

CHAPTER 18
HB 117 - FINAL VERSION

2021 SESSION

21-0053
04/11

HOUSE BILL **117**

AN ACT relative to the use of force at New Hampshire national guard facilities.

SPONSORS: Rep. Graham, Hills. 7; Sen. Giuda, Dist 2

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This bill specifies circumstances for the use of force at New Hampshire national guard facilities.

This bill is a request of the Adjutant General.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the use of force at New Hampshire national guard facilities.

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

1 18:1 The Militia; National Guard Facilities. Amend RSA 110-B:28, I to read as follows:

2 I. All armories, arsenals, camps, ranges, bases, airports, and other facilities owned, leased,
3 licensed, or maintained by the state or by the United States for the use of the New Hampshire
4 national guard and all activities conducted therein shall be under the general charge, control of, and
5 regulated by the adjutant general and no political subdivision of the state shall interfere with or
6 regulate such activities. The adjutant general may use the means necessary and required, including
7 the arming of trained personnel, to protect, guard, secure and defend and maintain all such
8 facilities. ~~[Use of force by any member of the New Hampshire national guard in duty status, shall be
9 in accordance with the applicable Department of Defense, United States Army, and United States
10 Air Force directives and instructions on rules of engagement and use of force. If mission specific
11 rules of engagement are issued, the specific rules shall be followed, to the degree they deviate from
12 the existing rules, for as long as military members are carrying out duties related to the mission for
13 which the specific rules were issued.]~~

14 18:2 New Section; The Militia; Rules for the Use of Force. Amend RSA 110-B by inserting after
15 section 28 the following new section:

16 110-B:28-a Rules for the Use of Force. Use of force by personnel, to include state employees and
17 contractor personnel while conducting security functions at National Guard facilities; and any
18 employee and member of the New Hampshire National Guard, in a duty status, shall be in
19 accordance with adjutant general issued guidance and procedures, which, except for mission specific
20 rules for the use of force, shall be consistent with applicable United States Department of Defense,
21 Chairman of the Joint Chiefs of Staff, United States Army, or United States Air Force unclassified
22 directives and instructions on the standing rules for use of force.

23 18:3 The Militia; Trespassers and Disturbers; Camp Regulations. Amend RSA 110-B:68, II to
24 read as follows:

25 II. The adjutant general or commanding officer of any armory, arsenal, camp, range, base, or
26 other facility of the New Hampshire national guard, or any place where any unit is performing
27 military duty, has the authority to limit access and activities in that place. This includes the
28 authority to take action necessary to protect, guard, secure, and defend the armory, arsenal, camp,
29 range, base, or other facility in accordance with RSA 110-B:28 **and RSA 110-B:28-a**.

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18:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 06, 2021

Effective Date: July 05, 2021