

# Committee Report

**REGULAR CALENDAR**

**February 5, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 66,**

**AN ACT relative to the use of deadly force by a law enforcement officer. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Scott Wallace**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	<b>Criminal Justice and Public Safety</b>
Bill Number:	<b>HB 66</b>
Title:	<b>relative to the use of deadly force by a law enforcement officer.</b>
Date:	<b>February 5, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

**STATEMENT OF INTENT**

This bill seeks to remove the authority for a law enforcement officer to use deadly force when effecting an arrest by the repeal of RSA 627:5 VIII. The committee listened to many stakeholders on this bill, including representatives of the law enforcement community, and the general public. After careful consideration and debate the majority of the Criminal Justice and Public Safety committee concluded that this bill should be found inexpedient to legislate due to the fact that a fleeing felon simply attempting to evade arrest is distinctly different from an individual in the same set of circumstances using or attempting to use a deadly weapon to evade his or her arrest. Furthermore law enforcement officers need to be able to exercise the use of deadly force not only to protect themselves but also to protect victims of violent crimes during the arrest process. Domestic violence crimes are prime examples of such circumstances.

Vote 14-7.

Rep. Scott Wallace  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Criminal Justice and Public Safety

**HB 66**, relative to the use of deadly force by a law enforcement officer. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Scott Wallace for the **Majority** of Criminal Justice and Public Safety. This bill seeks to remove the authority for a law enforcement officer to use deadly force when effecting an arrest by the repeal of RSA 627:5 VIII. The committee listened to many stakeholders on this bill, including representatives of the law enforcement community, and the general public. After careful consideration and debate the majority of the Criminal Justice and Public Safety committee concluded that this bill should be found inexpedient to legislate due to the fact that a fleeing felon simply attempting to evade arrest is distinctly different from an individual in the same set of circumstances using or attempting to use a deadly weapon to evade his or her arrest. Furthermore law enforcement officers need to be able to exercise the use of deadly force not only to protect themselves but also to protect victims of violent crimes during the arrest process. Domestic violence crimes are prime examples of such circumstances. **Vote 14-7.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**February 5, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 66,**

**AN ACT relative to the use of deadly force by a law enforcement officer. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.**

**Rep. Linda Harriott-Gathright**

**FOR THE MINORITY OF THE COMMITTEE**

## **MINORITY COMMITTEE REPORT**

Committee:	<b>Criminal Justice and Public Safety</b>
Bill Number:	<b>HB 66</b>
Title:	<b>relative to the use of deadly force by a law enforcement officer.</b>
Date:	<b>February 5, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS</b>

### **STATEMENT OF INTENT**

The laws are already in place to prevent the escape of a suspect, believed to be a threat to the officer and/or the public. What's disturbing is it's based on the officer's feelings. They have the option to use deadly force or not, too. The minority believes that deadly force is never the first option for our public safety officers, for they are trained as well to use other areas of the body and should never be used to take a life, however, but to retain. The minority believes that de-escalation training, proper training of areas of the body to halt a suspect without killing them should be used by all of NH officers, not just a few.

Rep. Linda Harriott-Gathright  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Criminal Justice and Public Safety

**HB 66**, relative to the use of deadly force by a law enforcement officer. **OUGHT TO PASS.**

Rep. Linda Harriott-Gathright for the **Minority** of Criminal Justice and Public Safety. The laws are already in place to prevent the escape of a suspect, believed to be a threat to the officer and/or the public. What's disturbing is it's based on the officer's feelings. They have the option to use deadly force or not, too. The minority believes that deadly force is never the first option for our public safety officers, for they are trained as well to use other areas of the body and should never be used to take a life, however, but to retain. The minority believes that de-escalation training, proper training of areas of the body to halt a suspect without killing them should be used by all of NH officers, not just a few.

