

Committee Report

CONSENT CALENDAR

March 3, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 443-FN,**

**AN ACT relative to an extended term of imprisonment
for assaulting military personnel. Having considered
the same, report the same with the following resolution:**

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Chris True

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 443-FN
Title:	relative to an extended term of imprisonment for assaulting military personnel.
Date:	March 3, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would allow for an extended term of imprisonment for any felony or misdemeanor crimes attempted or committed against a member of the United States Armed forces, whether on active duty or inactive duty, whether in uniform or out of uniform. . The committee fully supports equal protection under the law. The committee finds that the bill is overly broad and that we do have laws in statute protecting members of our armed forces and all citizens. The committee does not find a demonstrated need.

Vote 21-0.

Rep. Chris True
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 443-FN, relative to an extended term of imprisonment for assaulting military personnel.
INEXPEDIENT TO LEGISLATE.

Rep. Chris True for Criminal Justice and Public Safety. This bill would allow for an extended term of imprisonment for any felony or misdemeanor crimes attempted or committed against a member of the United States Armed forces, whether on active duty or inactive duty, whether in uniform or out of uniform. . The committee fully supports equal protection under the law. The committee finds that the bill is overly broad and that we do have laws in statute protecting members of our armed forces and all citizens. The committee does not find a demonstrated need. **Vote 21-0.**

Original: House Clerk
Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on Bill # 443

BILL TITLE: Relative to an extended term of imprisonment for
Assaulting military personnel.

DATE: 3/3/2021

LOB ROOM: _____

MOTION: (Please check one box)

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

Moved by Rep. True Seconded by Rep. Bort Vote: 21/0

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: Jennifer Rhodes
Rep. Jennifer Rhodes, Clerk



2021 SESSION

Criminal Justice and Public Safety

 Bill #: 443 Motion: ITL AM #: _____ Exec Session Date: 2/10 3/3/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	21		
Welch, David A. Vice Chairman	1		
Burt, John A.	2		
Hopper, Gary S.	3		
Green, Dennis E.	4		
Wallace, Scott	5		
Testerman, Dave	6		
True, Chris	7		
Pratt, Kevin M.	8		
Marston, Dick <u>Doucet</u>	9		
Rhodes, Jennifer M. Clerk	10		
Harriott-Gathright, Linda C.	11		
Pantelakos, Laura C.	12		
O'Hearne, Andrew S.	13		
Bordenet, John	14		
Meuse, David	15		
Newman, Ray E.	16		
Bouldin, Amanda C.	17		
Conley, Casey M.	18		
Klein-Knight, Nicole	19		
Bradley, Amy	20		

Public Hearing

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 443-FN

BILL TITLE: relative to an extended term of imprisonment for assaulting military personnel.

DATE: March 3, 2021

LOB ROOM: hybrid **Time Public Hearing Called to Order:** 2:05 p.m.

Time Adjourned: 2:10 p.m.

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. Bordes
Rep. O'Hara

Rep. Binford
Rep. Johnson

Rep. Hough
Rep. Trottier

TESTIMONY

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

Rep. Bordes, Sponsor - Military families and personal being threatened and or harmed is not acceptable and this would put them on the same as a law enforcement officer.

Rep. Jess Edwards - supports. Feel it is necessary

Kevin Grady - support

Respectfully submitted,

Rep. Jennifer Rhodes, Clerk

House Remote Testify


Criminal Justice and Public Safety Committee Testify List for Bill HB443 on 2021-03-03

