

CHAPTER 11
HB 440 - FINAL VERSION

9Apr2021... 0486h
01/05/2022 2311s
17Mar2022... 1105EBA

2022 SESSION

21-0658
05/04

HOUSE BILL **440**

AN ACT prohibiting the suspension of civil liberties during a state of emergency.

SPONSORS: Rep. Kofalt, Hills. 4; Rep. Ammon, Hills. 40; Rep. Nunez, Hills. 37; Sen. Avard, Dist 12; Rep. Homola, Hills. 27

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill prohibits the suspension of civil liberties during a state of emergency.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT prohibiting the suspension of civil liberties during a state of emergency.

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

1 11:1 Definitions. In this act:

2 I. "Civil liberties" encompass any guarantee or protection against state action by a governmental
3 entity or agent enumerated in the New Hampshire Constitution or the United States Constitution.

4 II. "Suspension" refers to a time period or condition in which courts of law do not or are not
5 required to subject government action to standard tiers of judicial review.

6 11:2 Civil Liberties Protected. No power delegated or otherwise granted by any statute or act of this
7 general court to the governor or any of the governor's subordinates, whether before or after the date of
8 this act, shall be construed to suspend or permit the suspension of civil liberties by the governor or other
9 executive branch official.

10 11:3 New Paragraph; State of Emergency; Powers of the Governor. Amend RSA 4:45 by inserting
11 after paragraph III the following new paragraph:

12 III-a. Notwithstanding the foregoing enumerated powers, civil liberties shall on no account be
13 suspended, nor shall the United States Constitution or the New Hampshire Constitution be suspended.

14 11:4 Emergency Management Powers. Amend RSA 4:47, III to read as follows:

15 III. The power to make, amend, suspend and rescind necessary orders, rules and regulations to
16 carry out the provisions of this subdivision in the event of a disaster beyond local control; ***provided that***
17 ***civil liberties shall on no account be suspended, nor shall the United States Constitution or the New***
18 ***Hampshire Constitution be suspended.***

11:5 Effective Date. This act shall take effect upon its passage.

Approved: April 04, 2022
Effective Date: April 04, 2022