Original: House Clerk

Cc: Committee Bill File

# Voting Sheets





STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/21/2021 3:52:16 PM  
Committee Attendance Registers - All  
Report

2021 SESSION YEAR

For: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Criminal Justice and Public Safety			
Employee No.	Name	Div-Seat	Signature
408908	Abbas, Daryl A.	1-018	<i>[Signature]</i>
377282	Bordenet, John	5-015	<i>John Bordenet</i>
377283	Bouldin, Amanda C.	3-080	<i>[Signature]</i>
409018	Bradley, Amy	4-045	<i>Amy Bradley</i>
376912	Burt, John A.	3-118	<i>John A. Burt</i>
408812	Conley, Casey M.	4-043	<i>Casey M. Conley</i>
377777	Green, Dennis E.	2-045	<i>Dennis Green</i>
377113	Harriott-Gathright, Linda C.	4-042	<i>Linda Harriott-Gathright</i>
376353	Hopper, Gary S.	1-040	<i>Gary Hopper</i>
408855	Klein-Knight, Nicole	3-109	<i>[Signature]</i>
377140	Marston, Dick	1-027	<i>R. A. Marston</i>
408924	Meuse, David	4-082	<i>David Meuse</i>
408871	Newman, Ray E.	4-072	<i>Ray Newman</i>
377157	O'Hearne, Andrew S.	3-049	<i>11:30 - Andrew O'Hearne</i>
366385	Pantelakos, Laura C.	1-001	<i>Laura Pantelakos</i>
408900	Pratt, Kevin M.	3-040	<i>Kevin M. Pratt</i>
408979	Rhodes, Jennifer M.	2-060	<i>[Signature]</i>
408369	Testerman, Dave	3-061	<i>[Signature]</i>
377268	True, Chris	1-043	<i>[Signature]</i>
408431	Wallace, Scott	1-024	<i>[Signature]</i>
330795	Welch, David A.	3-005	<i>David Welch</i>

Total Committee Members: 21

Speaker's Authorization

Date Keyed:

Received by Legislative Accounting

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:15 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Criminal Justice and Public Safety

*Attendance*

Bill #: \_\_\_\_\_ Motion: \_\_\_\_\_ AM #: \_\_\_\_\_ Exec Session Date: 2-5-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	✓		
Welch, David A. Vice Chairman	✓		
Burt, John A.	✓		
Hopper, Gary S.	✓		
Green, Dennis E.	✓		
<u>Wallace, Scott</u>	9:16		
Testerman, Dave	✓		
<del>True, Chris</del> <i>Telly Ro Rog, Telly</i>	9:16		
Pratt, Kevin M.	✓		
Marston, Dick	✓		
Rhodes, Jennifer M. Clerk	✓		
Harriott-Gathright, Linda C.	✓		
Pantelakos, Laura C.	✓		
O'Hearne, Andrew S.			
Bordenet, John	✓		
Meuse, David	✓		
<u>Newman, Ray E.</u>	9:20		
Bouldin, Amanda C.	✓		
Conley, Casey M.	✓		
Klein-Knight, Nicole	✓		
Bradley, Amy	✓		

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON Bill # 469 AND 498

BILL TITLE: Team Selected by Bail Commission

DATE: 2/5/2021

LOB ROOM:

Time Public Hearing Called to Order:

9:16

Time Adjourned: 9:31

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:

TESTIMONY

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

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on Bill # 469

BILL TITLE: Term served by bail commissioner

DATE: 2/5/2021

LOB ROOM:

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Testerman Seconded by Rep. MATSON Vote: 20/0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> 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 (1<sup>st</sup> 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 (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR: 4 YES \_\_\_\_\_ NO

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

Respectfully submitted:  \_\_\_\_\_  
Rep. Jennifer Rhodes

OFFICE OF THE HOUSE CLERK

1/22/2021 9:56:15 AM  
 Roll Call Committee Registers  
 Report



2021 SESSION

Criminal Justice and Public Safety

Bill #: 469 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 2-5-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	20		
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 <i>Rog.</i>	7		
Pratt, Kevin M.	8		
Marston, Dick	9		
Rhodes, Jennifer M. Clerk	10		
Harriott-Gathright, Linda C.	11		
Pantelakos, Laura C.	12		
O'Hearne, Andrew S.			
Bordenet, John	13		
Meuse, David	14		
Newman, Ray E.	15		
Bouldin, Amanda C.	16		
Conley, Casey M.	17		
Klein-Knight, Nicole	18		
Bradley, Amy	19		

