

Committee Report

REGULAR CALENDAR

January 30, 2018

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 1298,

AN ACT relative to unalienable rights of inhabitants.

Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Dennis Fields

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1298
Title:	relative to unalienable rights of inhabitants.
Date:	January 30, 2018
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would create a cause of action for certain violations of inhabitants rights and privileges and also mandates that county attorneys process affidavits for trial of such violations. This bill would have allowed an individual to file a complaint of trespass against any public servant who the individual feels has wronged them, which must be prosecuted by the county attorney. This would create a heavy burden on the county, no matter if the public servant was a state, county or municipal employee. The committee felt that the bill was unnecessary.

Vote 14-6.

Rep. Dennis Fields
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1298, relative to unalienable rights of inhabitants. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dennis Fields for the **Majority** of Criminal Justice and Public Safety. This bill would create a cause of action for certain violations of inhabitants rights and privileges and also mandates that county attorneys process affidavits for trial of such violations. This bill would have allowed an individual to file a complaint of trespass against any public servant who the individual feels has wronged them, which must be prosecuted by the county attorney. This would create a heavy burden on the county, no matter if the public servant was a state, county or municipal employee. The committee felt that the bill was unnecessary. **Vote 14-6.**

Original: House Clerk
Cc: Committee Bill File

**MAJORITY
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Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1298
Title:	relative to unalienable rights of inhabitants.
Date:	January 30, 2018
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE <<Amendment #>>

STATEMENT OF INTENT

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Vote 14-6.

Rep. Dennis Fields
FOR THE MAJORITY

DM

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: CJ & PS

BILL NUMBER: 1298

TITLE: UNALIENABLE RTS.

DATE: 1-20- 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 court attorney presented discretion would be taken away from the court. This presenter authority would be taken away - denied.~~

See Attached

COMMITTEE VOTE: 14 YAYS 6 NAYS

RESPECTFULLY SUBMITTED,

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

Rep. [Signature]
For the Committee

This bill would create a cause of action for certain violations of inhabitants rights and privilege and also mandates that county attorneys process affidavits for trial of such violations. This bill would have allowed an individual to file a complaint of trespass against any public servant who the individual feels has wronged them, which must be prosecuted by the county attorney. This would create a heavy burden on the county, no matter if the public servant was a state, county or municipal employee. The committee felt that the bill was unnecessary

REGULAR CALENDAR

January 30, 2018

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Criminal Justice and
Public Safety to which was referred HB 1298,**

AN ACT relative to unalienable rights of inhabitants.

**Having considered the same, and being unable to agree
with the Majority, report with the recommendation that
the bill OUGHT TO PASS.**

Rep. John Burt

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1298
Title:	relative to unalienable rights of inhabitants.
Date:	January 30, 2018
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Our natural rights are unalienable and those privileges are protected from trespass by government as a whole, this would include public servants. This legislation addresses a lack of adherence to existing and established protections. It allows for a process codified in the modern statutory structure. The legislation also provides that a county attorney must process affidavits to investigate complaints of nonfeasance by public officials. Additionally it adds a penalty to non-adherence. A public servant agrees to uphold these basic principles and refusing or remaining silent is deemed a breach of oath.

Rep. John Burt
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1298, relative to unalienable rights of inhabitants. **OUGHT TO PASS.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. Our natural rights are unalienable and those privileges are protected from trespass by government as a whole, this would include public servants. This legislation addresses a lack of adherence to existing and established protections. It allows for a process codified in the modern statutory structure. The legislation also provides that a county attorney must process affidavits to investigate complaints of nonfeasance by public officials. Additionally it adds a penalty to non-adherence. A public servant agrees to uphold these basic principles and refusing or remaining silent is deemed a breach of oath.

Original: House Clerk
Cc: Committee Bill File

**MINORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1298
Title:	relative to unalienable rights of inhabitants.
Date:	January 30, 2018
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

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Rep. John Burt
FOR THE MINORITY

JMB

Original: House Clerk
Cc: Committee Bill File

MINORITY REPORT

COMMITTEE: Criminal Justice

BILL NUMBER: HB 1298

TITLE: _____

DATE: 1-30-18 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:

see email

COMMITTEE VOTE: 14-6

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,
Rep. *Sal Acosta*
For the Minority

Karwocki, Karen

From: john@burtnh.com
Sent: Tuesday, January 30, 2018 7:31 PM
To: David Welch; Karwocki, Karen; Saparetto, Frank
Subject: Minority Blurb HB 1298

Blurb HB 1298

2018 Session

01/30/2018

AN ACT relative to unalienable rights of inhabitants.

Our natural rights are unalienable and those privileges are protected from trespass by government as a whole, this would include public servants. This legislation addresses a lack of adherence to existing and established protections. It allows for a process codified in the modern statutory structure. The legislation also provides that a County Attorney must process affidavits to investigate complaints of nonfeasance by public officials. Additionally it adds a penalty to non-adherence. A public servant agrees to uphold these basic principles and refusing or remaining silent is deemed a breach of oath.

