

LEGISLATIVE COMMITTEE MINUTES

SB607

Bill as
Introduced

SB 607 - AS INTRODUCED

2020 SESSION

20-3015
11/03

SENATE BILL **607**

AN ACT relative to applicability of certain DWI prohibitions.

SPONSORS: Sen. French, Dist 7; Sen. Hennessey, Dist 5; Sen. Reagan, Dist 17; Rep. Forsythe,
Merr. 8; Rep. Pearl, Merr. 26; Rep. St. Clair, Belk. 9

COMMITTEE: Judiciary

ANALYSIS

This bill clarifies the meaning of "drive or attempt to drive" in certain DWI prohibitions.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty

AN ACT relative to applicability of certain DWI prohibitions.

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

1 1 New Paragraph; Alcohol or Drug Impairment; Definitions. Amend RSA 265-A:1 by inserting
2 after paragraph V the following new paragraph:

3 VI. "Drive," or "attempt to drive," or "actual physical control" shall not include:

4 (a) Sleeping, resting, or sheltering in place in a vehicle parked in any place where
5 parking is permitted;

6 (b) Lacking intent to control the vehicle in a manner which could pose a danger to the
7 public; or

8 (c) Controlling an inoperable vehicle.

9 2 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

**2nd AMENDED
SENATE CALENDAR NOTICE
Judiciary**

Sen Martha Hennessey, Chair
Sen Shannon Chandley, Vice Chair
Sen Melanie Levesque, Member
Sen Sharon Carson, Member
Sen Harold French, Member

Date: January 9, 2020

HEARINGS

Tuesday	01/14/2020	
(Day)	(Date)	
Judiciary	State House 100	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 436-FN	relative to the penalties for various motor vehicle violations.	
9:20 a.m. SB 607	relative to applicability of certain DWI prohibitions.	
9:50 a.m. SB 604	naming certain courtrooms in the tenth circuit district court.	
10:20 a.m. SB 524-FN	relative to immunity from arrest or prosecution for prostitution for seeking medical assistance for reporting certain crimes.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 436-FN

Sen. Chandley
Rep. Williams
Rep. Fields

Sen. Rosenwald
Rep. Martin

Sen. Morgan
Rep. Vail

Sen. Dietsch
Rep. Telerski

SB 607

Sen. French
Rep. Pearl

Sen. Hennessey
Rep. St. Clair

Sen. Reagan

Rep. Forsythe

SB 604

Sen. Sherman
Rep. Cushing

Rep. Edgar
Rep. Janvrin

Rep. Loughman

Rep. Bushway

SB 524-FN

Sen. French

Sen. Reagan

Jennifer Horgan 271-2609

Martha S. Hennessey
Chairman

Senate Judiciary Committee
Jennifer Horgan 271-2609

SB 607, relative to applicability of certain DWI prohibitions.

Hearing Date: January 14, 2020

Time Opened: 10:07 a.m.

Time Closed: 10:12 a.m.

Members of the Committee Present: Senators Hennessey, Chandley, Levesque, Carson and French

Members of the Committee Absent : None

Bill Analysis: This bill clarifies the meaning of "drive or attempt to drive" in certain DWI prohibitions.

Sponsors:

Sen. French

Sen. Hennessey

Sen. Reagan

Rep. Forsythe

Rep. Pearl

Rep. St. Clair

Who supports the bill: Senator French; Senator Hennessey; Representative Pearl; Representative Greene; Alvin See

Who opposes the bill: Representative Horrigan; Chris Casco, Department of Safety; Tom Prasol, NH Police Association; James Demers, NH Troopers Association; Elizabeth Sargent, NH Association of Chiefs of Police

Who is neutral on the bill: Howard Zibel, Judicial Branch

Summary of testimony presented in support:

Senator French

- Brought this issue forward last year and the Senate passed it
- When the bill went to the House it was recommended 'ITL'.
- Last week, in a bipartisan manner, the ITL recommendation was overturned and the bill was passed with an amendment.
- That bill will be coming back to the Senate for concurrence, so there is no longer a need currently for this bill.

Summary of testimony presented in opposition:

Chris Casco (Department of Safety)

- Was involved in drafting of the amendment in the House and therefore feels no need to speak on this bill.

Neutral Information Presented:

Howard Zibel (Judicial Branch)

- Was going to request a January 1st effective date, but will apply that request to the other bill.

jch

Date Hearing Report completed: January 17, 2020

FOR THE CONSENT CALENDAR

JUDICIARY

SB 607, relative to applicability of certain DWI prohibitions.

Inexpedient to Legislate, Vote 5-0.

Senator Harold French for the committee.

nfdknfsdj

Speakers

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # SB 607

Hearing date: _____

Executive session date: _____

Motion of: ITL

VOTE: 5-0

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input checked="" type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input checked="" type="checkbox"/>	French <input type="checkbox"/>

Motion of: Consent

VOTE: 5-0

<u>Made by</u> Hennessey <input type="checkbox"/>	<u>Seconded</u> Hennessey <input type="checkbox"/>	<u>Reported</u> Hennessey <input type="checkbox"/>
<u>Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>	<u>by Senator:</u> Chandley <input type="checkbox"/>
Carson <input checked="" type="checkbox"/>	Carson <input type="checkbox"/>	Carson <input type="checkbox"/>
Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>	Levesque <input type="checkbox"/>
French <input type="checkbox"/>	French <input checked="" type="checkbox"/>	French <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hennessey, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chandley, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Levesque	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator French	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

FOR THE CONSENT CALENDAR

JUDICIARY

SB 607, relative to applicability of certain DWI prohibitions.

Inexpedient to Legislate, Vote 5-0.

Senator Harold French for the committee.

This bill would clarify the meaning of "drive or attempt to drive" in certain DWI prohibitions. As intent of this bill is already addressed by SB34, which is coming to the Senate for concurrence, SB607 is no longer necessary.

General Court of New Hampshire - Bill Status System

Docket of SB607

Docket Abbreviations

Bill Title: relative to applicability of certain DWI prohibitions.**Official Docket of SB607.:**

Date	Body	Description
1/6/2020	S	To Be Introduced 01/08/2020 and Referred to Judiciary; SJ 1
1/8/2020	S	Hearing: 01/14/2020, Room 100, SH, 09:20 am; SC 2
1/17/2020	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 01/30/2020; SC 4
1/30/2020	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 01/30/2020; SJ 2

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB601

Senate Committee: Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Jennifer Horgan
Committee Aide

7/23/20
Date

Senate Clerk's Office JM