20 10

OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:15 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: 469 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 2-5-2021

TOTAL VOTE: \_\_\_\_\_  20 0



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on Bill # 498

BILL TITLE: Appointment of BA Commissioners

DATE: 2/5/2001

LOB ROOM: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. Butt Seconded by Rep. Wallace Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. Butt Seconded by Rep. Wallace Vote: 20/0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # 2001-02 554
- Interim Study (2nd year) (if offered)

Moved by Rep. Meuse Seconded by Rep. Hopper Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. Meuse Seconded by Rep. Welch Vote: \_\_\_\_\_

CONSENT CALENDAR: \_\_\_\_\_ YES  NO

Minority Report? 4 Yes \_\_\_\_\_ No If yes, author, Rep: True Motion \_\_\_\_\_

MAJOR

Minority - X - True

Respectfully submitted: [Signature]  
Rep. Natalie Wells, Clerk

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/22/2021 9:56:15 AM  
Roll Call Committee Registers  
Report



2021 SESSION

Criminal Justice and Public Safety

Bill #: 498 Motion: Withdrawn - OTP- AM #: \_\_\_\_\_ Exec Session Date: 2-5-2021

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

See BACK.



OFFICE OF THE HOUSE CLERK

1/22/2021 9:56:15 AM  
Roll Call Committee Registers  
Report



2021 SESSION

Criminal Justice and Public Safety

Bill #: 498 Motion: Withdrawal AM #: \_\_\_\_\_ Exec Session Date: \_\_\_\_\_  
*OTP*

TOTAL VOTE: 

	20	0		
--	----	---	--	--

OFFICE OF THE HOUSE CLERK

1/22/2021 9:56:15 AM  
 Roll Call Committee Registers  
 Report



2021 SESSION

Criminal Justice and Public Safety

Bill #: 498 Motion: OTR-A AM #: 2021-02 Exec Session Date: 2/8/2021  
 55H

<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. <i>Stevenson</i>	2		
Hopper, Gary S.	3		
Green, Dennis E.	4		
Wallace, Scott	5		
Testerman, Dave	6		
True, Chris		1	
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.			
Bordenet, John	12		
Meuse, David	13		
Newman, Ray E.	14		
Bouldin, Amanda C.	15		
Conley, Casey M.	16		
Klein-Knight, Nicole	17		
Bradley, Amy <i>LaBlanche</i>	18		

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:15 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: 498 Motion: \_\_\_\_\_ AM #: 2021-02 Exec Session Date: \_\_\_\_\_

TOTAL VOTE: 55 19 1

OFFICE OF THE HOUSE CLERK

1/22/2021 9:56:15 AM  
 Roll Call Committee Registers  
 Report



2021 SESSION

Criminal Justice and Public Safety

Bill #: ~~498~~ 498 Motion: OP AM #: \_\_\_\_\_ Exec Session Date: 2/3/2021

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

1/22/2021 9:56:15 AM  
Roll Call Committee Registers  
Report

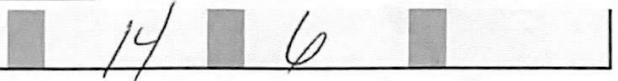


2021 SESSION

Criminal Justice and Public Safety

Bill #: \_\_\_\_\_ Motion: \_\_\_\_\_ AM #: \_\_\_\_\_ Exec Session Date: \_\_\_\_\_

TOTAL VOTE:



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON Bill #

66

BILL TITLE: *Relative to use of deadly force by law enforcement*

DATE: *2/5/2021*

LOB ROOM:

Time Public Hearing Called to Order:

*10:30*

Time Adjourned: *11:35*

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

Bill Sponsors: *True*

TESTIMONY

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

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on Bill # 66

BILL TITLE: Relative to use of deadly force by law enforcement

DATE: 2/5/2021

LOB ROOM: \_\_\_\_\_

MOTION: (Please check one box)

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

Moved by Rep. Wallace Seconded by Rep. Welch Vote: 14/7

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 \_\_\_\_\_

Wallace GATHRILL

Respectfully submitted:

