

LEGISLATIVE COMMITTEE MINUTES

HB403

Bill as
Introduced

HB 403-FN - AS INTRODUCED

2015 SESSION

15-0075
01/09

HOUSE BILL

403-FN

AN ACT

repealing the law relative to providing certain parameters for access to reproductive health care facilities.

SPONSORS:

Rep. Souza, Hills 43; Rep. Kappler, Rock 3; Rep. Notter, Hills 21; Rep. Gould, Hills 7; Rep. Groen, Straf 10; Rep. Hoell, Merr 23; Rep. Cordelli, Carr 4; Rep. Itse, Rock 10; Rep. Baldasaro, Rock 5; Rep. Wuelper, Straf 3; Sen. Birdsell, Dist 19; Sen. Daniels, Dist 11; Sen. Avard, Dist 12; Sen. Cataldo, Dist 6; Sen. Carson, Dist 14

COMMITTEE:

Judiciary

ANALYSIS

This bill repeals the law relative to providing certain parameters for access to reproductive health care facilities.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT repealing the law relative to providing certain parameters for access to reproductive health care facilities.

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

1 1 Statement of Findings and Purpose.

2 I. The general court hereby finds that:

3 (a) The exercise of a person's right to free speech is a First Amendment activity, the
4 protection of which is paramount.

5 (b) RSA 132:37 through RSA 132:40 (2014, 81) was based on a similar Massachusetts
6 statute, Mass. Gen. Laws, ch. 266 section 120E ½.

7 (c) On June 26, 2014 the United States Supreme Court unanimously struck down as
8 unconstitutional the Massachusetts statute in the case of *McCullen v. Coakley*, 134 S. Ct. 2518.

9 (d) On July 9, 2014, the United States District Court for the District of New Hampshire
10 held in the case of *Sister Mary Rose Reddy v. Foster*, Docket 14-cv-00299-JL that RSA 132:37 through
11 RSA132:40 "is materially indistinguishable from the Massachusetts statute that the Supreme Court
12 invalidated in *McCullen v. Coakley*."

13 II. Therefore, the general court hereby repeals RSA 132:37 through RSA 132:40 because if
14 left as law, this statute will cause the state of New Hampshire to expend considerable sums
15 defending a law which the United States Supreme Court unanimously found unconstitutional.

16 2 Repeal. RSA 132:37-132:40, relative to providing certain parameters for access to reproductive
17 health care facilities, are repealed.

18 3 Effective Date. This act shall take effect upon its passage.

HB 403-FN - FISCAL NOTE

AN ACT repealing the law relative to providing certain parameters for access to reproductive health care facilities.

FISCAL IMPACT:

The Judicial Branch, the Department of Justice, and the Association of Counties state this bill, as introduced, will reduce state revenue and state and county expenditures by an indeterminable amount in FY 2015 and each year thereafter. There will be no fiscal impact on county and local revenue, or local expenditures.

METHODOLOGY:

The Department of Justice states this bill would repeal RSA 132:37 through 132:40 relative to certain parameters for access to reproductive health care facilities. The Department is involved in litigation defending the current law in Federal Court. The Department states this bill would likely result in dismissal of the lawsuit and the time currently being spent on the case would cease. As of January 1, 2015, the Department has spent 190 hours defending the case. The Department states the fiscal impact is indeterminable since it is difficult to determine the fiscal impact of the ongoing lawsuit, and difficult to determine what the fiscal impact will be in future years.

The Judicial Branch states the potential fiscal impact to the Judicial Branch is in the elimination of the enforcement section in RSA 132:39 which makes violation of the current statute a violation level offense. In addition, it authorizes the attorney general or county attorney to bring an action for injunctive relief to prevent further violation. The potential fiscal impact to the Branch is in the potential savings from the repeal of possible violation level offenses and injunction actions in the superior court.

The Branch has no information on which to estimate how many fewer violation level offenses will result from the proposed bill. The Branch does have information on the average cost of processing such cases. The estimated average cost of a violation level offense in the district division of the circuit court will be \$46.86 in FY 2016, and \$49.01 in FY 2017. Regarding injunction actions, the Branch has no information on how many injunctions would not be filed in the superior court as a result of the bill. The estimated average cost of an injunction (classified as a complex equity case) in the superior court will be \$699.40 in FY 2016, and

\$712.35 in FY 2017. These average costs do not consider the cost of any appeals that may be taken following trial. It should be noted the average case cost estimates for FY 2016 and FY 2017 are based on data that is more than nine years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.

The New Hampshire Association of Counties states this bill could reduce expenditures for prosecution and incarceration at the county level. The Association is not able to estimate the fiscal impact, but states the statewide average cost to incarcerate an individual in a county facility is about \$35,000.

Amendments



Amendment to HB 403-FN

NOT ADOPTED

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

2
3 AN ACT relative to interference with health services or religious worship and repealing the
4 current law relative to providing certain parameters for access to reproductive
5 health care facilities
6

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

8
9 I New Subdivision; Interference with Health Services or Religious Worship. Amend RSA 132 by
10 inserting after section 40 the following new subdivision:

11 Interference with Health Services or Religious Worship

12 132:41 Definitions. In this subdivision:

13 I. "Health care facility" means a hospital, clinic, physician's office, or other facility licensed
14 under RSA 151 that provides reproductive health services, and includes the building or structure in
15 which the facility is located.

16 II. "Interferes with" means to restrict a person's freedom of movement.

17 III. "Intimidates" means to place a person in reasonable apprehension of physical injury to
18 himself or herself or to another person.

19 IV. "Physical obstruction" means rendering impassable ingress to or egress from a facility
20 that provides reproductive health services or to or from a place of religious worship, or rendering
21 passage to or from such a facility or place of religious worship unreasonably difficult or hazardous.

22 V. "Reproductive health services" means health care services provided in a hospital, clinic,
23 physician's office, or other facility and includes medical, surgical, counseling, or referral services
24 relating to the human reproductive system, including services relating to pregnancy or the
25 termination of a pregnancy.

26 132:42 Interference with Health Services or Religious Worship.

27 I. A person is guilty of criminal interference with health services or religious worship under
28 this subdivision when:

29 (a) By force or threat of force or by physical obstruction, he or she intentionally injures,
30 intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person
31 because such other person was or is obtaining or providing reproductive health services.

32 (b) By force or threat of force or by physical obstruction, he or she intentionally injures,



Amendment to HB 403-FN

- Page 2 -

1 intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person in
2 order to discourage such other person or any other person or persons from obtaining or providing
3 reproductive health services.

4 (c) By force or threat of force or by physical obstruction, he or she intentionally injures,
5 intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person
6 because such person was or is seeking to exercise the right of religious freedom at a place of religious
7 worship.

8 (d) He or she intentionally damages the property of a health care facility, or attempts to
9 do so, because such facility provides reproductive health services, or intentionally damages the
10 property of a place of religious worship.

11 II. A parent or legal guardian of a minor shall not be subject to prosecution for conduct
12 otherwise prohibited by subparagraph I (a) or (b) which is directed exclusively at such minor.

13 132:43 Enforcement. Any person who violates the provisions of this subdivision shall be guilty
14 of a class A misdemeanor.



