



# NEW HAMPSHIRE LIBERTY ALLIANCE

# GOLD STANDARD

HB 31 NAY ITL  
 HB 135 NAY ITL  
 HB 174 YEA OTP  
 HB 201 NAY ITL  
 HB 252 YEA OTP/A  
 HB 261 NAY OTP  
 HB 500 YEA OTP/A  
 HB 534 NAY OTP  
 HB 588 NAY ITL  
 HB 624 NAY ITL  
 HB 639 NAY ITL



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SENATE SESSION - THURSDAY, MAY 11, 2023

**HB 261, authorizing residential tenants to terminate their lease in instances of domestic violence or following a disabling illness or accident.**

## HB 261

**Commerce: Rerefer 4-0**

**ANTI-LIBERTY: This bill permits residential tenants to terminate their lease in instances of domestic violence or following a disabling illness or accident, and describes the written documentation required.**

## NAY OTP

- This bill does not define 'disabling accident or illness' and as such becomes an ad liberum legal loophole allowing for any tenant to exit any lease agreement at any time.
- This bill essentially nullifies all lease agreements and will decimate the incentive for anyone to become a landlord in New Hampshire.
- Without those willing to take on the risk of property ownership and renting to others, the availability of housing to renters will deteriorate, which will greatly increase rent throughout the state.
- While NAY OTP is preferable, rereferal is OK; however, on rereferal we recommend that this bill be tabled.

**HB 174, relative to the filing of notice of intent to cut timber.**

## HB 174

**Energy and Natural Resources: OTP 4-0**

**PRO-LIBERTY: This bill enables a land owner to cut timber in certain cases where they have not received a response to the notice of intent to cut timber, and makes it a violation for assessing officials to fail to forward a notice to cut to the Department of Revenue Administration in a timely fashion.**

## YEA OTP

- In the event that a tax assessor delays or refuses to process an application by a landowner to log their property, this bill would allow such owners to proceed.
- During the public hearing, testimony was provided that indicated that while not systemic across the state, some towns have not responded to requests for four months. This bill protects the right of a property owner to use their private resources as they choose without being effectively denied that right by an assessor refusing to do their job.

**HB 252, exempting agricultural operations from certain municipal noise ordinances.**

## HB 252

**Energy and Natural Resources: OTP/A 4-0**

**PRO-LIBERTY: This bill exempts certain farming and agricultural operations from municipal noise ordinances.**

## YEA OTP/A

- Farm and agricultural land owners need to be free to conduct operations suitable to their businesses and livelihood without infringement by government from noise ordinances.
- This bill protects farmers and other agricultural operators from noise complaints of new nearby residents who knowingly "moved to the nuisance" and now want to shut down existing operations.
- Prospective property purchasers are required to perform due diligence to mitigate their own dissatisfaction. The government should not rescue the willfully-ignorant from the foreseeable consequences of their inaction.
- With the proposed committee amendment, farm activities associated with agritourism are excluded from this protection — putting farms on a similar footing to other businesses for non-agricultural uses of the property.

## HB 534, relative to water assistance for natural disasters.

Energy and Natural Resources: OTP 3-0

**ANTI-LIBERTY: This bill creates a water assistance fund to be used to repair and replace drinking water treatment sources damaged by natural disasters. The bill also makes an appropriation to the fund.**

- This bill pointlessly allocates \$5 million from the general fund to a new 'water assistance' fund. There is already a rainy day fund that would more effectively and efficiently provide relief for any type of disaster as the legislature sees fit.

## HB 500, relative to prescribing opioids via telehealth medicine.

Health and Human Services: OTP/A 4-0

**PRO-LIBERTY: This bill modifies the procedure for physicians, physician assistants, and APRNs to prescribe certain non-opioid and opioid controlled drugs by means of telemedicine.**

- This bill improves liberty through granting quicker and more efficient access to needed medicines via telemedicine with patients who already have an established patient-provider relationship.

## HB 31, repealing the prohibition on the possession or sale of blackjacks, slung shots, and metallic knuckles.

Judiciary: ITL 4-1

**PRO-LIBERTY: This bill repeals the prohibition, penalty, and exceptions relating to the carrying and possessing with intent to sell a blackjack, slung shot, or metallic knuckles.**

- Blackjacks, slung shots, and metallic knuckles are currently illegal in NH. This bill will make them legal.
- The right to self-defense and to bear arms is fundamental to the citizens of the United States and the state of New Hampshire. Both entities' Constitutions make clear that those rights shall not be infringed.
- Mere possession of these items harms no one; using them harmfully is illegal and would remain so even with passage of this bill.

