
Committee Report

CONSENT CALENDAR

March 29, 2017

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety to
which was referred SB 67,**

**AN ACT relative to the authority of state police
employees. Having considered the same, report the
same with the recommendation that the bill OUGHT TO
PASS.**

Rep. Frank Sapareto

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	SB 67
Title:	relative to the authority of state police employees.
Date:	March 29, 2017
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill fixes a jurisdictional problem that has grown over time as our town's populations have increased. Currently, state police jurisdiction is far behind the sheriff's departments and Fish and Game in towns with populations above 3,000 people. This results in overturned or lost convictions due to technical issues rather than substantive issues. This bill grants statewide authority to enforce all provisions of RSA Title XXI relative to motor vehicle laws. All agencies were unanimous in support of this bill and there was no opposition.

Vote 18-0.

Rep. Frank Sapareto
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

SB 67, relative to the authority of state police employees. **OUGHT TO PASS.**

Rep. Frank Sapareto for Criminal Justice and Public Safety. This bill fixes a jurisdictional problem that has grown over time as our town's populations have increased. Currently, state police jurisdiction is far behind the sheriff's departments and Fish and Game in towns with populations above 3,000 people. This results in overturned or lost convictions due to technical issues rather than substantive issues. This bill grants statewide authority to enforce all provisions of RSA Title XXI relative to motor vehicle laws. All agencies were unanimous in support of this bill and there was no opposition. **Vote 18-0.**

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Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS <<Amendment #>>

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Vote 18-0.

David Welch

Rep. Frank Sapareto
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: CJ & PS

BILL NUMBER: 67

TITLE: AUTHORITY OF STATE POLICE EMPLOYEES

DATE: 3-29-17 CONSENT CALENDAR: YES NO

seems to

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

This bill fixes a jurisdictional problem that has grown over time as our towns populations have increased. Currently State Police jurisdiction is far behind the Sheriff's Dept and Fish + Game in towns with populations ^{above} ~~below~~ 3000 people. This results in overturned or lost convictions due to technical issues rather than substantive issues. * All agencies were unanimous in support of this bill and there was no opposition. * This bill grants statewide authority to enforce all provisions of RSA XXI relative to motor vehicle laws.

COMMITTEE VOTE: 18-0

RESPECTFULLY SUBMITTED,

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

Rep. [Signature]
For the Committee

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 67

BILL TITLE: relative to the authority of state police employees.

DATE: March 29, 2017

LOB ROOM: 204

MOTIONS: OUGHT TO PASS

Moved by Rep. Sapareto

Seconded by Rep. Fields

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep Delmar Burrige, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 67

BILL TITLE: relative to the authority of state police employees.

DATE:

LOB ROOM: 204

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. SEIDMAN TO Seconded by Rep. FLODY Vote: 18-0

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted:



Rep Delmar Burrridge, Clerk



2017 SESSION

CRIM&SFTY

Bill #: 67

Title: AUTHORITY OF STATE EMPLOYEES ^{POLICE}

PH Date: 3 29 / 17

Exec Session Date: 3 29 / 17

Motion: OTP

Amendment #: _____

MEMBER	YEAS	NAYS
Welch, David A. Chariman	✓	
Sapareto, Frank V. Vice Chairman	✓	
Fields, Dennis H.	✓	
Fesh, Robert M.	✓	
Gagne, Larry G.	✓	
Burt, John A.		
Green, Dennis	✓	
Gargas, Carolyn M.		
Ham, Bonnie D.		
McNally, Jody L.	✓	
Testerman, Dave	✓	
Wallace, Scott	✓	
Chandley, Shannon E.	✓	
Pantelakos, Laura C.	✓	
Berube, Roger R.	✓	
Cushing, Robert Renny	✓	
Rodd, Beth	✓	
Burridge, Delmar D. Clerk	✓	
Murray, Kate	✓	
O'Leary, Richard	✓	
Opderbecke, Linn	✓	
TOTAL VOTE:		

16-0

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 67

BILL TITLE: relative to the authority of state police employees.

DATE: March 29, 2017

LOB ROOM: 204

Time Public Hearing Called to Order: 10:30 a.m.

Time Adjourned: 11:10 a.m.

Committee Members: Reps. Welch, Sapareto, Fields, Fesh, Gagne, Green, McNally, Testerman, Wallace, Chandley, Pantelakos, Berube, Cushing, Rodd, Murray, O'Leary, Opderbecke and Burrridge

Bill Sponsors:

Sen. Bradley
Sen. Carson

Sen. D'Allesandro
Rep. Hinch

Sen. Soucy
Rep. Shurtleff

TESTIMONY

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

Rep. O'Leary - Introduced

Sen. Bradley - asked by AG, sailed thru liability issue.