2015-0397h

AMENDED ANALYSIS

This bill makes it a class A misdemeanor to interfere with persons obtaining or providing reproductive health care services. This bill repeals the current law relative to providing certain parameters for access to reproductive health care facilities.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 403-FN Date Feb. 10, 2015

Committee Judiciary

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one)	
				Pro	Con
HON. L. MIKE KAPPLER			Rock Hill	<input checked="" type="checkbox"/>	
Sen. Regma Bordsell			SD# 19	<input checked="" type="checkbox"/>	
Sen. Sharon Carson			SD# 14	<input checked="" type="checkbox"/>	
REP JOHN POTUCKER			Rock GERRY	<input checked="" type="checkbox"/>	
Rep Susan DeLemus		Dist 11 Rock 4		<input checked="" type="checkbox"/>	
House Majority Office				<input checked="" type="checkbox"/>	
Rep Hoell			Merc 23	<input checked="" type="checkbox"/>	
Rep Tammy Simmons			Hills 17	<input checked="" type="checkbox"/>	
Den Gerthweite	142 Parker St	8580376	Manchester	<input checked="" type="checkbox"/>	
REP WARREN GORN				<input checked="" type="checkbox"/>	
Rep Victoria Griffin			griffin 12		<input checked="" type="checkbox"/>
Rep Carl Spidel			Hills 28	<input checked="" type="checkbox"/>	
Sen. Kevin Award			SD# 12		<input checked="" type="checkbox"/>
Sen. Kevin Award			SD# 12	<input checked="" type="checkbox"/>	
Lauren Benker	19 Maple St	603-475-4910	self		<input checked="" type="checkbox"/>
Lindsay Jensen	19 low Ave	Concord 387-6731	NARAL		<input checked="" type="checkbox"/>
Rep Timothy Twombly			Melrose Hills 34	<input checked="" type="checkbox"/>	
Emily Dickman	315 South St	Concord	self		<input checked="" type="checkbox"/>
Tracie Cormier	507 W River		Hooksett	<input checked="" type="checkbox"/>	
Catherine Martinez	60 Greenview Dr		Manchester	<input checked="" type="checkbox"/>	
Rep Al Baldasaro			Rock - Hill 5	<input checked="" type="checkbox"/>	
Rep Edith Hogan			Hills 34	<input checked="" type="checkbox"/>	

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 403-FN

BILL TITLE: repealing the law relative to providing certain parameters for access to reproductive health care facilities.

DATE: February 10, 2015

LOB ROOM: 205 **Time Public Hearing Called to Order:** 1:13 pm
Hearing Recessed: 2:04 pm
Hearing Reconvened: 2:30 pm
Time Adjourned: 5:05 pm

(please circle if present)

Committee Members: Reps. Bow, Hagan, Hopper, Sylvia, Takesian, Parsons, Palmer, Estevez, Hull, McLean, Rouillard, Wuelper, Wall, Horrigan, Berch, Heffron, Phillips, Woodbury, Wheeler and Kenison.

Bill Sponsors: Rep. Souza, Hills 43; Rep. Kappler, Rock 3; Rep. Notter, Hills 21; Rep. Gould, Hills 7; Rep. Groen, Straf 10; Rep. Hoell, Merr 23; Rep. Cordelli, Carr 4; Rep. Itse, Rock 10; Rep. Baldasaro, Rock 5; Rep. Wuelper, Straf 3; Sen. Birdsell, Dist 19; Sen. Daniels, Dist 11; Sen. Avard, Dist 12; Sen. Cataldo, Dist 6; Sen. Carson, Dist 14.

TESTIMONY

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

***Rep. Souza, prime sponsor**, introduced the bill to the committee.

- Since the Massachusetts' law was struck down, she believes New Hampshire's should be as well; the court is waiting to hear from the legislature.

Sen. Donna Soucy - oppose

- People all threatened and feel frightened at the Manchester clinic
- The New Hampshire law says the buffer is "up to 25 feet" and differs from the Massachusetts' law that was over-turned
- Our law is much more narrower
- New Hampshire has other laws for buffering in other circumstances
- Our law enhances public safety while allowing freedom of speech
- The problems do not happen every day, but they do happen
- Manchester Police Department testified in favor of the "buffer bill" last year

Rep. Baldasaro - support

Bill "protects constitutional freedom of speech". Election law prohibits electioneering close to polls. We should never, ever, especially in a state like New Hampshire shut down any protests.

***Jennifer Frizzell, Planned Parenthood of Northern New England - oppose**

- Brought over 60 patient complaints to our committee last year
- This bill last year was a solution to a real problem
- 10 or 11 states have perimeter laws to balance the rights of patients and protester
- For almost a year they had an officer on site to protect patients
- No changes were filed, but protesters were advised and managed

Rep. Dan Itse – support

As the law stands that our law is questionable re the FN, there is currently litigation defending the current law in Federal Court. He believes this law is indistinguishable from Massachusetts law

***Rep. Hoell – support *will provide written testimony later**

The current law violates the constitution. This bill is needed and must pass.

***Rep. Notter - support**

Submitted written testimony. After knowing there is a lawsuit, doesn't believe we could turn down this bill.

***Sarah Koski, Political Director, Cornerstone Policy Research and Action – support**

Submitted written testimony.

***Stephen Fournier, Atkinson, NH, representing self – support**

Manchester passed an ordinance not to stand on sidewalk; believes current law is unconstitutional. Submitted written testimony???

Fran Hynes, Windham, NH, representing self – support

The shovels and plows at Planned Parenthood and folks can actually walk down private driveway; misinformation given a year ago; if Planned Parenthood shoveled, would allow access

Catherine Kelley, Auburn, NH, representing self – support

People ask her for money for abortions and if Planned Parenthood is getting enough money; why do they go to her?

***Jen Robidoux, Windham, NH, representing self – support**

She is a "sidewalk councilor" and is always respectful of clients. Submitted written testimony.

Kathleen Havstrom, Concord, NH, representing self – support

Respectfully submitted,



Rep. Janet G. Wall, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 403-FN

BILL TITLE: repealing the law relative to providing certain parameters for access to reproductive health care facilities.

DATE: *February 10, 2015*

LOB ROOM: ~~208~~ 205 Time Public Hearing Called to Order: *1:13 p.m.*

Time Adjourned: *recessed 2:04 p.m.*

reconvened @ 2:30pm

(please circle if present)

Committee Members: Reps. Rowe, Hagan, Hopper, Sylvia, Takesian, Parsons, Palmer, Estevez, Hull, McLean, Rouillard, Wuelper, Wall, Horrigan, Berch, Heffron, Phillips, Woodbury, Wheeler and Kenison

Bill Sponsors: Rep. Souza, Hills 43; Rep. Kappler, Rock 3; Rep. Notter, Hills 21; Rep. Gould, Hills 7; Rep. Groen, Straf 10; Rep. Hoell, Merr 23; Rep. Cordelli, Carr 4; Rep. Itse, Rock 10; Rep. Baldasaro, Rock 5; Rep. Wuelper, Straf 3; Sen. Birdsell, Dist 19; Sen. Daniels, Dist 11; Sen. Avard, Dist 12; Sen. Cataldo, Dist 6; Sen. Carson, Dist 14

TESTIMONY

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

* Rep. Souza, Prime-Supports - written (several pages) -

- since the Massachusetts law was struck down, she believes NH's should be as well; the court is waiting to hear from the ^{Legislature}

Sen. Donna Soucy, opposed -

- people are threatened + feel frightened at the Manchester Clinic
- the NH law says the buffer is "up to 25 feet" + differs from the Massachusetts law that was over-turned

- our law is much more narrower

- NH has other laws for buffering in other circumstances

- our law enhances public safety while allowing freedom of

- the problems don't happen every day, but ^{such} they do happen

- Manchester Police Dept. testified in favor of the "buffer bill" last year -

(cont'd) →

Rep. Al Baldassaro - supports -

bill "protects constitutional freedom of speech"
election law prohibits electioneering close to polls
we should never, we especially in a state like NH shut down any
protects

