted that the present law works just fine. He remarked that all of the examples are covered under current statute and noted that an individual is not required to retreat if it is not safe to do so. He noted that "if it ain't broke, then don't fix it" – and said that we have heard nothing that would indicate that people are being inappropriately charged.
- **Senator Luther** noted that his examples are ideal and asked about people when the attacker has advanced. Mr. Shagoury responded that under the present law, if you cannot safely retreat, then you are not required to do so. He said he is concerned that this bill removes that obligation, even if you could have safely retreated.
- **John Hohenwarter** testified in support and noted that this is based on a similar bill just voted on last week – and that it involves the Castle Doctrine. He remarked that Florida started beefing up their laws in 2005 and since then, 25 other states have followed suit. He said that the big part is in changing the duty to retreat. He talked of how important self-defense is and that we should not have people have to defend themselves (in court) for having defended themselves. Regarding response times from law enforcement, he said that 25% of the time, police respond within 5 minutes; 50% of the time, within 11 minutes; and 3 to 4% of the time within one day. He said that this comes down to you are responsible for defending yourself.
- **Claire Ebel** testified in opposition and said that she is concerned with issues and creating a rebuttable presumption would solve the issue because then you could not be charged. She had concerns that this would return us to a "Twenty-first Century" Wild West – and noted that even in the prior wild west, you had to check your gun with the bartender when you came to town. She noted a well publicized case where an individual shot an individual who assaulted a police officer with his vehicle – and this man was not charged. He said that these charges are not levied lightly. She urged the Committee to please use caution in considering this legislation.
- **Ralph Demicco** testified in support and asked why his life would be worth less in a parking lot than it would be in his home. He said that if he is confronted, he will defend himself.
- **Keith Carlsen** testified in support and said that he has 8 years of military experience – and noted that some of our towns in New Hampshire don't have local police officers. He noted for the record that he also is in support of **HB 378** which we will be hearing.

- **James Wheeler** on behalf of the NH Firearms Coalition testified in support. He said that people should not be worried about whether they are able to retreat (or not) – or have to defend their actions in a courtroom. He noted that it is a very ticklish situation in making the determination as to whether one can or cannot retreat. He commented about materials issues of fact in a case as how one would have to make the determination as to whether or not to retreat. He took exception to Ms. Ebel's characterization of her "shoot anywhere at any time."
- **Representative Baldasaro** testified in support and reminded folks that the police officers show up after the fact and noted that we have to protect ourselves in today's society. He said that enacting this legislation would save our court system time and resources because poor innocent people would not have to protect themselves.
- **Chris Dornin** chose not to testify but merely echoed Ms. Ebel's remarks.
- **Attorney Ann Rice** appeared in opposition. He explained that our self-defense laws are very delicately balanced statutes. She said that the sanctity of the home is carved out. Regarding the comment that one's life is less valuable in public than at home, she noted that in public there are others present – and we have to balance their safety and protection with our own. She said that this is why these laws are balanced because there are innocent people present when not in the home.
- **Attorney Penny Dean** appeared in support. She explained that the vast majority of her practice is on self-defense and firearms-related litigation and said that this does not begin to be strong enough. She told of a story in Milford where a man was on his front porch and ended up enduring a long trial and situation that went on for two years which ended up with his losing his job. He commented, upon being found innocent, what could he do to get his reputation back. He was acquitted on every charge that had been brought against him. She remarked that the judge has to make a determination as to whether you get to use this defense (or not).
- **Timothy Chrysostom** testified in opposition and explained that this law only applies to someone who can retreat in complete safety. He noted that the Legislature wisely decided to say that innocent citizens are protected from being shot.
- **Senator Carson** closed the hearing at 2:13 p.m.

Funding: See Fiscal Note

Future Action: The Committee took the bill under advisement.

sfd

[file: HB 0210-FN report]

Date: April 8, 2011

Speakers

SENATE JUDICIARY COMMITTEE

Date: April 7, 2011

Time: 1:15 p.m. Public Hearing on

HB 210-FN - relative to the use of deadly force to protect oneself.

Please check box(es) that apply:

Please check if

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ken Krass	MEMR. 6
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	James F. Wheeler	NH Firearms Coaliti.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	David Wheeler	Exec Comm Dist 5
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Keith Carlson	Self
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kyle J. Tasker	Rock 1
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fanny Inge	HILLSBOROUGH 13
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	REP GREG SORL	GRAF 3
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CHRIS DORNIN	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	David B. Goldstein	NH Police Chiefs' Assn
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ralph Demicco	GONH
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHN HOHENWARTER	NRA
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep Richard O'Keefe	Rock 4
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	James C. Carter	Rock 9
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Claire Ebel	NHCLL
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Andrew Shagoury	NH Chiefs of Police
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep Susan DeLemus	Rochester, Dist #1 Strafford
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Athy Rice	AG
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

SENATE JUDICIARY COMMITTEE

Date: April 7, 2011

Time: 1:15 p.m. Public Hearing on

HB 210-FN - relative to the use of deadly force to protect oneself.

Please check box(es) that apply:

Please check if

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

[illegible]

SENATE JUDICIARY COMMITTEE

Date: April 7, 2011

Time: 1:15 p.m. Public Hearing on

HB 210-FN - relative to the use of deadly force to protect oneself.