## HB 135, prohibiting no-knock warrants.

Judiciary: ITL 3-2

**PRO-LIBERTY: This bill, with the proposed committee amendment, raises the bar for the execution of no-knock warrants.**

- "No-knock" warrants allow law enforcement to use force to gain entry into a residence without giving any prior notice or announcing their entry. This is dangerous both for the police and the potentially-innocent occupants of the household, as the resulting confusion dramatically increases the probability of inadvertent injury or death.
- When individuals are not aware of who is trying to break down their door, they can, will, and should use deadly force to defend their property.
- Originally conceived as a means to prevent the destruction of evidence, no-knock raids have been misused by law enforcement, executed at incorrect addresses, and resulted in fatalities, both to law enforcement personnel and to civilians. Between 2010 and 2016, 81 civilians and 13 officers have died during no-knock raids ([www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html](http://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html)).
- Per the New Hampshire Law Enforcement Manual ([www.doj.nh.gov/criminal/documents/law-enforcement-manual.pdf](http://www.doj.nh.gov/criminal/documents/law-enforcement-manual.pdf)) the purpose of 'knock and announce' is to protect people's rights to privacy in their homes and to prevent unnecessary violence that could result from unannounced entries.
- While rare, there are instances across the country of no-knock warrants being executed at the wrong address due to typographical or other errors that have at times lead to disastrous consequences. As such, a complete prohibition on the ability to execute a no-knock warrant would be preferable. However, this bill, even with the proposed amendment, is a small step in the right direction.
- While voting for the unamended bill is preferable, the bill should be supported with or without the amendment as a small step in the right direction.

# HB 534

## NAY OTP

# HB 500

## YEA OTP/A

# HB 31

## NAY ITL

# HB 135

## NAY ITL

## HB 201, relative to changing the penalties for driving without a license.

# HB 201

Judiciary: ITL 3-2

**PRO-LIBERTY: This bill decreases the penalty for driving without a license from a class B misdemeanor to a violation (for the first offense).**

# NAY ITL

- It is unlikely that the high potential penalty for first time offenses is well understood by individuals who may be impacted by this law. What is certain is that a misdemeanor conviction may negatively impact their ability to find a job. The "crime" of driving without a license, for an individual who is not otherwise committing any other offense, does not have a clear victim and thus the existing penalty is unreasonable.

## HB 588, relative to the criteria for applying for parole.

# HB 588

Judiciary: ITL 3-2

**PRO-LIBERTY: This bill allows an eligible incarcerated person to apply for parole upon the completion of 65 percent of such person's minimum sentence.**

# NAY ITL

- This bill allows an incarcerated person serving more than a 5-year sentence to be considered for parole at 65% of their sentence, provided they were not convicted of certain violent crimes and their minimum original sentence was 7.5 years.
- The Department of Corrections says this bill could affect up to 915 inmates.
- Releasing such non-violent inmates from prison will save the State \$54,386/year per inmate.
- This bill will reduce the burden on society of keeping these inmates in prison, and give them a second chance to be productive members of society.

## HB 624, relative to federal immigration checkpoints.

# HB 624

Judiciary: ITL 3-2

**PRO-LIBERTY: This bill requires local law enforcement give public notice when a federal agency intends to conduct an immigration checkpoint.**

# NAY ITL

- Part 1, Article 19 of the New Hampshire Constitution notes the *"...right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions."* In *STATE v. KOPPEL* (1985), the NH Supreme Court noted that *"Stopping and detaining an automobile and its occupants, whether by roving patrol or roving roadblock, constitutes a seizure within the meaning of article 19 of our State Constitution."*
- In *STATE v. HUNT* (2007), the Supreme Court found *"To justify the search or seizure of a motor vehicle, absent probable cause or even a reasonable suspicion that a criminal offense is being committed, the State must prove that its conduct significantly advances the public interest in a manner that outweighs the accompanying intrusion on individual rights. It must further prove that no less intrusive means are available to accomplish the State's goal."* Checkpoints at the border are clearly less intrusive than random stops of people traveling within the state. While the federal government may not be bound by the NH Constitution, our state law enforcement officers are and should make every effort to minimize undesired infringement and seizure.
- Notification is consistent with the approach New Hampshire uses for sobriety checkpoints.

## HB 639, relative to the legalization and regulation of cannabis and making appropriations therefor.

# HB 639

Judiciary: ITL 3-2

**PRO-LIBERTY: This bill legalizes cannabis in New Hampshire.**

# NAY ITL

- This bill would increase personal freedom by allowing adults 21 and older to purchase, possess, transport, and give away (but not sell) up to four ounces of cannabis, twenty grams of concentrated cannabis, and infused products with 2000 milligrams of THC.
- Legalization would not only prevent innocent people from having their lives significantly impacted by minor possession arrests, but would also reduce the expense of the criminal justice system, allowing police and prosecutors to focus on serious crimes where innocent people have been victimized.
- Polls have consistently shown that a substantial majority of Granite Staters support legalizing cannabis ([scholars.unh.edu/survey\\_center\\_polls/689](http://scholars.unh.edu/survey_center_polls/689)).
- A federal judge has recently ruled that prohibitions on firearms ownership simply for the use of cannabis is unconstitutional. While it is likely that further court battles on the topic remain, concerns expressed over the potential impact to gun rights are paternalistic.