②
① Jennifer Freytag - Planned Parenthood of Northern New England - opposed - written

- brought over 100 patient complaints to our committee last year -
- this bill last year was a solution to a real problem
- 10 or 11 states have paramedic laws to balance the rights
of patients and protesters
∴ - for almost a year they had an office on site to protect patients
- no charges were filed, but protesters were advised and managed

Rep. Dan O'Rourke - supports

as the law stands that our law is questionable
in the FN, there is currently litigation depending the ~~the~~ current law in
Federal Court
believes this law is indistinguishable from Massachusetts law

② Rep. Hecell - supports - written (will provide later)

1,
The current law violates the constitution
this bill is needed + must pass -

③
② Rep. J. Notter - supports - written

after knowing there is a lawsuit, doesn't believe we could turn
down this bill

④ Sarah Koski - Cornerstone Policy Research + Action - supports - written

⑤ Stephen Fournier - self - Atkinson - supports - written

1,
Manchester passed an ordinance not to stand on sidewalk
believes current law is unconstitutional -

⑥ Meredith Cook - Diocese of Manchester - written
not testifying

Francis Hayes - supports (self) -

- he shovels + plows at Planned Parenthood + folks can actually walk
down private driveway
- misinformative given a year ago
- if Planned Parenthood shoveled, would allow

Catharine Kelly - (Amherst) - supports

people ask her for ^{money for} abortions + if Planned Parenthood is getting
enough \$, why do they go to her?

↳ Jen Robinson - written supports -

she is a "sidewalk counselor" + is always respectful of clients

Kathleen Harstrom - supports -

Testimony

February 10, 2015

The Hon. Robert Rowe, Chairman, and
Members, House Committee on the Judiciary

Dear Chairman Rowe and Members:

"Held: The Massachusetts Act violates the First Amendment" – Eleanor McCullen et al, v. Martha Coakley, Attorney General of Massachusetts, et al.

Recently, the Supreme Court unanimously struck down the Massachusetts "buffer zone" law, citing: "...the Massachusetts Act regulates access to 'public ways' and 'sidewalks,' Such areas occupy a 'special position in terms of First Amendment protection' because of their historic role as sites for discussion and debate..."

Last spring, the New Hampshire legislature passed a buffer zone bill closely resembling this Massachusetts law struck down by the U. S. Supreme Court's 9-0 decision. The House Judiciary Committee had reported this bill out "ought to pass," after a very lengthy hearing, focused on the activity at one Planned Parenthood clinic in Manchester. Some inaccurate information was presented at this hearing, which may have led to passage of the N. H. statute, and, which clarified, may lead to its repeal. For example: Photographs of people sitting down and blocking an abortion clinic entrance were cited. Upon inspection, the photographs had been taken by the pro-life contingent present at the clinic to counsel, group photos for their own website, pictures of people standing in front of the clinic – smiling in solidarity - not blocking access – while the only individuals seated were one adult in a wheelchair and one toddler on a tricycle! Testimony alluded to violence and intimidation. Although the clinic has cameras covering the entire area in question, no evidence was presented to support these suggestions.. In fact, when I met with the Manchester chief of police and his lieutenant, no instances of infractions by pro-lifers were able to be recalled! The Manchester police department has since supplied me with the attached 2014 "calls for service" report for the Planned Parenthood on Penacook St. They include: alarm activation, forgeries, sexual assault, parking complaints, and accident; nothing remotely resembling anything to do with the proliferators on the sidewalk!

N. H.'s bill was signed into law, but never put to use. The U. S. Supreme Court's decision, 9-0., gives us the very important impetus to strike this law from our books: it flies in the face of their recent decision and our own Constitution as an abridgement of our first amendment rights, including the use of our sidewalks. . Speaking to the use of sidewalks, the Court stated: "These places – which we have labeled 'traditional public fora' – have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions." And "the buffer zones impose serious burdens on petitioners' speech.....the zones thereby compromise petitioners' ability to initiate the close, personal conversations that they view as essential to 'sidewalk counseling.'"

That the "Live free or Die" State should have a law abridging these rights is a blight on our legislative history and one we should want to correct. (The N. H. Constitution, Art. 22, says "Free speech and liberty of the press are essential to the security of freedom in a state: They ought, therefore, to be inviolably preserved.")

What is the current situation regarding our buffer zone law? Scheduled to go into effect last July, it has been stayed by order of Judge Joseph Laplant, following suit in U.S. District Court filed by a group of

New Hampshire citizens. These citizens, stating that the N.H. law is virtually identical to the Massachusetts law, is asking for it to be similarly struck down. The Court is requiring updates every sixty days including information as to the bill before us, HB403. If HB403 becomes law, the plaintiffs in the case will withdraw and N.H. citizens and the State will be spared much time and expense. I hope we can agree that both the protection of our First Amendment Rights and the practical considerations are sufficient reasons to want to pass HB403.

Thank you.

Kathleen Souza, Hill. 43



Manchester Police Department

CALL REPORT

Calls for Service at Planned Parenthood, 24 Pennacook St - 2014



CAD # Case # Agency	Call Date Call Time Call Day	Source	Nature	Disposition	District Beat	Address
14005115 N.A. MPD	2014/01/17 17:36 6 - FRI.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1	24 PENNACOOK ST, MANCHESTER, NH 03104 (PLANNED PARENTHOOD)
14024486 14004076 MPD	2014/03/19 18:02 4 - WED.	WALK-IN	FORG - FORGERIES	UCR 101 TO BE TURNED IN	DISTRICT 2 BEAT 2-1	24 PENNACOOK ST, MANCHESTER, NH 03104 (PLANNED PARENTHOOD)
14051544 N.A. MPD	2014/06/05 16:58 5 - THU.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1	24 PENNACOOK ST, MANCHESTER, NH 03104 (PLANNED PARENTHOOD)
14062116 N.A. MPD	2014/07/02 16:25 4 - WED.	PHONE	SEX - SEXUAL ASSAULT	CALL CANCELLED	DISTRICT 2 BEAT 2-1	24 PENNACOOK ST, MANCHESTER, NH 03104 (PLANNED PARENTHOOD)
14106563 N.A. MPD	2014/10/21 18:58 3 - TUE.	OFFICER	S/ATTN - SPECIAL ATTENTION	SPECIAL ATTENTION	DISTRICT 2 BEAT 2-1	24 PENNACOOK ST, MANCHESTER, NH 03101
14120270 14017902 MPD	2014/11/26 01:07 4 - WED.	PHONE	PARKN - ALL PARKING COMPLAINTS	N.A.	DISTRICT 2 BEAT 2-1	24 PENNACOOK ST, MANCHESTER, NH 03104 (PLANNED PARENTHOOD)
14127566 N.A. MPD	2014/12/15 16:43 2 - MON.	PHONE	ACC - ACCIDENT	ACCIDENT REPORT NEEDED	DISTRICT 2 BEAT 2-1	24 PENNACOOK ST, MANCHESTER, NH 03104 (PLANNED PARENTHOOD)