Rep Natalie Wells, Clerk



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:15 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: 66 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 2-5-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	14		
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 <i>Roy, Telly</i>	7		
Pratt, Kevin M.	8		
Marston, Dick	9		
Rhodes, Jennifer M. Clerk	10		
Harriott-Gathright, Linda C.		1	
Pantelakos, Laura C.	11		
O'Hearne, Andrew S.	12		
Bordenet, John		2	
Meuse, David		3	
Newman, Ray E.	<del>13</del>		
Bouldin, Amanda C.		4	
Conley, Casey M.		5	
Klein-Knight, Nicole		6	
Bradley, Amy		7	

14/ 7



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

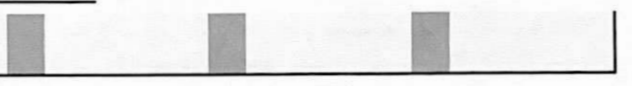


1/22/2021 9:56:15 AM  
Roll Call Committee Registers  
Report

2021 SESSION

**Criminal Justice and Public Safety**

Bill #: 66 Motion: \_\_\_\_\_ AM #: \_\_\_\_\_ Exec Session Date: \_\_\_\_\_

TOTAL VOTE: 14/7 A horizontal bar chart with three segments. The first segment is filled with a dark grey color and represents 14 votes. The second segment is unfilled and represents 7 votes. The third segment is also unfilled. The total length of the bar represents the total number of votes cast.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON Bill #

565 564

BILL TITLE: Prohibiting the use of rubber bullets and tear gas

DATE: 2/5/2001

LOB ROOM:

Time Public Hearing Called to Order:

11:35

Recess - 12:45

Time Adjourned:

2:10

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

Bill Sponsors:

Rep <sup>Roy</sup> EST ESPITIA

TESTIMONY

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

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:15 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Criminal Justice and Public Safety

Bill #: 66 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 2-5-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	14		
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 <i>Roy, Telly</i>	7		
Pratt, Kevin M.	8		
Marston, Dick	9		
Rhodes, Jennifer M. Clerk	10		
Harriott-Gathright, Linda C.		1	
Pantelakos, Laura C.	11		
O'Hearne, Andrew S.	12		
Bordenet, John		2	
Meuse, David		3	
Newman, Ray E.	<del>13</del>		
Bouldin, Amanda C.		4	
Conley, Casey M.		5	
Klein-Knight, Nicole		6	
Bradley, Amy		7	

14/7

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 9:56:15 AM  
Roll Call Committee Registers  
Report

2021 SESSION

**Criminal Justice and Public Safety**

Bill #: 66 Motion: \_\_\_\_\_ AM #: \_\_\_\_\_ Exec Session Date: \_\_\_\_\_

TOTAL VOTE: 14/7

# Public Hearing

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 66

**BILL TITLE:** relative to the use of deadly force by a law enforcement officer.

**DATE:** February 5, 2021

**LOB ROOM:** hybrid                      **Time Public Hearing Called to Order:** 10:30 a.m.

**Time Adjourned:** <<End

**Time>>**

**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. True

Rep. Edwards

Rep. Greene

TESTIMONY

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

Rep. Edwards- feels pro law enforcement consistent with New Hampshire constitution.

Q- Rep. Hopper- have there been situations as in New Hampshire where deadly force was used as needed

A- not sure

Q- Rep Meuse- why would it be acceptable to use deadly force if a person is fleeing? And not needed if all sting?

A- it removes the need to exercise force with an arrest

Q- Rep. Roy - if someone remove's ,confiscates nonlethal weapons is it considered not to be a situation of a life being threatened.

A- reasonable to think the person is intending to cause harm

Follow up- would you agree that Tasers do not create deadly force

A- yes

Q- Rep. Newman- when would the office decide to use deadly force

A- when a nonlethal option is no longer available.

Q Rep. Klein- Knight- when a person is fleeing does the officer have a right to use deadly force ?

A- they are professionals and have to make life choosing decisions.

Q- Rep Bordonet- does this reduce options an officer can use deadly force

A- yes

Rep. Abramson- police not able to use deadly force for a fleeing person.