Support: 2 Oppose: 9 Neutral: 0 Total to Testify: 1

[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>
Grady, Kevin	Hooksett, NH jaws15@hotmail.com	A Member of the Public	State Veterans Advisory Committee	Support	Yes (3m)	No	2/26/2021 9:54 AM
Axelman, Elliot	HOOKSETT, NH aluaxelman@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/28/2021 7:21 PM
Thomas, Nicholas	Manchester, NH nicholas.w.thomas@uconn.edu	A Member of the Public	Myself	Oppose	No	No	2/28/2021 8:44 PM
Calitz, Louis	Manchester, NH louis@free603.org	A Member of the Public	Myself	Oppose	No	No	3/1/2021 7:51 AM
Elliott, John	Goffstown, NH john@AllyUSTrading.com	A Member of the Public	Myself	Oppose	No	No	3/2/2021 12:05 PM
Mennella, Alexandra	Hooksett, NH amennella1@protonmail.com	A Member of the Public	Myself	Oppose	No	No	3/2/2021 9:54 PM
Cooper, Katherine	Epping, NH katherine@NHACDL.org	A Lobbyist	NH Association of Criminal Defense Lawyers	Oppose	No	No	3/3/2021 9:25 AM
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Oppose	No	No	3/3/2021 9:37 AM
Edwards, Jess	Auburn, NH jess.edwards@leg.state.nh.us	An Elected Official	Rockingham District 4 (Auburn, Chester, Sandown)	Support	No	No	3/3/2021 12:20 PM
Hruska, Jeanne	Concord, NH Jeanne@aclu-nh.org	A Lobbyist	ACLU-NH	Oppose	No	No	3/3/2021 2:06 PM
Green, Doreen	Loudon, NH rcfngnrn@comcast.net	A Member of the Public	Myself	Oppose	No	No	3/3/2021 9:14 PM

Testimony

Archived: Friday, March 5, 2021 9:36:41 AM
From: [Katherine Cooper](#)
Sent: Wednesday, March 3, 2021 9:27:16 AM
To: ~House Criminal Justice and Public Safety
Subject: HB443
Importance: Normal
Attachments:
[HB443 armed services enhancement.doc](#) 

I have attached written testimony opposing this sentence enhancement. Thank you for your time and service to the state.

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Katherine Cooper
Executive Director
New Hampshire Association of Criminal Defense Lawyers
www.NHACDL.org
603-556-8294
katherine@NHACDL.org

Bill as
Introduced

HB 443-FN - AS INTRODUCED

2021 SESSION

21-0559

04/11

HOUSE BILL **443-FN**

AN ACT relative to an extended term of imprisonment for assaulting military personnel.

SPONSORS: Rep. Bordes, Belk. 3; Rep. Binford, Graf. 15; Rep. Hough, Belk. 3; Rep. O'Hara,
Belk. 9; Rep. Johnson, Belk. 3; Rep. Trottier, Belk. 6

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides for an extended term of imprisonment for an assault conviction against a member of the United States armed services.

.....

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 an extended term of imprisonment for assaulting military personnel.

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

1 1 Extended Term of Imprisonment; Assault of Military Personnel. Amend RSA 651:6, I(g) to
2 read as follows:

3 (g) Has knowingly committed or attempted to commit any of the crimes defined in RSA
4 631 where he or she knows the victim was, at the time of the commission of the crime, ***a member of***
5 ***the United States armed forces as defined in RSA 21:50, II***, a law enforcement officer, a paid
6 firefighter, volunteer firefighter, on-call firefighter, or licensed emergency medical care provider as
7 defined in RSA 153-A:2, V acting in the line of duty;

8 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 443-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to an extended term of imprisonment for assaulting military personnel.

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 Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill provides for an extended term of imprisonment for an assault conviction against a member of the United States armed services.

The Department of Corrections cannot predict the number of people that might commit this crime. This makes the fiscal impact to the Department indeterminable. Any fiscal impact would either be no change or an increase in expenditures. The Department has provided the following average cost information.

Department of Corrections	FY 2021	FY 2022
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

The Judicial Branch expects the fiscal impact of this bill will be below \$10,000. The Branch assumes, since the bill only addresses the length of the term of imprisonment, the number of prosecutions will not change and the bill would not result in a significant change in its expenditures. The bill would require the Branch to modify and update its Odyssey case management system, to update its forms and notify judges and staff of the changes. The Branch anticipates the additional costs could be managed within existing resources. The collective effort to make these types of changes for all bills that are signed into law takes several months to

implement and may not be possible within the 60 day effective date called for in this bill. If the 60 day effective date remains in place, additional resources, and expenditures, may be necessary to implement the changes in the shorter time frame.

It is assumed that any fiscal impact would occur after July 1,2021.

AGENCIES CONTACTED:

Department of Corrections and Judicial Branch