7 Total Calls

2/10/15 - 1 PM
HB403 - FN



Manchester Police Department

CALL REPORT

Calls for Service at Planned Parenthood, 24 Pennacook St - 2013

CAD # Case # Agency	Call Date Call Time Call Day	Source	Nature	Disposition	District Beat
13018697 N.A. MPD	2013/03/14 09:04 5 - THU.	PHONE	CKAREA - CHECK AREA FOR PROBLEM	SOLVED AT SCENE	DISTRICT 2 BEAT 2-1
13022503 N.A. MPD	2013/03/28 12:11 5 - THU.	PHONE	DOC - DISORDERLY CONDUCT	SOLVED AT SCENE	DISTRICT 2 BEAT 2-1
13028365 N.A. MPD	2013/04/18 11:51 5 - THU.	PHONE	DOC - DISORDERLY CONDUCT	SOLVED AT SCENE	DISTRICT 2 BEAT 2-1
13032370 N.A. MPD	2013/05/02 12:05 5 - THU.	PHONE	PICKET - STRIKE/PICKET LINE	SOLVED AT SCENE	DISTRICT 2 BEAT 2-1
13047410 N.A. MPD	2013/06/21 13:26 6 - FRI.	PHONE	ANIMAL - ALL ANIMAL COMPLAINTS	SOLVED AT SCENE	DISTRICT 2 BEAT 2-1
13055629 N.A. MPD	2013/07/18 10:39 5 - THU.	PHONE	HANGUP - HANGUP CALL TO 911	CALL CANCELLED	DISTRICT 2 BEAT 2-1
13064759 13012541 MPD	2013/08/16 17:05 6 - FRI.	PHONE	FIRE - ALL FIRES	UCR 102 TO BE TURNED IN	DISTRICT 2 BEAT 2-1
13081623 N.A. MPD	2013/10/07 10:21 2 - MON.	PHONE	CKVEH - CHECK VEHICLE	GONE ON ARRIVAL	DISTRICT 2 BEAT 2-1
13082822 N.A. MPD	2013/10/10 13:38 5 - THU.	PHONE	UNWTD - UNWANTED SUBJECT	SOLVED AT SCENE	DISTRICT 2 BEAT 2-1
13085025 N.A. MPD	2013/10/17 12:30 5 - THU.	OFFICER	PICKET - STRIKE/PICKET LINE	SOLVED AT SCENE	DISTRICT 2 BEAT 2-1

2-10-15 1am
HB 403-FN



Manchester Police Department

CALL REPORT

Calls for Service at Planned Parenthood, 24 Pennacook St - 2012

CAD # Case # Agency	Call Date Call Time Call Day	Source	Nature	Disposition	District Beat
12001165 N.A. MPD	2012/01/05 07:30 5 - THU.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1
12002801 N.A. MPD	2012/01/10 20:28 3 - TUE.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1
12005324 N.A. MPD	2012/01/20 14:34 6 - FRI.	PHONE	ACC - ACCIDENT	GONE ON ARRIVAL	DISTRICT 2 BEAT 2-1
12011914 N.A. MPD	2012/02/13 07:23 2 - MON.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1
12025529 N.A. MPD	2012/04/03 09:57 3 - TUE.	OFFICER	CKAREA - CHECK AREA FOR PROBLEM	SOLVED AT SCENE	DISTRICT 2 BEAT 2-1
12025824 N.A. MPD	2012/04/04 07:09 4 - WED.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1
12031708 N.A. MPD	2012/04/24 22:58 3 - TUE.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1
12036719 N.A. MPD	2012/05/11 19:32 6 - FRI.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1
12041340 N.A. MPD	2012/05/27 13:44 1 - SUN.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1
12049366 N.A. MPD	2012/06/22 10:40 6 - FRI.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1

CAD # Case # Agency	Call Date Call Time Call Day	Source	Nature	Disposition	District Beat
12087710 N.A. MPD	2012/11/04 11:43 1 - SUN.	PHONE	ALARM - ALARM ACTIVATED	FALSE ALARM	DISTRICT 2 BEAT 2-1
12090404 N.A. MPD	2012/11/14 13:16 4 - WED.	PHONE	CKCOND - CHECK CONDITION OF SUBJECT	SOLVED AT SCENE	DISTRICT 2 BEAT 2-1
12090668 N.A. MPD	2012/11/15 10:37 5 - THU.	PHONE	PICKET - STRIKE/PICKET LINE	UNFOUNDED COMPLAINT	DISTRICT 2 BEAT 2-1

13 Total Calls

134 S.Ct. 2518, 189 L.Ed.2d 502, 82 USLW 4584, 14 Cal. Daily Op. Serv. 7115, 2014 Daily Journal D.A.R. 8317, 24 Fla. L. Weekly Fed. S 929 (Cite as: 134 S.Ct. 2518)

*P. 17
B. Miller
with a only
1 side!*

▷

Supreme Court of the United States
Eleanor McCULLEN, et al., Petitioners
v.
Martha COAKLEY, Attorney General of Massachusetts, et al.

No. 12-1168.
Argued Jan. 15, 2014.
Decided June 26, 2014.

Background: Sidewalk counselors brought action against Massachusetts Attorney General, challenging constitutionality of revised Massachusetts statute, which made it a crime to knowingly stand on a public way or sidewalk within 35 feet of an entrance or driveway to any place, other than a hospital, where abortions were performed. Following affirmation of denial of facial challenge, 571 F.3d 167, and following bench trial, the United States District Court for the District of Massachusetts, Joseph L. Tauro, J., 759 F.Supp.2d 133 and 844 F.Supp.2d 206, denied counselors' as-applied challenges. Counselors appealed. The United States Court of Appeals for the First Circuit, Selya, Circuit Judge, 708 F.3d 1, affirmed. Certiorari was granted.

Holdings: The Supreme Court, Chief Justice Roberts, held that:

- (1) statute was not content-based due to fact that it established buffer zones only at clinics that performed abortions;
- (2) statute was not content-based due to fact that it exempted certain groups including clinic employees and agents; and
- (3) statute was not narrowly tailored to serve significant governmental interest, and thus violated free speech guarantees.

Reversed and remanded.

Justice Scalia filed opinion concurring in the

judgment, in which Justices Kennedy and Thomas joined.

Justice Alito filed opinion concurring in the judgment.

West Headnotes

[1] Constitutional Law 92 ↪ 1759

92 Constitutional Law
92XVIII Freedom of Speech, Expression, and Press
92XVIII(G) Property and Events
92XVIII(G)2 Government Property and Events
92k1759 k. Streets and highways.
Most Cited Cases

Constitutional Law 92 ↪ 1760

92 Constitutional Law
92XVIII Freedom of Speech, Expression, and Press
92XVIII(G) Property and Events
92XVIII(G)2 Government Property and Events
92k1760 k. Sidewalks. Most Cited Cases

Public ways and sidewalks occupy a special position in terms of First Amendment protection because of their historic role as sites for discussion and debate. U.S.C.A. Const.Amend. 1.

[2] Constitutional Law 92 ↪ 1738

92 Constitutional Law
92XVIII Freedom of Speech, Expression, and Press
92XVIII(G) Property and Events
92XVIII(G)2 Government Property and Events
92k1736 Traditional Public Forum in General

*D. 19-
made us
unavailable
for
counsel*

*D. 13
Sidewalks
open*

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

HB 403
2-10-15

Mary Rose Reddy et al.

v.

Civil No. 14-cv-299-JL

Joseph Foster et al.

ORDER ON AGREED-UPON STAY

The plaintiffs seek injunctive and declaratory relief, alleging that New Hampshire's Act Relative to Access to Health Care Facilities, N.H. Rev. Stat. Ann. §§ 132:37-132:39, violates their rights, including freedom of speech, under the federal and state constitutions. The Act provides that, with limited exceptions, "[n]o person shall knowingly enter or remain on a public way or sidewalk adjacent to a reproductive health care facility within a radius up to 25 feet of any portion of an entrance, exit, or driveway of a reproductive health care facility." Id. § 132:38, I. The Act further provides that "reproductive health care facilities shall clearly demarcate [this] zone . . . and post such zone with signage," id. § 132:38, II, and that, prior to doing so, "a reproductive health care facility shall consult with local law enforcement and those local authorities with responsibilities specific to the approval of locations and size of signs," id. § 132:38, III.