* Ann Rice, AG's office - Liability Route 101, 202, 9 automotive vehicle locator

Capt. Shipiro, DOS - supports - made the motion @ chief association Hooksett.

*Peter Bartlett, NH Police Assoc. .

Patrick Cheetham, need to modernize and update., reform. respect for law enforcement. Attitude change between local police and state police. Now its us together instead of us and them.

Hon. John Tholl, - supports

Respectfully submitted,



Rep. Delmar Burrige, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

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TESTIMONY

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Rep Fesh ^{O'Leary} INTRODUCED

SEN BRADLEY ASKED BY AG - SAILED THRU LIABILITY ISSUED

* ANN RICE → NO DEPT SHAPAREO - LIABILITY / MOTOR VEHICLE REVISION

CAPT SHAPIRO AUTOMATIC VEHICLE LICENSE 202 ? KENNEDY

* PETER BRITLITT MADE THE MOTION CHIEF ASSOCIATION → WORKING STATE

PATRICK CROSTHORN NH POLICE CHIEFS ASSOCIATION → MODERNIZE & UPDATE NH POLICE REGULATION

JOHN THORNTON Reason DOTM 10610 - REPORT FIRE AND ENFORCEMENT

Suburban ASSOCIATION →

THORNTON "

ATTITUDE CHANGE BETWEEN LOCAL POLICE & STATE POLICE. NOW US TOGETHER RATHER THAN US & THEM

Testimony

4

Testimony of Deputy Attorney General Ann Rice
2017 Senate Bill 67
March 29, 2017

- DOJ requested bill to address ambiguity in law re SP jurisdiction to enforce MV laws
- Amendment necessary to protect criminal charges and eliminate liability question
- MV enforcement critical to stemming flow of illegal drugs into NH on our roads and to protect NH travelers from drugged driving
- Bill wd give SPolice statewide jurisdiction to enforce MV laws

- Current law: RSA 106-B:15
- SP has full law enforcement authority, concurrent with local police, on all turnpikes, toll roads and interstates, and in towns under 3000.
 - In places over 3000: no jurisdiction except:
 - Witness a crime
 - Is in pursuit of a suspected law violator
 - In search of person wanted for crime, or witness to crime
 - When traveling through
 - When acting as agent of DMV to enforce rules re: drivers' licenses, registration, and inspections
 - When requested to act by another law enforcement agency
- NH Supreme Court recognized RSA 106-B:15 is compromise between 2 objectives: (a) minimize competitive friction between law enforcement agencies and to provide for efficient deployment of SP and (b) enforcement of criminal laws. *State v. Bennett*, 116 N.H. 433 (1976).

- Law has worked well for 35 years, but population has grown, world has become more litigious, and we are seeing problems
- SP has routinely patrolled major, highly travelled roads like 101, 202/9, 125, 16, 106.
- Initially, those roads passed thru towns under 3000K limit.
 - W/population growth – many towns have exceeded that limit
- SP has continued to patrol; not as a result of specific request, but more “implied”
- Public / locals expect SP presence
- But, as we become more litigious, cooperative “implied” agreement insufficient
- Criminal defendants are challenging SP MV stops on grounds it was outside SP jurisdiction
 - Claim is that SP is patrolling area illegally
 - Most claims brought in Keene area, but spreading
 - Recently, SP charge in Concord was dismissed bc of jurisdiction
 - Ironically, neither the Concord, nor Keene chief have problems with the actions of SP

- SB 67 wd give SP statewide authority to enforce Title XXI relative to MV laws
- Similar change was made for F&G Conservation Officers in 2014

- RSA 206:26, XV added – gives same authority, even absent any violation or suspected violation of F&G laws
- Bill would eliminate the problem of SP patrolling areas without express request from locals
 - MV enforcement key to drug interdiction
 - Ensure that MV stops and any criminal charges that stem from them aren't subject to legal challenge
- Makes clear that so long as trooper was acting in good faith, no claim against the state or the individual
- Proposal wd not alter the current cooperative balance of law enforcement agencies
 - Not meant to diminish authority of local chief to any degree
 - Troopers trained to notify locals, even in towns under 3000K
 - Included statement of purpose for that reason
- NH has huge opiate problem, and it's coming into state by MV
- We should eliminate any barriers to using all available LE resources to fight that flow, as well as the ongoing issue of drunk/drugged driving
- SP has worked with local chiefs on bill -
 - Bill has support of the members of NH Chiefs' Ass'n



Testimony
House Criminal Justice and Public Safety Committee

Senate Bill 67 - Relative to the authority of state police employees

March 29, 2017

Dear Representative Welch and Members of the Committee:

My name is Peter Bartlett; I am the Chief of Police in Hooksett, and I appear before you on behalf of the NH Association of Chiefs of Police in support of SB 67.