Please check box(es) that apply:

Please check if

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

☒☒☐

Amend Penny Dean

Self

☐☐

SENATE JUDICIARY COMMITTEE

Date: April 7, 2011

Time: 1:15 p.m. Public Hearing on

HB 210-FN - relative to the use of deadly force to protect oneself.

Please check box(es) that apply:

Please check if

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

[illegible]

Testimony

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



April 5, 2011

The Honorable Matthew S. Houde, Chairman
Senate Judiciary Committee
Legislative Office Building Room 101
Concord, NH 03301

Re: House Bill 210; Relative to the Use of Deadly Force to Protect Oneself

Dear Senator Houde:

I am writing on behalf of Attorney General Delaney in opposition to House Bill 210. This bill would eliminate the duty to retreat before using deadly force in self-defense, provided retreat could be accomplished with complete safety, when a person is in any place where he or she has a right to be.

As I testified previously relative to Senate Bill 88, we believe that the duty to retreat is an important component of the law regarding the use of deadly force. It achieves a careful balance between a person's right to defend oneself and the public policy that deadly force should be used only as a last resort.

I understand that your committee rejected that argument by its passage of Senate Bill 88. However, I believe that it is important to formally voice our continued concerns with this type of legislation.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann M. Rice", written over a large, stylized circular flourish.

Ann M. Rice
Associate Attorney General
Division of Public Protection
(603) 271-3671



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400

John Hohenwarter
State Liaison

Memorandum of Support

Date: April 11, 2011
To: Honorable Members of the Senate Judiciary Committee
From: John Hohenwarter
RE: House Bill 210

On behalf of the National Rifle Association, I would like to express our support for House Bill 210 (Okerman-R); an act relative to the use of deadly force to protect oneself.

In the face of unlawful attack, law-abiding citizens should not be forced to retreat or run from a place they have a right to be. It is unreasonable that victims of crime should have to worry about being arrested or prosecuted if they are required to use force to defend themselves or their family. Any victim should be able to presume that an unlawful attacker or forcible intruder is there for the purpose of doing harm.

House Bill 210 will restore an individual's right to protect self and family. This measure will reinstate the law prior to the time when criminal-coddling judges and law-makers started putting the rights of criminals before the rights of the law-abiding.

Courts have consistently ruled that law enforcement cannot protect and are not required to protect every individual. For example, in the case of *Warrant vs. D.C.* the court stated:

"Courts have without exception concluded that when a municipality or other governmental entity undertakes to provide police services, it assumes a duty only to the public at large and not to individual members of the community"

New Hampshire citizens, gun owners and sportsmen hope that you will support this important piece of legislation. Please feel free to contact me at 703-267-1208 if you have additional questions or concerns. Thank you for your cooperation in this matter.



New Hampshire Firearms Coalition

NH's Only No-Compromise Gun Rights Organization

April 7, 2011

Dear Senator,

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 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 Senate with the Recommendation of an OTP.

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

Sincerely,

Jonathan R. Evans, Esq.
President, NHFC

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: January 27, 2012

THE COMMITTEE ON Judiciary
to which was referred House Bill 210-FN

AN ACT relative to the use of deadly force to protect oneself.

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

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 4 - 0

AMENDMENT # s

Senator Fenton Groen
For the Committee

Susan Duncan 271-8631

New Hampshire General Court - Bill Status System

Docket of HB210

Docket Abbreviations

Bill Title: relative to the use of deadly force to protect oneself.*Official Docket of HB210:*

Date	Body	Description
1/19/2011	H	Introduced 1/6/2011 and Referred to Criminal Justice and Public Safety; HJ 11 , PG. 177
2/16/2011	H	Public Hearing: 3/3/2011 10:01 AM LOB 204
3/2/2011	H	Executive Session: 3/9/2011 10:00 AM LOB 204
3/10/2011	H	Committee Report: Ought to Pass for Mar 15 (Vote 9-8; RC); HC 22 , PG.548
3/15/2011	H	Ought to Pass: MA RC 270-92 ; HJ 26 , PG.762-764
3/23/2011	S	Introduced and Referred to Judiciary; SJ 11 , Pg.191
3/31/2011	S	Hearing: 4/7/11, Room 101, LOB, 1:15 p.m.; SC18
5/5/2011	S	Committee Report: Ought to Pass with Amendment #2011-1780s , 5/11/11; SC23
5/11/2011	S	Committee Amendment 1780s, AA, VV; SJ 16 , Pg.333
5/11/2011	S	Ought to Pass with Amendment 1780s, MF, VV; SJ 16 , Pg.333
5/11/2011	S	Sen. Luther moved to Rereferred to Committee, MA, VV; SJ 16 , Pg.333
1/27/2012	S	Committee Report: Referred to Interim Study, 2/8/12; SC6
2/8/2012	S	Refer to Interim Study, MA, VV; SJ 4 , Pg.112

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

____ ORIGINAL REFERRAL

____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE 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

☒ HEARING REPORT

☒ HANDOUTS FROM THE PUBLIC HEARING

____ PREPARED TESTIMONY AND OTHER SUBMISSIONS

____ SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

☒ - AMENDMENT # 14285

☒ - AMENDMENT # ~~14285~~

☒ - AMENDMENT # 17805

____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

☒ AS INTRODUCED

____ AS AMENDED BY THE HOUSE

____ FINAL VERSION

____ AS AMENDED BY THE SENATE

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): amended fiscal note

DATE DELIVERED TO SENATE CLERK

6/14/12

Susan Pliska
BY COMMITTEE AIDE