The Act requires that, "[p]rior to issuing a citation, a police officer or any law enforcement officer shall issue one written warning to an individual," but that, "[i]f the individual

fails to comply after one warning, such individual will be given a citation," id. § 132:39, I, which carries a minimum fine of \$100," id. § 132:39, II. The Act also authorizes the New Hampshire Attorney General or appropriate county attorney to "bring an action for injunctive relief to prevent further violations." Id. Importantly, however, § 132:39, which contains these enforcement mechanisms, "shall not apply unless the signage authorized in [§] 132:38, II was in place at the time of the alleged violation." Id. § 132:39, III.

This court previously entered an order giving effect to representations by certain of the defendants--who include the Attorney General, various county attorneys, and several New Hampshire cities and towns--that, pending this court's ruling on the plaintiffs' pending motion for a preliminary injunction, see Fed. R. Civ. P. 65, these defendants would not seek to enforce the statute against the plaintiffs. Order of July 9, 2014. The court also scheduled a hearing on the plaintiffs' motion for preliminary injunction for July 25, 2014. Id.

As the date for the hearing approached, the Attorney General filed an objection to the plaintiffs' motion, as well as his own motions seeking to dismiss or to stay these proceedings. In these filings, the Attorney General took the position that, because § 132:39, III, makes the Act's enforcement mechanisms inapplicable in the absence of the signage contemplated by

§ 132:38, II, and no such signage has been posted, the plaintiffs face no threat of sanction under the Act at present. In fact, the Attorney General stated, the absence of the signs means that the "patient safety zone" created by § 132:38, I, has yet to take effect, since, under his reading of the statute, "[a]n individual cannot be prohibited from entering a specific space until its bounds have been established and demarcated." (The plaintiffs dispute that conclusion, though they agree that, in the absence of the signs, the enforcement mechanisms of the Act itself are inoperative. At this juncture, the court need not and does not resolve any of the issues in dispute here.) The Attorney General also submitted affidavits from the operators of the reproductive health facilities in the state attesting that they do not have any present intention of posting the signs contemplated by § 132:38, II.

Based on these submissions, the court convened a telephone conference with counsel for all parties to attempt to arrive at conditions for an agreed-upon stay of these proceedings. During the conference, counsel agreed to the following:

1. These proceedings, including all pending deadlines for the submission of pleadings or other filings, are stayed; the preliminary injunction hearing, scheduled for July 25, 2014, is cancelled; and the temporary restraining order imposed by the court's Order of July 9, 2014, is dissolved.
2. The defendants shall not enforce the Act against the plaintiffs, either through the enforcement mechanisms specified in § 132:39, or by invoking an alleged

violation of § 132:38, I, as the basis for the alleged violation of another statute, including, but not limited to, N.H. Rev. Stat. Ann. § 644:2, II(e) (prohibiting the "knowing[] refus[al] to comply with a lawful order of a peace officer to move from or remain away from any public place"), provided, however, that nothing in this order shall be construed to prevent any of the defendants from otherwise enforcing § 644:2, or enforcing any other statute, ordinance, or regulation, against any of the plaintiffs.

3. Any defendant who receives notice, through whatever means, that a reproductive health clinic intends to post the signage contemplated by § 132:38, II, shall immediately notify the plaintiffs, through their counsel, and the court, which will then schedule a hearing on the plaintiffs' motion for preliminary injunction forthwith.
4. Paragraphs 2 and 3 shall remain in place until the court rules on the plaintiffs' motion for preliminary injunction, or this order is dissolved or modified on motion of one or more parties or otherwise.

Within 60 days of this order, the parties, having conferred through counsel, shall file a joint status report apprising the court of any legislative, executive, judicial or factual developments that bear upon this action.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: July 23, 2014

cc: Michael J. Tierney, Esq.
Nancy J. Smith, Esq.
Garry R. Lane, Esq.



Planned Parenthood
New Hampshire Action Fund

Jennifer Frizzell

HB 403

Relative to Access to Reproductive Health Facilities

Committee:

House Judiciary

Date:

February 10, 2015

Position:

OPPOSE REPEAL / URGE NEW LANGUAGE

BACKGROUND

Reproductive health centers in New Hampshire have never been free of picketing and protest activity. However, in the past few years the volume and frequency of protests has increased and the escalating type of tactics that some protestors are willing to use has resulted in increased patient harassment and increased need for on-site security. Obstructing the driveway entrance, blocking on-street parking spaces, photographing patients and staff and verbal assaults have become routine complaints from our patients and their family members. Protestors gather in front of the entrance and create barriers for patients seeking to access health center and they invade the privacy of those who do not want to engage in dialogue entering or exiting. To address these public safety and clinic access problems, the NH legislature enacted Senate Bill 319 in 2014, authorizing the establishment of patient safety "buffer" zones of "up to" 25 feet surrounding the entrances to reproductive health facilities. The law was not mandatory, but enabling such that each facility and each community could narrowly tailor a zone in accordance with local factors. Just weeks after Senate Bill 319 was signed into law, the U.S. Supreme Court issued a decision in *McCullen vs. Coakley 134 S.Ct 2518* which changed the legal landscape for balancing the competing constitutional rights involved.

RATHER THAN REPEAL, THE LAW SHOULD BE REPLACED

The federal Freedom of Access to Clinic Entrances Act (F.A.C.E.) makes it unlawful for any person to obstruct or interfere with another's access to reproductive health care services but there is no corresponding state or local protection. Instead of repealing RSA 132:37 – 132:40 outright, the legislature should replace it with new state law provisions that:

- prohibit blocking or obstructing the entrance to or egress from reproductive health care facilities;
- prohibit threatening or intimidating staff who provide reproductive health services or patients entering the health facility; and
- establish civil and criminal penalties for the above conduct.

Several states have comparable laws on the books from which New Hampshire could model an alternative.

We Urge the Judiciary Committee to Maintain a Commitment to Patient Safety and Access

For more information contact:

Jennifer Frizzell, Vice President for Public Policy, 603.513.5334, jennifer.frizzell@ppnne.org

Planned Parenthood of Northern New England (PPNNE) is the largest provider of reproductive and sexual health care for women, men and teens across the State of New Hampshire. We serve New Hampshire residents through 6 health centers in Claremont, Derry, Exeter, Keene, Manchester and White River Junction, VT. Last year we saw more than 14,000 patients at these sites.

Planned Parenthood New Hampshire Action Fund (PPNHAF) is an independent, nonpartisan, not-for-profit organization formed as the advocacy and political arm of Planned Parenthood of Northern New England in New Hampshire. The Action Fund engages in educational and electoral activity, including voter education, grassroots organizing, and legislative advocacy.

Protecting Access to Clinics

BACKGROUND: While the handful of murders of abortion providers and clinic staff have attracted much media attention, family planning clinics report that they frequently experience other serious forms of antiabortion violence. These include bombings, arson and vandalism, as well as violent protests and blockades. In 1994, the federal government enacted the Freedom of Access to Clinic Entrances (FACE) Act, which prohibits intentional property damage and the use of “force or threat of force or...physical obstruction” to “injure, intimidate or interfere with” someone entering a health care facility.

