

Committee Report

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 419-FN
Title:	relative to assault of a campaign worker at the polling place.
Date:	March 1, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

We already laws to protect us against assault. Enhancing all assaults, including simple assault, to a felony is going too far. No definition of a campaign worker is given. We think present protections are sufficient.

Vote 19-0.

Rep. John Bordenet
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 419-FN

BILL TITLE: relative to assault of a campaign worker at the polling place.

DATE: March 1, 2021

LOB ROOM: hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Bordenet

Seconded by Rep. Hopper

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jennifer Rhodes, Clerk



2021 SESSION

Criminal Justice and Public Safety

Bill #: 419 Motion: IT AM #: _____ Exec Session Date: 3/1/2021
19/0

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	19		
Welch, David A. Vice Chairman	1		
Burt, John A.	2		
Hopper, Gary S.			
Green, Dennis E.	3		
Wallace, Scott	4		
Testerman, Dave	5		
True, Chris	6		
Pratt, Kevin M.	7		
Marston, Dick	8		
Rhodes, Jennifer M. Clerk	9		
Harriott-Gathright, Linda C.	10		
Pantelakos, Laura C.	11		
O'Hearne, Andrew S.	12		
Bordenet, John	13		
Meuse, David	14		
Newman, Ray E.	.		
Bouldin, Amanda C.	15		
Conley, Casey M.	16		
Klein-Knight, Nicole	17		
Bradley, Amy	18		

Public Hearing

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 419-FN

BILL TITLE: relative to assault of a campaign worker at the polling place.

DATE: March 1, 2021

LOB ROOM: hybrid **Time Public Hearing Called to Order:**

Time Adjourned:

Committee Members: Reps. Abbas, Welch, Rhodes, Burt, Hopper, Green, Wallace, Testerman, True, Pratt, Marston, Harriott-Gathright, Pantelakos, O'Hearne, Bordenet, Meuse, R. Newman, Amanda Bouldin, Conley, Klein-Knight and Bradley

Bill Sponsors:

Rep. Prudhomme-O'Brien Rep. Lynn Rep. Love

TESTIMONY

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

Rep. Prudhomme, Sponsor - Introduced bill because of a specific situation.

Rep. Bordenet - Do you feel this law is necessary given that what the bill addresses is already illegal?

A.. Yes

Rep. Klein-Knight - Is the law different for a polling place that makes you feel this is necessary.

A. Yes, moderators, supervisors of checklist etc. have certain protections. This would extend to everyone for elections.

Rep. Torosian - support - Had personal experience that makes him support the bill.

Rep. Klein-Knight - How would this law have protected you more than we are already protected?

A. Hopefully it will make people think twice.

Katherine Cooper - opposed. Would make people a felon.

Gordon Campbell - support. Police were powerless to prosecute those that assaulted his family at polling place.

Respectfully submitted,

Rep. Jennifer Rhodes, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB419 on 2021-03-01

Support: 8 Oppose: 12 Neutral: 0 Total to Testify: 2

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Torosian, Peter	Atkinson, NH FlyBirdAir@aol.com	An Elected Official	Rockingham County # 14	Support	Yes (5m)	No	2/28/2021 9:51 PM
Cooper, Katherine	Epping, NH katherine@NHACDL.org	A Lobbyist	NH Association of Criminal Defense Lawyers	Oppose	Yes (2m)	No	2/26/2021 10:46 AM
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/27/2021 2:01 PM
Lynn, Bob	Windham, NH rjlynn4@gmail.com	An Elected Official	Myself	Support	No	No	2/27/2021 4:36 PM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/28/2021 6:55 PM
Kallinich, Kayla	Boston, MA kaylakall47@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2021 4:11 PM
Groetzinger, Tonda	Farmington, NH groetzinger6@aol.com	A Member of the Public	Myself	Support	No	No	2/23/2021 12:23 PM
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/28/2021 3:12 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Oppose	No	No	2/28/2021 5:06 PM
Frost, Sherry	Dover, NH sherry.frost@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	2/28/2021 5:29 PM
Anastasia, Patti	LONDONDERRY, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/28/2021 5:46 PM
Thomas, Nicholas	Manchester, NH nicholas.w.thomas@uconn.edu	A Member of the Public	Myself	Oppose	No	No	2/28/2021 8:05 PM
GOLRICK, COLLEEN	KEENE, NH C.GOLRICK@GMAIL.COM	A Member of the Public	Myself	Support	No	No	2/28/2021 9:01 PM