Rep John Burt for the minority of Criminal Justice and Public Safety:

Sincerely,
NH Representative
John A. Burt
Goffstown

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1298

BILL TITLE: relative to unalienable rights of inhabitants.

DATE:

LOB ROOM: 204

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Fields

Seconded by Rep. Chandley

Vote: 14-6

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep Delmar Burridge, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1298

BILL TITLE: relative to unalienable rights of inhabitants.

DATE:

LOB ROOM: 204

MOTION: (Please check one box)

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

Moved by Rep. Felder Seconded by Rep. CHANDLER Vote: 14-6

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

CONSENT CALENDAR: ____ YES ____ NO

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

Respectfully submitted: _____

Rep Delmar Burridge, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2017 9:34:53 AM
Roll Call Committee Registers
Report

2017 SESSION

CRIM&SFTY

Bill #: 1298 Title: UNALIENABLE RIGHTS
PH Date: 1 / 17 / 18 Exec Session Date: 1 / 30 / 2018
Motion: ITL Amendment #: _____

MEMBER

YEAS

14

NAYS

6

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	✓	
Burrige, Delmar D. Clerk	✓	
Murray, Kate	✓	✓
O'Leary, Richard	✓	✓
Opderbecke, Linn	✓	
TOTAL VOTE:		

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1298

BILL TITLE: relative to unalienable rights of inhabitants.

DATE:

LOB ROOM: 204

Time Public Hearing Called to Order: 10:00

Time Adjourned: 10:09

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

Bill Sponsors:

Rep. Marple

Rep. Comeau

Rep. Spillane

TESTIMONY

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

*Rep Marple-Supports- That which appears but which is not" See his HB

Rep Burt-Asked how many are we doing this

No verbal response just a shrug of the shoulder

Respectfully Submitted,


Rep Delmar Burrridge, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1298

BILL TITLE: relative to unalienable rights of inhabitants.

DATE:

LOB ROOM: 204

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Bill Sponsors:

Rep. Marple

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TESTIMONY

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

*Rep Marple-Supports-^{///}That which appears but which is not" See his HB

Rep Burt ^{asked} How many are we doing this, ^{it}

Respectfully Submitted,

Rep Delmar Burrridge, Clerk

*no verbal verbal verbal
& response...
just a shrug*

Shred

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1298

BILL TITLE: relative to unalienable rights of inhabitants.

DATE:

ROOM: 204

Time Public Hearing Called to Order: 10:00

Time Adjourned: 10:59

(please circle if present)

Committee Members: Reps. Welch, Sapareto, Fields, Fesh, Gagne, Burt, Green, Gargas,
Ham, McNally, Testerman, Wallace, Chandley, Pantelakos, Berube, Cushing, Rodd,
Murray, O'Leary, Oederbecke and Burridge

Bill Sponsors:

Rep. Marple

Rep. Comeau

Rep. Spillane

TESTIMONY

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

Rep Marple: "that which appears but which is not,"
Read his HB.

Burt ~ how many are we doing this

Testimony

Bill as Introduced

HB 1298 - AS INTRODUCED

2018 SESSION

18-2145

05/04

HOUSE BILL **1298**

AN ACT relative to unalienable rights of inhabitants.

SPONSORS: Rep. Marple, Merr. 24; Rep. Comeau, Carr. 5; Rep. Spillane, Rock. 2

COMMITTEE: Criminal Justice and Public Safety *ITL*

ANALYSIS

This bill creates a cause of action for certain violations of inhabitants rights and privileges. The bill also mandates county attorneys to process affidavits for trial of such violations.

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 Eighteen

AN ACT relative to unalienable rights of inhabitants.

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

1 1 New Section; Abuse of Office; Trespass on Inhabitants Unalienable Rights by Public
2 Servants. Amend RSA 643 by inserting after section 2 the following new section:

3 643:3 Trespass on Inhabitants Unalienable Rights by a Public Servant.

4 I. A public servant, as defined in RSA 640:2, II(a), acting under color of law or otherwise,
5 who uses or attempts to use threats, duress, intimidation, or coercion to diminish any inhabitant's
6 unalienable rights or privileges shall be guilty of misdeed and trespass. Upon receipt of an
7 inhabitant's affidavit of complaint of trespass, the county attorney shall immediately file a criminal
8 action in the name of the state of New Hampshire in the superior court in which the inhabitant
9 resides.

10 II. An inhabitant's affidavit shall be deemed to be a prima facie case under paragraph I.
11 Any elected county attorney who fails to process an inhabitant's affidavit shall be ipso facto guilty of
12 trespass and nonfeasance and subject to the penalty of RSA 92:2.

13 2 Effective Date. This act shall take effect 60 days after its passage.