States have taken two approaches designed to protect abortion providers. Some states have enacted laws similar to the federal FACE Act that prohibit specific activities such as vandalism or obstruction at clinics. Other states have limited protests aimed at clinic patients by either creating “buffer” zones around clinics that bar protestors entirely or establishing floating “bubble zones” of several feet around a person who is within a specific distance of a clinic; protesters are prohibited from crossing into that “bubble zone” without the person’s consent. In 2014, the U.S. Supreme Court struck down the Massachusetts law that placed a 35-foot buffer zone around clinic entrances. The impact of this ruling on the New Hampshire law is still to be determined, but the decision did not immediately affect the Court’s 2000 ruling that upheld Colorado’s floating “bubble zone” law.

HIGHLIGHTS:

- 13 states and the District of Columbia prohibit certain specified actions aimed at abortion providers.
 - 12 of the states and the District of Columbia prohibit blocking the entrance to and egress from clinic facilities.
 - 6 of the states and the District of Columbia prohibit threatening or intimidating staff who provide reproductive health services and/or patients entering the clinic.
 - 3 of the states prohibit property damage to facilities providing reproductive health services.
 - 2 of the states and the District of Columbia prohibit telephone harassment of staff who provide reproductive health services.
 - 5 of the states and the District of Columbia prohibit other specified actions, such as creating excessive noise outside the clinic, possessing or having access to a weapon during a demonstration at a medical facility, trespassing, or releasing a substance that produces noxious odor on clinic premises.
- 3 states have established a “bubble zone” around a person within a specific distance of a clinic’s entrance or driveway.



Advancing sexual and reproductive health worldwide through research, policy analysis and public education.

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212.248.1111
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1301 Connecticut Avenue, N.W.
Washington, DC 20036
202.296.4012
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PROTECTING ACCESS TO CLINICS

STATE	SPECIFIC PROHIBITED ACTIONS					PROTECTED "BUBBLE ZONE"
	Obstruction	Threat	Damage	Telephone Harassment	Other	
California	X	X	X		Online harassment	8-ft. zone within 100 ft. of door
Colorado						
Dist. of Columbia	X	X		X	Noise, Trespassing	
Kansas	X					
Maine	X			X	Noise, Odor	
Maryland	X					
Massachusetts	X	X				25 feet if ordered by police
Michigan		X				
Minnesota	X					
Montana	X					8-ft. zone within 36 ft. of door
Nevada	X					
New Hampshire						
New York	X	X	X			
North Carolina	X	X			Weapon	
Oregon	X		X			
Washington	X	X		X	Noise, Trespassing	
Wisconsin					Trespassing	
TOTAL	12 + DC	6 + DC	3	2 + DC	5 + DC	3

- * Requires the collection and analysis of data by state attorney general's office and training for law enforcement officers by experts on clinic violence.
- ♦ New law was scheduled to take effect in 2014; currently not enforced.

FOR MORE INFORMATION:

For information on state legislative and policy activity, click on Guttmacher's [Monthly State Update](#), for state-level policy information see Guttmacher's [State Policies in Brief](#) series, and for information and data on reproductive health issues, go to Guttmacher's [State Center](#). To see state-specific reproductive health information go to Guttmacher's [Data Center](#), and for abortion specific information click on [State Facts About Abortion](#). To keep up with new state relevant data and analysis sign up for the [State News Quarterly Listserv](#).

Gold et al., [Laws Affecting Reproductive Health and Rights: State Trends at Midyear, 2014, 2014](#).

Lin V, [Anthrax threats, continued violence prompt renewed attention to clinic, client protection](#), *The Guttmacher Report on Public Policy*, 2001, 4(6):13-14.

The Alan Guttmacher Institute, [High court strikes down 'partial-birth' ban, upholds protections for clinic clients](#), *The Guttmacher Report on Public Policy*, 2000, 3(4):12.

1 PM LOB 205
HB 403
Buffer Zone
Repeal

HB 403 – Buffer Zone Repeal SUPPORT

I was on the Judiciary Committee at the tail end of last term. I was there for the Buffer Zone Hearing and I spoke at length against the Buffer Zone on the House Floor. The First Amendment was mentioned, the US and NH State Constitutions were cited, and summaries of the testimonies that we heard in committee were all read to a nearly empty House, because minds were already made up to pass that ridiculous Buffer Zone Bill, when a Supreme Court Ruling was close to being announced.

I saved my notes from last term and I will read the whole thing again if this bill becomes a Floor Debate.

Therefore, I ask you to Please support HB 403 and repeal RSA 132:37 through RSA 132:40 because, as stated in the bill, if left as law, this statute will cause the state of NH to expend considerable sums of money defending a law which the United States Supreme Court unanimously found unconstitutional.

Rep. Nutter

Support

4
HB 403

Sarah Koski
Political Director
Cornerstone Policy Research and Action

As clearly communicated in this bill, the law which it seeks to repeal has unanimously been found unconstitutional by the United States Supreme Court in the Massachusetts case of McCullen vs. Coakley. The law was hastily passed last year before the outcome of the Massachusetts' case had been made known. Even after the Supreme Court ruling Governor Hassan still signed the bill into law, thus creating the need for the bill in front of you today. Besides creating a direct threat to citizen's first amendments rights, upholding this law comes with the potential of large financial liabilities for New Hampshire taxpayers. In Massachusetts taxpayers were left to pay \$1.2 million in legal fees to the plaintiff. Seeing as RSA 132:37-40 was modeled after Massachusetts' law this could easily become a foreshadow of the debt that New Hampshire taxpayers would be left to pay should the law not be repealed. For these reasons I believe that constitutionally and fiscally the correct course of action is to support this legislation and repeal RSA 132:37-132:40. I respectfully request that you give House Bill 403 a recommendation of ought to pass.

TITLE X

PUBLIC HEALTH

CHAPTER 132

PROTECTION FOR MATERNITY AND INFANCY

Access to Reproductive Health Care Facilities

Section 132:40

132:40 Severability. – If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the subdivision which can be given effect without the invalid provision or application, and to this end the provisions of this subdivision are declared to be severable.

Source. 2014, 81:2, eff. July 10, 2014.

TITLE X PUBLIC HEALTH

CHAPTER 132 PROTECTION FOR MATERNITY AND INFANCY

Access to Reproductive Health Care Facilities

Section 132:39

132:39 Enforcement; Civil Fine. –

I. Prior to issuing a citation for a violation of this section, a police officer or any law enforcement officer shall issue one written warning to an individual. If the individual fails to comply after one warning, such individual shall be given a citation. Failure to comply after one warning shall be cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.

II. Any person who violates this subdivision shall be guilty of a violation and shall be charged a minimum fine of \$100. In addition, the attorney general or the appropriate county attorney may bring an action for injunctive relief to prevent further violations of this subdivision.

III. This section shall not apply unless the signage authorized in RSA 132:38, II was in place at the time of the alleged violation.

Source. 2014, 81:2, eff. July 10, 2014.



DIOCESE OF MANCHESTER
Secretariat for Administration

February 10, 2015

The Honorable Robert Rowe, Chair
House Judiciary Committee
Legislative Office Building, Room 208
Concord, NH 03301

Re: HB 403 (Repealing the Law Relative to Providing Certain Parameters for Access to Reproductive Health Care Facilities)

Dear Representative Rowe and Members of the Judiciary Committee:

As the Director of the Office of Public Policy of the Roman Catholic Diocese of Manchester, and on behalf of Bishop Peter Libasci, I write to support HB 403, a bill consistent with recent rulings of the United States Supreme Court and the United States District Court for the District of New Hampshire.