Q- BORDENET- wouldn't the amendment Rep Abramson is speaking about weaken the bill?

Answer- no does not feel they have to ID themselves another time when a life is in danger

Q- Rep. MEUSE- where is the constitutional concern.

A- gave example when the Superior Court disagreed

Q- Rep. Wallace- are there any examples of New Hampshire circumstances that would relate to this bill

A- no.

Q- Rep. Newman- when is it example acceptable to use deadly force when a person is fleeing.

A- when the person is or has a weapon or the officer feels that a crime will be committed.

Q-Chairman Abbas- doesn't the person have to be in the motion of committing a crime.

A- officer is permitted to use deadly force if they are fleeing

Christine LIST- supports. makes the officer have an option if need be.

Joe Hannon- supports

Chief David Goldstein- police chief opposed this would remove a tool from their toolbox of options  
deadly force is a last resort

Q- chair Abbas- do you know how many times last year deadly forced wasn't justifiable

A- none

Q- Rep. Roy- would you agree that adopting the TN law has been affective.

A- yes

Joseph Ebert- neutral representing chief of police

Respectfully submitted,

Rep. Jennifer Rhodes, clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 66

**BILL TITLE:** relative to the use of deadly force by a law enforcement officer.

**DATE:** February 5, 2021

**LOB ROOM:** Hybrid                      **Time Public Hearing Called to Order:** 10:00 AM

**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. True

Rep. Edwards

Rep. Greene

**TESTIMONY**

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

**Rep. Edwards (Testerman)**

- Feels pro-law enforcement – consistent with NH constitution

**Q:** Rep. Hopper – Have there been situations in NH where deadly force was used as needed

**A:** Not sure

**Q:** Rep. Meuse – Why would it be acceptable to use deadly force if a person is fleeing? And not needed if arresting someone?

**A:** It removes the need to exercise force with an arrest

**Q:** Rep. Roy – If someone removes/confiscates non-lethal weapons is it considered not to be a situation of a life being threatened?

**A:** Reasonable to think the person is intending to cause harm

**Q:** Follow up – would you agree that tasers do not create deadly force?

**A:** Yes

**Q:** Rep. Newman – When would the officer decide to use deadly force?

**A:** When a non-lethal option is no longer available

**Q:** Rep. Klein-Knight – When a person is fleeing, does the officer have a right to use deadly force?

**A:** They are (police) professionals and have to make life choosing decisions

**Q:** Rep. Bordenet – Does this reduce options an officer can use deadly force

**A:** Yes

**Rep. Abramson**

- Police not able to use deadly force for a fleeing person

**Q:** Rep. Bordenet -Wouldn't the amendment Rep. Abramson is speaking about weaken the bill?

**A:** No, does not feel they have to I.D. themselves another time when a life is in danger

**Q:** Rep. Meuse – Where is the constitutional concern?

**A:** Gave example when the supreme court disagreed

**Q:** Rep. Wallace – Are there any examples of NH circumstances that would relate to the bill?

**A:** No.

**Q:** Rep. Newman – When is it acceptable to use deadly force when a person is fleeing?

**A:** When the person is or has a weapon or the officer feels that a crime will be committed

**Q:** Rep. Abbas – Doesn't the person have to be in the motion of committing a crime?

**A:** Officer is permitted to use deadly force if they are fleeing

**Christine List – Support**

- Makes the officer have an option if need be

**Joe Hannon – Support**



**Chief David Goldstein – Police Chief Asst. – Oppose**

- This would remove a “tool” from their toolbox options. Deadly force is a last resort

**Q:** Rep. Abbas – Do you know how many times last year deadly force wasn’t justified?

**A:** None

**Q:** Rep. Roy – Would you agree that adopting the TN law has been effective?

**A:** Yes

**Joseph Ebert – Representing Chief of Police - Neutral**

Respectfully submitted,

Rep. Jennifer Rhodes, Clerk

# House Remote Testify

## Criminal Justice and Public Safety Committee Testify List for Bill HB66 on 2021-01-20 Support: 25 Oppose: 5 Neutral: 1 Total to Testify: 8

