



New Hampshire Liberty Alliance

# Gold Standard

NHLiberty.org

March 2<sup>nd</sup>, 2011

HB 29 NAY/ITL  
HB 475 NAY/OTP  
HB 572 YEA/OTP  
HB 240 NAY/ITL  
HB 194 NAY/ITL  
HB 259 YEA/OTP  
HB 441 YEA/OTP  
HB 225 NAY/ITL  
HB 539 NAY/ITL

## HB 29, permitting a person to petition the superior court for superior court to appeal the denial of a pistol or revolver license.

Committee report: Criminal Justice and Public Safety : ITL (11-6)

This bill, allowing an appellant to choose superior court over district court, is **pro-liberty**:

- Up until 2008 you could file in either court, and this freedom was taken by the Supreme Court in the Garand vs. Town of Exeter decision in 2009.
- The following causes of action: Contract claims, Landlord/Tenant can already be heard in either court.

**HB 29**  
**NAY**  
**on**  
**ITL**

## HB 475-FN, relative to penalties under the consumer protection act.

Committee report: Criminal Justice and Public Safety : OTP (13-1)

This bill, which requires all penalties under 358-A to include possible jail time, is **anti-liberty**:

- NH Constitution [Art.] 18. [**Penalties to be Proportioned to Offenses; True Design of Punishment.**] All penalties ought to be proportioned to the nature of the offense.
- The "crimes" under 358-A include vague provisions such as "Making false or misleading statements of fact concerning the reasons for... price reductions" (RSA 358-A:2 XI)
- Many other laws directly reference the penalties in RSA 358-A, including prohibitions on offering infant formula for sale at flea markets (RSA 358-Q) or receiving a security deposit that is greater than one month's rent (RSA 540-A:6 I).
- HB475 eliminates the unclassified misdemeanor penalty, therefore requiring that any charge against a natural person include the possibility of jail time - even if there was no actual victim.
- The new felony provisions in this bill apply to offering for sale goods or services over \$1000, even if no one buys them, an amount not significant enough to warrant the seriousness of a felony charge.

**HB 475**  
**NAY**  
**on**  
**OTP**

## HB 572-FN, relative to the act of official oppression.

Committee report: Criminal Justice and Public Safety : OTP (9-5)

This bill, clarifying conditions under which official oppression may be charged, is **pro-liberty**:

- In keeping with Art. 8, Part 1 of the NH Constitution, this bill increases the accountability of public servants in the exercise of their official duties.
- Since official oppression was created in 1971 we have divided misdemeanors into class A and class B misdemeanors. Actions that benefit someone or harm someone will be classified as class B.

**HB 572**  
**YEA**  
**on**  
**OTP**

## HB 240, allowing voters to vote for multiple candidates for an office.

Committee report: Election Law : ITL (15-3)

This bill, allowing voters to show support for multiple candidates in a given race, is **pro-liberty**:

- With this simple ballot change voters will be able to easily express their opinion on every candidate.
- This eliminates the "wasted vote" problem in which voters believe that votes for a less popular candidate will be wasted because the candidate has little chance of winning.
- Bill will require relatively few & inexpensive changes to administrative procedures in exchange for a large increase in voter expression and satisfaction.

**HB 240**  
**NAY**  
**on**  
**ITL**

**HB 194, repealing the prohibition on having certain crossbow, rifles, or shotguns in vehicles.**

Committee report: Fish and Game and Marine Resources : ITL (12-4)

This bill, which repeals the ban on carrying a loaded weapon in a vehicle is **pro-liberty**:

- Laws only affect the law-abiding. The current statute will not stop someone intent on mischief.
- Remedies an inconsistency allowing a loaded pistol to be carried in a vehicle, but not a loaded rifle.
- It is currently illegal for someone that lives in an RV to keep a loaded shotgun in their home.

**HB 194**  
**NAY**  
on  
**ITL**

**HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division.**

Committee report: Judiciary : OTP (10-5)

This bill, requiring the rules of evidence to be observed in family law cases, is **pro-liberty**:

- Brings order to family law proceedings that currently do not operate by any evidentiary rules.
- Accordingly, this bill reduces subjectivity of family law judges by making them obey certain common law rules and giving rise to bases for appeal when a judge abuses his or her discretion.

**HB 259**  
**YEA**  
on  
**OTP**

**HB 441-FN, relative to muffling devices on boats.**

Committee report: Transportation : OTP (14-0)

This bill, eliminating the prohibition on adjustable muffling devices on boats, is **pro-liberty**:

- Boaters will now be able to use their own judgment and common sense to reduce the noise of their motors, instead of having the letter of the current law trump the spirit of RSA 270:37.

**HB 441**  
**YEA**  
on  
**OTP/A**

**HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.**

Committee report: Criminal Justice and Public Safety : ITL (14-2)

This bill, requiring the prompt return of confiscated property, is **pro-liberty**:

- Rights of the people come first, not convenience of the police.
- People should not lose their property because of malicious or erroneous accusations.
- The proposed floor amendment is considered pro-liberty.

**HB 225**  
**NAY**  
on  
**ITL**

**HB 539-FN, repealing the state enforcement of the OBD II requirement for motor vehicles.**

Committee report: Transportation : ITL (13-1)

This bill, which gets rid of a bureaucratic “safety program”, is **pro-liberty**:

- The OBD II requirement was originally passed as a “safety program”--but it does not inspect for safety nor are federal EPA emissions standards safety-related.
- The OBD II requirement is really just a tax on every citizen who owns a vehicle.
- The OBD II inspection creates a centralized database in the hands of a private company, which records information about almost every vehicle in the state.

**HB 539**  
**NAY**  
on  
**ITL**