Last year, New Hampshire law created a buffer zone around abortion clinics, only allowing certain individuals to be present within the designated area. The plain language of the bill was intended to silence the speech of those who oppose abortion, even though the First Amendment of the United States Constitution and Part I, Article 22 of the New Hampshire Constitution prohibit our state and federal governments from creating laws that restrict speech based on its content.

The New Hampshire law was based upon a Massachusetts abortion clinic buffer zone law unanimously struck down as unconstitutional by the United States Supreme Court on June 26, 2014 in the case of *McCullen v. Coakley*. Since then, the United States District Court for the District of New Hampshire held in the case of *Sister Mary Rose Reddy v. Foster* that the New Hampshire buffer zone statute is "materially indistinguishable from the Massachusetts statute that the Supreme Court invalidated in *McCullen v. Coakley*."

We urge the committee to report HB 403 as ought to pass because this bill recognizes the basic right of free speech. Thank you for your consideration of our testimony and for your service to the people of the State of New Hampshire.

Sincerely,

Meredith P. Cook, Esq.
Director, Office of Public Policy

MPC/kjl

Good Morning! My name is Jennifer Robidoux. I have taken a day off from work to speak to you because this topic is very important to me. I am here to ask you to vote in favor of House Bill 403, which repeals the so-called "buffer zone" law.

Although this law has yet to be enforced, it needs to be repealed. The idea of this law was flawed from the beginning, creating a zone where peaceful pro-lifers could not stand, pray or speak to abortion-minded women as they enter the abortion facility, thus creating an area of up to 25 feet around abortion clinics as devoid of the First Amendment. The US Supreme Court struck down a similar law in Massachusetts in June 2014 (McCullen v Coakley). However, before that case was decided, New Hampshire legislators pushed for this law to be passed- a law that was crafted to be similar to the Massachusetts law.

Proponents for this law argued that it was needed to ensure patient safety as patients entered and exited abortion facilities. They argued that patients had complained that they felt "harassed", "judged", or "scared" but where was the evidence? When this law was considered, opponents proved that there were no police reports detailing violence, harassment, or any other safety concerns for the patients at any of the abortion facilities in NH. The real reason for the law was to squelch the ability of sidewalk councilors to speak to abortion minded women, providing them with help, resources, and choices other than abortion.

When this law was signed, a lawsuit was brought to stop the enforcement of the law. Reddy vs. Foster is pending in the NH courts at this very moment. The court has issued a stay on this law, pending any changes. From July 2014 – February 2015 (present day) when the law has been in effect but not enforced, patients have continued to safely enter and exit the buildings and pro-lifers have continued to pray on the sidewalks and speak to the men and women as they walk to and from the building.

So, why is the repeal of this law important to me? I am a sidewalk councilor, I pray on the sidewalks outside of Planned Parenthood, I'm a participant and former local leader of the 40 Days for Life campaign, and I am one of the plaintiffs in the lawsuit Reddy vs. Foster.

For those of you who are unfamiliar with 40 Days for Life, it is an international peaceful and prayerful campaign aimed at bringing an end to abortion through prayer, a peaceful vigil, and community outreach. Participants are asked to sign a Statement of Peace declaring that they will be respectful, prayerful and nonviolent.

All I do when I am involved in 40 Days for Life is walk up and down the public sidewalk in front of the Planned Parenthood in Manchester and pray. Occasionally I will engage in friendly conversion with people as they walk into, out of or past the abortion clinic. The other person usually begins this dialogue and I make it clear that I am there to pray.

As a sidewalk councilor my job is to inform women of their other options. Most women go into a clinic thinking that abortion is there ONLY option. They want to return to their life of "yesterday." Some feel pressured by their spouse, boyfriend or family member. Choosing abortion is a hard decision and I want women to make an informed choice and know all of their options. When I counsel women, I invite them into a conversation. I don't yell at them. I don't judge them. I simply want to speak with them, just like I am speaking with you now. I provide them with resources about what abortion

is, the development of the baby, and other alternatives. If they don't want to talk with me I simply inform them that I am here and will be praying for them.

At the Manchester Planned Parenthood a fence surrounds the parking lot and the entrance to the clinic is inside that fence. If I want to speak with someone walking into that clinic I need to raise my voice to be heard. It may appear that I am shouting but that's only because I am not allowed any closer. A 25-foot zone around the clinic would make it impossible to speak with the women, to change hearts and minds, and to save the life of the unborn. Women deserve to have options.

Let me conclude by stating this: I have the first amendment right to speech and to peacefully assemble in public places. If this law stands and is enforced I lose my First Amendment rights in an area of up to 25 feet around a business. Why spend taxpayer money defending a law that stops taxpayers from engaging in their Constitutional rights? Why enforce a law that bars only certain people and certain speech from an area around a certain business?

Thank you for your time this morning. Please repeal the so-called "buffer zone" law and vote in favor of House Bill 403.

Jennifer Robidoux
18 Washington Rd.
Windham, NH 03087

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 403-FN

BILL TITLE: repealing the law relative to providing certain parameters for access to reproductive health care facilities.

DATE: March 5, 2015

LOB ROOM: 208

Amendments:

Sponsor: Rep. Berch OLS Document #: 2015 0397h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Hagan

Seconded by Rep. Takesian

Vote: 15-4 (Please attach record of roll call vote.) Amendment #0397h failed

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Hagan

Seconded by Rep. Rowe

Vote: 10-9 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Janet G. Wall, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 403-FN

BILL TITLE: repealing the law relative to providing certain parameters for access to reproductive health care facilities.

DATE: 3-5-15

LOB ROOM: 208

Amendments:

ok	Sponsor: Rep. <i>Berch</i>	OLS Document #: 2015-03974
	Sponsor: Rep.	OLS Document #:
	Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Hagan*

Seconded by Rep. *Takesian*

Vote: *15-4* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Hagan*

Seconded by Rep. *Rowe*

Vote: *10-9* (Please attach record of roll call vote.)

minority - Berch

CONSENT CALENDAR VOTE: YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Janet G. Wall
Rep. Janet G. Wall, Clerk



2015 SESSION

JUDICIARY

Bill #: HB 403-FN Title: repealing the law relative to providing certain parameters for access to reproductive health care facilities
PH Date: 2 1 10 1 15 Exec Session Date: 3 15 1 15
Motion: adoption of amendment Amendment #: 2015-0397h

MEMBER	YEAS	NAYS
Rowe, Robert H., Chairman	4	
Hagan, Joseph M., V Chairman	1	
Hopper, Gary S	absent	
Sylvia, Michael J.		1
Takesian, Charlene F.		2
Parsons, Robbie L. John Potucek		3
Palmer, Barry J.	2	
Estevez, Eric P.		4
Hull, Robert		5
McLean, Mark		6
Rouillard, Claire A.	3	
Wuelper, Kurt F.		7
Wall, Janet G., Clerk		8
Horrigan, Timothy O.		9
Berch, Paul S.		10
Heffron, Frank H.		11
Phillips, Larry R.		12
Woodbury, David		13
Wheeler, Deborah H.		14
Kenison, Linda B.		15
TOTAL VOTE:		

adoption failed
15-4
no yes

JGW



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/13/2015 3:29:06 PM
Roll Call Committee Registers
Report