[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>Notes</u>
List, Christine	clist@roklawyers.com	A Member of the Public	NHACDL	Support	Yes (5m)	No	1
Edwards, Representative	jess.edwards@leg.state.nh.us	An Elected Official	Rockingham District 4 (Auburn, Chester, Sandown)	Support	Yes (5m)	No	1
O'Donoghue, Tim	todonoghue@londonderrynhpd.org	A Member of the Public	Myself	Oppose	Yes (5m)	No	1
Ebert, Joseph	joseph.ebert@dos.nh.gov	State Agency Staff	NH State Police	Neutral	Yes (3m)	No	1
Axelman, Elliot	aluxelman@gmail.com	A Member of the Public	Myself	Support	Yes (2m)	No	1
Abramson, Max	Max.Abramson@leg.state.nh.us	An Elected Official	Myself	Support	Yes (1m)	No	1
Morrison, Mark	mmorrison@londonderrynhpd.org	A Member of the Public	NHPA	Oppose	Yes (0m)	No	1
Hannon, Joe	joehannon4nh@gmail.com	A Member of the Public	GO-NH	Support	Yes (0m)	No	1
Calitz, Louis	lc_gencourt@free603.org	A Member of the Public	Myself	Support	No	No	1
Hanson, Pamela R	pamela.r.hanson@comcast.net	A Member of the Public	Myself	Support	No	No	1
Howard Jr., Raymond	brhowardjr@yahoo.com	An Elected Official	Myself	Support	No	No	1
Hruska, Jeanne	Jeanne@aclu-nh.org	A Lobbyist	ACLU-NH	Support	No	No	1
ploszaj, tom	tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1
Hoell, JR	jr@jrhoell.com	A Member of the Public	Myself and New Hampshire Firearms Coalition	Support	No	No	1
Gericke, Carla	carlagericke@gmail.com	A Member of the Public	Myself	Support	No	No	1
Beene, Holly	holly.beene@yahoo.com	A Member of the Public	Myself	Support	No	No	1
Pinto, Josie	josie@nyouthmovement.org	A Lobbyist	New Hampshire Youth Movement	Support	No	No	1
Perez, Erika	eyzerep@gmail.com	A Lobbyist	New Hampshire Youth Movement	Support	No	No	1
See, Alvin	absee@4Liberty.net	A Member of the Public	Myself	Support	No	No	1
Frey, Gina	ginagfrey@gmail.com	A Member of the Public	Myself	Support	No	No	1
Mennella, Alexandra	amennella1@protonmail.com	A Member of the Public	Myself	Support	No	No	1
Frey, Kevin	ginagfrey@gmail.com	A Member of the Public	Myself	Support	No	No	1
Hackmann, Kent	hackmann@uidaho.edu	A Member of the Public	Myself	Oppose	No	No	1
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	1
Grossi, Anne	adgrossi7982@gmail.com	A Member of the Public	Myself	Support	No	No	1
Bates, David	dbates3@yahoo.com	A Member of the Public	Myself	Support	No	No	1
Hennessey, Martha	Martha.hennessey@gmail.com	A Member of the Public	Myself	Support	No	No	1
Hoy, Daniel	hoy.dan@gmail.com	A Member of the Public	Myself	Support	No	No	1
Sullivan, Cara	Csully98@gmail.com	A Member of the Public	Myself	Oppose	No	No	1
Abramson, Quincy	quincyleah@gmail.com	A Member of the Public	Myself	Support	No	No	1
lounsbury, sydney	sydneylounsbury17@gmail.com	A Member of the Public	Myself	Oppose	No	No	1

# Testimony

**Archived:** Monday, February 15, 2021 10:10:26 AM

**From:** Max Abramson

**Sent:** Friday, February 5, 2021 10:39:16 AM

**To:** ~House Criminal Justice and Public Safety

**Subject:** HB66 Tennessee v Garner

**Importance:** Normal

---

The U.S. Supreme Court actually cited our statute, RSA 627:5, as one of the unconstitutional laws that allow officers to kill a fleeing felon. This bill really has to pass in some form, with or without amendment.

