

CONSENT CALENDAR

January 14, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred HB 1475-FN,**

**AN ACT relative to the enforcement authority of liquor
enforcement officers. Having considered the same,
report the same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Dave Testerman

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1475-FN
Title:	relative to the enforcement authority of liquor enforcement officers.
Date:	January 14, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0006h

STATEMENT OF INTENT

This bill sought to clarify the jurisdiction of liquor investigators. It was formerly tied to the sheriff's authority and left some impreciseness in the definition. By amendment the bill now simply states "statewide jurisdiction." This makes it clear and concise.

Vote 16-1.

Rep. Dave Testerman
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 1475-FN, relative to the enforcement authority of liquor enforcement officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dave Testerman for Criminal Justice and Public Safety. This bill sought to clarify the jurisdiction of liquor investigators. It was formerly tied to the sheriff's authority and left some impreciseness in the definition. By amendment the bill now simply states "statewide jurisdiction." This makes it clear and concise. **Vote 16-1.**

Rep. Trottier, Belk. 6
December 22, 2021
2022-0006h
08/11

Amendment to HB 1475-FN

1 Amend RSA 179:59 as inserted by section 1 of the bill by replacing it with the following:

2

3 179:59 Prosecutions. The commission shall appoint liquor investigators whose primary function
4 shall be the proper prosecution of this title. The liquor investigators shall have **statewide**
5 **jurisdiction** [~~all the powers of the sheriff in any county~~], with reference to enforcement of all laws
6 either in cooperation with, or independently of, the officers of any county or town. The commission
7 shall have the primary responsibility for the enforcement of all liquor and beverage laws upon
8 premises where liquor and beverages are lawfully sold, stored, distributed, or manufactured. Any
9 person violating the provisions of any law may be prosecuted by the commission or any of its
10 investigators as provided in this section, or by county or city attorneys, or by sheriffs or their
11 deputies, or by police officials of towns.

12 2 Effective Date. This act shall take effect 60 days after its passage.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1475-FN

BILL TITLE: relative to the enforcement authority of liquor enforcement officers.

DATE: January 14, 2022

LOB ROOM: 202-204

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Testerman Seconded by Rep. Green AM Vote: 14-3

Amendment # 2022-0006h

Moved by Rep. Testerman Seconded by Rep. Green Vote: 16-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Scott Wallace, Clerk



2021 SESSION

Criminal Justice and Public Safety

Bill #: HB1475 Motion: Amend AM #: 1:30 PM Exec Session Date: 11/14/21

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

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Testerman / Marston Green

1/10/2022 8:56:51 AM
Roll Call Committee Registers
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB1475 Motion: OTPA AM #: 1:30 PM Exec Session Date: 1/14/21

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

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HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1475-FN

BILL TITLE: relative to the enforcement authority of liquor enforcement officers.

DATE: January 14, 2022

LOB ROOM: 204

Time Public Hearing Called to Order: 9:45am

Time Adjourned: 10:35am

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

Bill Sponsors:

Rep. Trottier

Rep. O'Hara

Rep. Littlefield

TESTIMONY

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

Rep. Douglas Trottier - District 6 Belmont

- Introduced bill RSA 179:59 Primary Function Article 2:71

Mark Armaganian

- Supports bill
- Liquor Commission NHLHC
- NH Police Academy

Lt. Alston

- Title 13 Investigation
- RSA 1063 State Highway Safety, Title 13 will not go outside of XXX life threatening
- Vehicles - have emergency equipment

Danielle Ellston - Liquor Commission NHLHC

- Supports bill with Amendment

Respectfully submitted,

Rep. Scott Wallace

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB1475 on 2022-01-14

Support: 0 Oppose: 0 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

HB 1475-FN - AS INTRODUCED

2022 SESSION

22-2027
08/11

HOUSE BILL ***1475-FN***

AN ACT relative to the enforcement authority of liquor enforcement officers.

SPONSORS: Rep. Trottier, Belk. 6; Rep. O'Hara, Belk. 9; Rep. Littlefield, Belk. 3

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill extends the authority of liquor investigators in certain circumstances.

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 Two

AN ACT relative to the enforcement authority of liquor enforcement officers.

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

- 1 1 Liquor Laws; Enforcement. Amend RSA 179:59 to read as follows:
2 179:59 Prosecutions. The commission shall appoint liquor investigators whose primary function
3 shall be the proper ~~[prosecution]~~ **enforcement** of ~~[this title]~~ **Title XIII**. The liquor investigators
4 shall have ~~[all the powers of the sheriff in any county, with reference to enforcement of all laws]~~ **the**
5 **same powers granted to them as a state law enforcement officer relative to paragraphs I**
6 **through III** either in cooperation with, or independently of, the officers of any ~~[county]~~ **city** or town.
7 The commission shall have the primary responsibility for the enforcement of all liquor and beverage
8 laws upon premises where liquor and beverages are lawfully sold, stored, distributed, or
9 manufactured. Any person violating the provisions of any law may be prosecuted by the commission
10 or any of its investigators as provided in this section, or by county or city attorneys, or by sheriffs or
11 their deputies, or by police officials of towns. **Liquor investigators shall have limited powers to**
12 **enforce the following:**
13 **I. Other statutes of the criminal code, only to the extent to stop the immediate threat**
14 **of bodily injury or death if immediate action is not taken.**
15 **II. The motor vehicle codes relative to liquor violations.**
16 **III. Both the criminal code and the motor vehicle code when requested by a law**
17 **enforcement agency to address an immediate life safety risk.**
18 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1475-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the enforcement authority of liquor enforcement officers.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input type="checkbox"/> General Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Liquor

COUNTY:

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

LOCAL:

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

METHODOLOGY:

The Liquor Commission believes if this bill were to become law then there will be an increase in litigation for cases where a liquor investigator has either made an arrest for an offense outside of Title XIII or in cases where a liquor investigator assisted a law enforcement agency in an arrest for an offense outside of Title XIII. The Commission cannot estimate the cost to local or county prosecutors who will need to prepare briefs or take depositions or other actions where the authority of a liquor investigator is challenged by the defense.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Liquor Commission