2015 SESSION

JUDICIARY

Bill #: HB 403-FN Title: _____

PH Date: 2 1 10 1 15 Exec Session Date: 3 1 5 1 15

Motion: OTP ~~at the time of amendment~~ Amendment #: 2015-0397h

MEMBER	YEAS	NAYS
Rowe, Robert H., Chairman	9	
Hagan, Joseph M., V Chairman	1	
Hopper, Gary S	absent	
Sylvia, Michael J.	2	
Takesian, Charlene F.		1
Parsons, Robbie L. — Potuck, John	10	
Palmer, Barry J.	3	
Estevez, Eric P.	4	
Hull, Robert	5	
McLean, Mark	6	
Rouillard, Claire A.	7	
Wuelper, Kurt F.	8	
Wall, Janet G., Clerk		2
Horrigan, Timothy O.		3
Berch, Paul S.		4
Heffron, Frank H.		5
Phillips, Larry R.		6
Woodbury, David		7
Wheeler, Deborah H.		8
Kenison, Linda B.		9
TOTAL VOTE:		

OTP
10-9
Jgw

Committee Report

REGULAR CALENDAR

March 5, 2015

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on JUDICIARY to which
was referred HB 403-FN,**

**AN ACT repealing the law relative to providing certain
parameters for access to reproductive health care
facilities. Having considered the same, report the same
with the recommendation that the bill OUGHT TO
PASS.**

Rep. Joseph M. Hagan

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: **JUDICIARY**
Bill Number: **HB 403-FN**
Title: **repealing the law relative to providing certain
parameters for access to reproductive health
care facilities.**
Date: **March 5, 2015**
Consent Calendar: **NO**
Recommendation: **OUGHT TO PASS**

STATEMENT OF INTENT

This is a free speech issue, not a right-to-life issue. Last term, RSA 132:27-132:30 was enacted that limited peaceful demonstrations by our citizenry. A Massachusetts law, which is materially indistinguishable for the New Hampshire law was found unconstitutional, unanimously by the Supreme Court of the United States. The majority of the Committee supports repeal to support our constitution and avoid costs of defending the indefensible.

Vote 10-9

Rep. Joseph M. Hagan
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

HB403-FN, repealing the law relative to providing certain parameters for access to reproductive health care facilities. **OUGHT TO PASS.**

Rep. Joseph M. Hagan for the **Majority** of JUDICIARY. This is a free speech issue, not a right-to-life issue. Last term, RSA 132:27-132:30 was enacted that limited peaceful demonstrations by our citizenry. A Massachusetts law, which is materially indistinguishable for the New Hampshire law was found unconstitutional, unanimously by the Supreme Court of the United States. The majority of the Committee supports repeal to support our constitution and avoid costs of defending the indefensible. **Vote 10-9.**

COMMITTEE REPORT

Split

COMMITTEE:

Judiciary

BILL NUMBER:

HR 403

TITLE:

DATE:

3-5-15

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:

COMMITTEE VOTE:

10-9

RESPECTFULLY SUBMITTED,

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

Rep. _____

For the Committee

Joseph M. Hefner

MAJORITY REPORT

REGULAR CALENDAR

JUDICIARY COMMITTEE



HB 403, repealing the law relative to providing certain parameters for access to reproductive health care facilities.

RECOMMENDATION: OUGHT TO PASS

VOTE: 10-9

REP. JOSEPH M. HAGAN

This is a free speech issue, not a right-to-life issue. Last term, RSA 132:27-132:30 was enacted that limited peaceful demonstrations by our citizenry. A Massachusetts law, which is materially indistinguishable for the New Hampshire law was found unconstitutional, unanimously by the Supreme Court of the United States. The majority of the Committee supports repeal to support our constitution and avoid costs of defending the indefensible.

OTR

HB 403

which ~~are~~ the committee
believes is a violation of free
speech.

Last term the legislature passed HB 403. This bill prohibits citizens from standing and protesting on public property in a zone that is 25 feet from the abortion clinic. This bill that was passed into law was similar to the Massachusetts law, a law that was determined to be unconstitutional by the U. S. Supreme Court.. As a result the law in New Hampshire has not been put into effect as a result of the court decision. HB 403 was introduced in this term for the purpose of to repealing the law. ~~The Judiciary Committee believes that rather than just repeal the law, we had an opportunity to protect both reproduction care facilities and religious services. For this purpose the committee acted on portions of the U. S. Supreme Court decision and made it illegal for an individual to interfere with access to an reproductive health facility or a place of religious worship.~~

This is A FREE SPEECH ISSUE, NOT a Right
to Life ISSUE. LAST TERM, ~~THE~~
WAS ENACTED THAT LIMITED ~~FOR~~ PEACEFUL
DEMONSTRATIONS by OUR CITIZENRY, A MASSACHUSETTS
LAW, WHICH IS MATERIALLY INDISTINGUISABLE for
THE NH LAW WAS FOUND UNCONSTITUTIONAL,
UNANIMOUSLY by the SCOTUS. THE MAJORITY
of the COMMITTEE supports REPEAL ~~THE~~
to support our CONSTITUTION & AVOID COSTS
of defending THE INDEFENSIBLE.

REGULAR CALENDAR

March 5, 2015

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on JUDICIARY to which
was referred HB 403-FN,**

**AN ACT repealing the law relative to providing certain
parameters for access to reproductive health care
facilities. Having considered the same, and being
unable to agree with the Majority, report with the
following Resolution: RESOLVED, That it is
INEXPEDIENT TO LEGISLATE.**

Rep. Paul S. Berch

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee: **JUDICIARY**
Bill Number: **HB403-FN**
Title: **repealing the law relative to providing certain
parameters for access to reproductive health
care facilities.**
Date: **March 5, 2015**
Consent Calendar: **NO**
Recommendation: **INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The Minority believes the legislature should not repeal a recently enacted law while the constitutionality of that law is currently being determined by a federal court. Traditional practice would suggest not interrupting that process. There are significant and material differences between the New Hampshire and Massachusetts law.

Rep. Paul S. Berch
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

HB403-FN, repealing the law relative to providing certain parameters for access to reproductive health care facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul S. Berch for the **Minority** of JUDICIARY. The Minority believes the legislature should not repeal a recently enacted law while the constitutionality of that law is currently being determined by a federal court. Traditional practice would suggest not interrupting that process. There are significant and material differences between the New Hampshire and Massachusetts law.

MINORITY REPORT

REGULAR CALENDAR

JUDICIARY COMMITTEE

RAK

HB 403, repealing the law relative to providing certain parameters for access to reproductive health care facilities.

RECOMMENDATION: INEXPEDIENT TO LEGISLATE

REP. PAUL S. BERCH

The Minority believes the legislature should not repeal a recently enacted law while the constitutionality of that law is currently being determined by a federal court. Traditional practice would suggest not interrupting that process. There are significant and material differences between the New Hampshire and Massachusetts law.

MINORITY REPORT

COMMITTEE:

JUDICIARY

BILL NUMBER:

HB 403 FN

TITLE:

REPEAL LAW RELATIVE TO PROVIDING PARAMETERS
FOR ACCESS TO HEALTH CARE FACILITIES

DATE:

3/5/15

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:

THE MINORITY BELIEVES THE LEGISLATURE SHOULD NOT REPEAL
A RECENTLY ENACTED LAW WHILE THE CONSTITUTIONALITY OF THAT
LAW IS CURRENTLY BEING DETERMINED BY A FEDERAL COURT.
TRADITIONAL PRACTICE WOULD SUGGEST NOT INTERRUPTING THAT PROCESS.
THERE ARE SIGNIFICANT AND MATERIAL DIFFERENCES BETWEEN
THE NEW HAMPSHIRE AND MASSACHUSETTS LAWS.

COMMITTEE VOTE:

OTR 10-9

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,

Rep.

Paul Berca

PAUL BERCA

For the Minority