"Alaska Stat. Ann. § 11.81.370(a) (1983); Ariz. Rev. Stat. Ann. § 13-410 (1978); Colo. Rev. Stat. § 18-1-707 (1978); Del. Code Ann., Tit. 11, § 467 (1979) (felony involving physical force and a substantial risk that the suspect will cause death or serious bodily injury or will never be recaptured); Ga. Code § 16-3-21(a) (1984); Ill. Rev. Stat., ch. 38, ¶ 7-5 (1984); Iowa Code § 804.8 (1983) (suspect has used or threatened deadly force in commission of a felony, or would use deadly force if not caught); Ky. Rev. Stat. § 503.090 (1984) (suspect committed felony involving use or threat of physical force likely to cause death or serious injury, and is likely to endanger life unless apprehended without delay); Me. Rev. Stat. Ann., Tit. 17-A, § 107 (1983) (commentary notes that deadly force may be used only "where the person to be arrested poses a threat to human life"); Minn. Stat. § 609.066 (1984); **N. H. Rev. Stat. Ann. § 627:5(II) (Supp. 1983)**; N.J. Stat. Ann. § 2C-3-7 (West 1982); N.Y. Penal Law § 35.30 (McKinney Supp. 1984-1985); N.C. Gen. Stat. § 15A-401 (1983); N. D. Cent. Code § 12.1-05-07.2.d (1976); 18 Pa. Cons. Stat. § 508 (1982); Tex. Penal Code Ann. § 9.51(c) (1974); Utah Code Ann. § 76-2-404 (1978)."

<https://casetext.com/case/tennessee-v-garner-memphis-police-department-v-garner>

Rep. Max Abramson

Free Chad Evans. There is justice in Heaven, and there is justice in Hell. Both are therefore a law abider's utopia's compared to this monstrosity that our taxpayers are compelled to prop up.

"The problem isn't that Johnny can't read. The problem isn't even that Johnny can't think. The problem is that Johnny doesn't know what thinking is; he confuses it with feeling." --Thomas Sowell

"It is better to take refuge in the Lord than to trust in man." --Psalms 118:8

Bill as  
Introduced

**HB 66 - AS INTRODUCED**

2021 SESSION

21-0026

04/06

HOUSE BILL           **66**

AN ACT               relative to the use of deadly force by a law enforcement officer.

SPONSORS:         Rep. True, Rock. 4; Rep. Edwards, Rock. 4; Rep. Greene, Hills. 37

COMMITTEE:       Criminal Justice and Public Safety

---

ANALYSIS

This bill removes the legal authority for a law enforcement officer to use deadly force in effecting an arrest.

-----

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 Twenty One*

AN ACT relative to the use of deadly force by a law enforcement officer.

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

1 1 Physical Force in Law Enforcement. Amend RSA 627:5, II to read as follows:

2 II. A law enforcement officer is justified in using deadly force only when ~~[he]~~ **the officer**  
3 reasonably believes such force is necessary:

4 (a) To defend himself **or herself** or a third person from what ~~[he]~~ **the officer** reasonably  
5 believes is the imminent use of deadly force; or

6 (b) To ~~[effect an arrest or]~~ prevent the escape from custody of a person whom ~~[he]~~ **the**  
7 **officer** reasonably believes:

8 (1) Has committed or is committing a felony involving the use of force or violence, is  
9 using a deadly weapon in attempting to escape, or otherwise indicates that ~~[he]~~ **the person** is likely  
10 to seriously endanger human life or inflict serious bodily injury unless apprehended without delay;  
11 and

12 (2) ~~[He]~~ **The officer** had made reasonable efforts to advise the person that he **or she**  
13 is a law enforcement officer ~~[attempting to effect an arrest]~~ and has reasonable grounds to believe  
14 that the person is aware of these facts.

15 (c) Nothing in this paragraph constitutes justification for conduct by a law enforcement  
16 officer amounting to an offense against innocent persons whom ~~[he]~~ **the officer** is not seeking to  
17 ~~[arrest or]~~ retain in custody.

18 2 Repeal. RSA 627:5, VIII, relative to the use of deadly force by a law enforcement officer in  
19 effecting an arrest, is repealed.

20 3 Effective Date. This act shall take effect 60 days after its passage.