Senate Bill 67 addresses the issue of jurisdiction of the NH State Police in communities where it has traditionally been limited (unless ordered by the Governor or requested by a local chief) ever since the NH State Police was created in 1937. Let me start by saying first that the relationships between local law enforcement agencies and the NH State Police have, perhaps, never been better in their 80-year history. I and my colleagues from throughout NH appreciate that, because it has not always been the case. Today, we work cooperatively with law enforcement throughout the state to serve the people of NH. And, as you well know, today's environment requires all of law enforcement to continue a smooth, cooperative effort to combat those challenges, especially the drug crisis that has gripped this state for the last several years.

With respect to the bill, the Chiefs recognize the concerns that the NH State Police have with liability issues and are very willing to address them. This is why we worked so carefully to ensure that any change in law is done correctly. In our discussions with the NHSP, we worked to incorporate language into the statute that addresses the NHSP liability matter. Our discussions were fruitful with both sides trying to achieve a result that will address liability while maintaining appropriate authority of the different law enforcement agencies.

Bill as Introduced

SB 67 - AS INTRODUCED

2015 SESSION

15-0616
01/06

SENATE BILL **67**

AN ACT establishing a committee to study opioid misuse in New Hampshire.

SPONSORS: Sen. D'Allesandro, Dist 20; Sen. Stiles, Dist 24; Sen. Hosmer, Dist 7; Sen. Soucy, Dist 18; Sen. Kelly, Dist 10; Sen. Lasky, Dist 13; Sen. Pierce, Dist 5; Sen. Fuller Clark, Dist 21; Sen. Watters, Dist 4; Rep. P. Long, Hills 10; Rep. Goley, Hills 8; Rep. MacKay, Merr 14; Rep. J. Lachance, Hills 8; Rep. J. Ward, Rock 19

COMMITTEE: Health and Human Services

ANALYSIS

This bill establishes a committee to study opioid misuse in New Hampshire.

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 establishing a committee to study opioid misuse in New Hampshire.

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

1 1 Statement of Purpose and Findings.

2 I. The general court finds that:

3 (a) The use and misuse of prescription pain drugs and opioids has become a significant
4 problem in our state.

5 (b) The incidence of dependency, addiction, and death continues to increase at an
6 alarming rate.

7 (c) The opioid drug misuse problem has broad implications for society, including the
8 family and workplace.

9 (d) A focus on ways to address the opioids drug abuse problem will benefit society, save
10 lives, and save money for the state of New Hampshire.

11 II. Therefore, the general court hereby establishes a committee to study ways to support
12 patient access to and use of appropriate pain treatments, including non-opioid and abuse deterrent
13 formulation opioid therapies.

14 2 Committee Established. There is established a committee to study opioid misuse in
15 New Hampshire.

16 3 Membership and Compensation.

17 I. The members of the committee shall be as follows:

18 (a) One member of the senate, appointed by the president of the senate.

19 (b) Three members of the house of representatives, appointed by the speaker of the
20 house of representatives.

21 II. Members of the committee shall receive mileage at the legislative rate when attending to
22 the duties of the committee.

23 4 Duties.

24 I. The committee shall study opioid misuse in New Hampshire. The committee's study shall
25 include, but not be limited to, ways to support patient access to and use of appropriate pain
26 treatments, including non-opioid and abuse deterrent formulation opioid therapies.

27 II. The committee shall solicit information from health care providers, drug addiction
28 counselors, patients and any other person or entity the committee deems relevant to its study.

29 5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
30 among the members. The first meeting of the committee shall be called by the senate member. The

SB 67 - AS INTRODUCED

- Page 2 -

1 first meeting of the committee shall be held within 45 days of the effective date of this section. Three
2 members of the committee shall constitute a quorum.

3 6 Report. The committee shall report its findings and any recommendations for proposed
4 legislation to the president of the senate, the speaker of the house of representatives, the senate
5 clerk, the house clerk, the governor, and the state library on or before November 1, 2016.

6 7 Effective Date. This act shall take effect upon its passage.