Pedersen, Michael	Nashua, NH PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Oppose	No	No	2/28/2021 9:21 PM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 7:43 AM
Calitz, Louis	Manchester, NH louis@free603.org	A Member of the Public	Myself	Oppose	No	No	3/1/2021 7:44 AM
Hayden, Sam	Hopkinton, NH hayden.sam@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/1/2021 7:46 AM
Beene, Holly	Manchester, NH holly.beene@yahoo.com	A Member of the Public	Myself	Oppose	No	No	3/1/2021 8:55 AM
Prudhomme O'Brien, K-I want to testify!	Derry, NH KPO@leg.state.nh.us	An Elected Official	Derry/Rockingham County 06	Support	No	No	3/1/2021 10:42 AM
LOZITO, PATRICK	Claremont, NH patlozito@gmail.com	A Member of the Public	Myself	Support	No	No	3/1/2021 1:02 PM

Testimony

Archived: Friday, March 5, 2021 9:48:01 AM

From: Patti Anastasia

Sent: Sunday, February 28, 2021 6:05:40 PM

To: ~House Criminal Justice and Public Safety

Cc: Al Baldasaro; Betsy McKinney; Doug Thomas; elephantsmarching@msn.com; David Lundgren; Sherman Packard; Tom Dolan; Sharon Carson

Subject: My opposition to HB 419

Importance: Normal

I am writing to voice my opposition to HB419. Please take this into consideration at HB419's committee hearing.

RSA 659:41, which this bill will amend, protects workers with **official** duties at an election. Campaign workers are not election officials and have no official duty at elections, so special consideration of assault of a campaign worker has no place in this section of election law. An amendment giving special consideration to campaign workers at an election makes sense only if that special consideration is extended to **anyone** who is assaulted at an election. Why would special consideration be extended to campaign workers but not to **voters**?

regards,
Patti Anastasia
Londonderry, NH

Bill as
Introduced

HB 419-FN - AS INTRODUCED

2021 SESSION

21-0522

05/06

HOUSE BILL ***419-FN***

AN ACT relative to assault of a campaign worker at the polling place.

SPONSORS: Rep. Prudhomme-O'Brien, Rock. 6; Rep. Lynn, Rock. 7; Rep. Love, Rock. 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes an enhanced criminal penalty for assault of a campaign worker at a polling place.

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 One

AN ACT relative to assault of a campaign worker at the polling place.

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

- 1 1 Election Procedure; Prohibited Acts; Assault. Amend RSA 659:41 to read as follows:
- 2 659:41 Assault, Etc. Any person who shall assault a town, city, or ward officer, ***or a campaign***
- 3 ***worker at a polling place***, as provided in RSA 631 in the discharge of any duty of his ***or her*** office
- 4 at any election shall be guilty of a class A felony or a class B felony, but never less than a class B
- 5 felony, other provisions of the law to the contrary notwithstanding. Any person who shall take
- 6 away, injure or destroy the ballot box or checklist when in use at any election shall be guilty of a
- 7 class B felony.
- 8 2 Effective Date. This act shall take effect January 1, 2022.

**HB 419-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to assault of a campaign worker at the polling place.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill adds assault of a campaign worker at a polling place to the list of chargeable crimes. This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Simple Criminal Case	\$309	\$309
Routine Criminal Felony Case	\$494	\$494
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten 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. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Major Crimes (aggravated felonious	\$2,490/Case	\$2,490/Case

sexual assault, felonious sexual assault and first degree assault)		
Assigned Counsel – Major Crimes (aggravated felonious sexual assault, felonious sexual assault and first degree assault)	\$100/Hour up to \$8,000	\$100/Hour up to \$8,000
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2020 Average Cost of Incarcerating an Individual	\$47,691	\$47,691
FY 2020 Annual Marginal Cost of a General Population Inmate	\$6,407	\$6,407
FY 2020 Average Cost of Supervising an Individual on Parole/Probation	\$584	\$584
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

AGENCIES CONTACTED:

Departments of Justice and Corrections, Judicial Branch, Judicial Council and New Hampshire Association of Counties