



HB 160 – Relative to physical force in defense of a person.

Committee report:	Criminal Justice & Public Safety: OTP/A (11–5)	Our recommendation:	NAY on OTP/A YEA on OTP
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This bill, which, as *originally introduced*, expanded the right of self defense to any place someone has a right to be, is **pro-liberty**:

- A person's right to self defense should not be limited by his or her location, nor should a person be required to retreat when deadly force is threatened.
- The committee amendment, while well-intentioned, lowers the pro-liberty impact of the bill, and may have unintended consequences. Therefore, the NHLA only supports this bill in its original form, and does not support the committee amendment (2009-2461h).

HB 523 – Requiring DNA testing of all persons convicted of a felony.

Committee report:	Criminal Justice & Public Safety: OTP/A (15–0)	Our recommendation:	NAY on OTP/A
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This bill, which expands DNA testing requirements to all persons convicted of a felony, is **anti-liberty**:

- There are a large number of non-violent crimes that are classified as felonies which do not justify this level of intrusion into one's personal privacy, for example, financial crimes involving as little as \$500, creation of "fraudulent communications paraphernalia" (RSA 638:5-a), mistreating a police dog (RSA 644:8-d), interference with a cemetery (RSA 635:6), improper disposal of asbestos (RSA 141-E), and bigamy (RSA 639:1).
- According to the fiscal note, this bill will cost nearly \$300,000 in FY 2010, and around \$150,000 each subsequent year.
- Whereas taking DNA samples in order to solve actual crimes is sensible, the state should not keep these records once a case is closed or a conviction secured.
- DNA tests do not test the entire genome for uniqueness: They sample a few locations called "short tandem repeats" (STRs). The FBI DNA profile consists of thirteen standardized loci. This, like fingerprint tests, can result in false positives.
- A recent study published in *Nature* showed a surprisingly large number of matches between the profiles of different individuals, including one between a white man and a black man. The assumption that a DNA profile represents a unique individual, with only a minuscule probability of a secondary match, has never been independently verified on a large sample of DNA profiles. (Krane, et al. "Time for DNA disclosure." Vol. 326, no. 5960, pp. 1631–1632. 2009-12-18.)

HB 665 – Relative to driving under the influence of drugs.

Committee report:	Criminal Justice & Public Safety: OTP/A (9–7)	Our recommendation:	NAY on OTP/A
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This bill, which prohibits driving under the influence of any "chemical substance, natural or synthetic, or its metabolites," is **anti-liberty**:

- It fails to assert specific measurements for any of these substances or metabolites, leading to arbitrary enforcement. As written, *any* amount of a substance could lead to criminal charges.
- Current statutes prohibiting "controlled drugs"—and simply distracted or reckless driving—are more than adequate.
- According to the fiscal note, enforcement of this bill will be very costly for multiple departments and agencies.
- Due to the vague and overreaching nature of this bill, it could very likely lead to lengthy court challenges, further draining limited state resources.

HB 368 – Relative to annual goals in a home education program.

Committee report:	Education: ITL (14–6)	Our recommendation:	YEA on ITL
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This bill, which places numerous new regulations on homeschoolers, is **anti-liberty**:

- It lists onerous specific curriculum requirements which exceed the curriculum requirements of the public schools. This is not fair or equal under the law.
- The financial and resource burden to school administrative units will double because they will have twice the amount of material submitted for review.
- The evaluation and testing requirements will double educational costs to families without benefit to the students, home education programs, or participating agencies.
- It allows the Department of Education to make future changes to evaluation requirements without any legislative input, creating an undefined and moving target.
- It unreasonably forces test scores and evaluations to bypass families and go directly to participating agencies, effectively questioning the honesty of *all* home educators.

HB 304 – Relative to death with dignity for certain persons suffering from a terminal condition.

Committee report: Judiciary: ITL (14–3)

Our recommendation:

NAY on ITL
YEA on INTERIM STUDY

This bill, which would allow adults diagnosed with a terminal condition to request medication which would enable them to control the time, place, and manner of their death, is **pro-liberty in principle**:

- Adults have a fundamental right to make decisions about their bodies—whether it be smoking, eating *trans* fats, buckling a seatbelt, or choosing to end their pain and suffering from a terminal condition.
- Adults who currently choose to end their own lives should be able to have their loved ones present at the end without their risking felony charges (RSA 630:4).
- Adults who currently share their intention to end their lives with friends or family expose themselves to being confined or restrained under current law (RSA 627:6, VI).
- The easiest way to address “death with dignity” would be to simply repeal laws prohibiting the aiding of suicide, instead of creating additional bureaucracy.
- This bill, as introduced, presents potential conflicts of interest which could possibly lead to euthanasia, which is anti-liberty. Further study could resolve these conflicts.

HB 681 – Relative to aquatic resource compensatory mitigation.

Committee report: Resources, Recreation & Development: OTP/A (14–6)

Our recommendation:

NAY on OTP/A

This bill, which temporarily increases fees from 5% to 20% for aquatic resource compensatory mitigation, is **anti-liberty**:

- This is a 300% fee increase, solely for the purpose of hiring more state workers and enforcing this regulation.

HB 579 – Establishing motor vehicle learners’ permits and relative to youth operators’ licenses.

Committee report: Transportation: OTP/A (8–7)

Our recommendation:

NAY on OTP/A

This bill, which requires learners’ permits and written tests, and increases supervised driving time for young people, is **anti-liberty**:

- It increases the size and scope of government, increasing the burden on our state’s citizens with a new fee and more regulation.
- It increases needless restrictions on our young people (18–21 year-olds), forbidding them from carpooling for a full year. (The current restriction is six months.)
- This bill increases costs to the Department of Safety, at a time when operating expenditures are already tight.
- The best way to learn to drive is to do so—written tests do not accomplish this.
- This bill will do little to nothing to increase safety.

HB 642 – Establishing a flat rate education income tax and relative to the statewide enhanced education tax and certain other taxes.

Committee report: Ways & Means: ITL (16–1)

Our recommendation:

YEA on ITL

This bill, which establishes an income tax, is **anti-liberty**:

- Broad-based taxes such as sales and income taxes have long been opposed in New Hampshire, and go against our state’s traditions, culture, and “Live free or die” motto.
- An income tax requires a significant amount of reporting and disclosure of one’s finances, and is thus a significant invasion of privacy.
- Such a tax will serve as a significant drag on an already ailing economy: The negative effects on business growth, and thus employment, would be high.
- The problems with the public education system are many, but they will not be fixed merely by throwing more money at it.

*The New Hampshire Liberty Alliance is a non-partisan coalition of New Hampshire citizens working to increase individual freedom in the Granite State. Each year we compile voting records from a wide variety of legislation and release our **Liberty Rating**, grading our state legislators’ support of liberty. These Liberty Watchlists are an effort to highlight bills that, if passed, stand to substantially increase or decrease freedom in New Hampshire. Your vote on these bills may be used in our annual Liberty Rating.*