



NEW HAMPSHIRE LIBERTY ALLIANCE

GOLD STANDARD

SB 219 YEA OTP/A
 SB 316 NAY OTP
 SB 414 NAY OTP
 SB 418 NAY OTP/A
 SB 525 YEA ITL
 SB 533 YEA ITL
 SB 559 NAY OTP
 SB 563 NAY OTP
 SB 570 NAY ITL



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SENATE SESSION - THURSDAY, MARCH 7, 2024

SB 525, relative to administration of the education freedom accounts program.

SB 525

Education: ITL 3-1

ANTI-LIBERTY: This bill would create perverse incentives for families to limit their income to prevent their child from being forced back into a specific government school after having acclimated to a learning environment that better suits their needs.

YEA ITL

- Under this bill a family would be required to have their finances re-evaluated each year to see if the taxpayer dollars that are allocated for their children's education are allowed to be used to continue to support attendance at the school of their choice. On the margin, this will force families to choose between increased economic output that benefits themselves and the community and the educational options available to the child.
- Parents often seek alternate education environments after bullying or other adverse encounters with staff or students in a particular school, and this may force a child back into an environment where they do not feel safe.

SB 219, (New Title) requiring mandatory reporting by school districts of school expenses.

SB 219

Finance: OTP/A 4-2

PRO-LIBERTY: This bill requires school districts to post mandatory reports of school expenses, including average cost per pupil, average teacher salaries, and top administrator salaries. It also creates a civil remedy for the enforcement of this requirement.

**YEA
OTP/A**

- This bill, with the proposed committee amendment, will enhance public awareness of the cost incurred by public school administrators through requiring the posting of administrator salaries before any meeting in a school district where a budget is under consideration.
- Enhanced transparency in government increases public trust and awareness.

SB 559, relative to the definition of vaccine for purposes of the New Hampshire vaccine association.

SB 559

Health and Human Services: OTP 4-1

ANTI-LIBERTY: This bill revises the definition of vaccine for purposes of the New Hampshire Vaccine Association.

**NAY
OTP**

- Under existing RSA 126-Q, the New Hampshire Vaccine Association extracts fees from HMOs, insurance companies, health service corporations, and other entities based on the number of individuals under 19 years of age being provided services by the organization. These fees are extracted regardless of whether or not the children or adults make use of vaccines provided by the program. In that sense, it is an indirect tax that all families that make use of the healthcare system must pay regardless of whether they actually use the service.
- With the proposed new definition of vaccines, this tax will now not only be used to pay for products that provide some level of immunity to life-threatening and disabling diseases, but will also apply to all products that protect against diseases caused by infectious pathogens. As a result, this would cover products that would protect against diseases such as athlete's foot, impetigo, or any number of relatively minor diseases. While parents may ultimately decide that the risk benefit of such products makes sense for their children, expanding the program to cover generally trivial infectious diseases that everyone will now be forced to pay for is an overstep of the intent of the vaccine association program.

SB 316, establishing a penalty for a person who transports fentanyl class drugs into New Hampshire with the intent to distribute.**Judiciary: OTP 3-2****ANTI-LIBERTY: This bill adds a mandatory minimum sentence of 5 years for individuals transporting fentanyl into NH with an intent to distribute and adds a new clause allowing for asset forfeiture of vehicles that were involved.**

- The War on Drugs has clearly failed; heroin was first federally regulated more than 100 years ago, yet is still beyond the control of governance even today. While it is tempting to look at the lists of arrests week after week in the paper and think we are just one more arrest from a solution, it is clear that the enforcement-centric approach is a failure.
- During the public hearing, testimony was provided that indicated that there is no evidence that mandatory minimum drug sentences reduce use of drugs, drug sales, or overdose deaths.
- With or without this bill, fentanyl remains illegal in the state.

**NAY
OTP****SB 414, relative to establishing a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting.****Judiciary: OTP 3-2****ANTI-LIBERTY: This bill would require a mandatory minimum sentence of 10 years for cases where a death results from sharing a controlled drug.**

- As written, this bill would remove discretion from a judge when sentencing individuals involved in tragic situations. If a couple, unwisely but voluntarily, regularly purchases and shares controlled substances and then one member dies as a result of the use, the judge would now be required to sentence the surviving member to 10 years in prison.
- The bill may have unintended consequences of increasing deaths, as a friend may flee when there is still a chance to save an individual, for fear of this prosecution that leaves no room for understanding the totality of circumstances.

**NAY
OTP****SB 418, relative to THC concentrations for driving offenses.****Judiciary: OTP/A 3-2****ANTI-LIBERTY: This bill, with the proposed committee amendment, would dramatically increase penalties for refusing a blood alcohol test to one year (from 180 days).**

- The state can seek and achieve a conviction for driving under the influence without a blood test and is already able to introduce into evidence the fact that an individual has refused a test into evidence during trial.
- The existing RSA 265-A:14 and this enhanced penalty without conviction update allow police to request a blood test and institute the penalty upon refusal to take the test that is "offered" under duress. In *Mitchell v. Wisconsin*, the US Supreme Court found that implied consent laws that included blood tests (but not breathalyzer tests) are an unconstitutional violation of the 4th Amendment, as a blood test is more invasive and reveals more information than a breathalyzer and accordingly requires a warrant.

**NAY
OTP/A**

SB 533, relative to physical quorums at public meetings.

Judiciary: ITL 3-2

SB 533

ANTI-LIBERTY: This bill enables a majority of the members of a public body to participate in a meeting via electronic means.

- Under current law, while a small number of members of a public body may participate and vote in a public meeting remotely, a quorum is still required to be physically present. This physical presence allows members of the public who would like to be heard to have physical access to officials who are spending our money and controlling aspects of our public and private lives.
- This bill places the members of the public body in a special category as compared to the public, as it allows members to participate remotely but only requires that the public body must listen to the members of the public who are physically present.
- It allows for public officials to have the ability to dodge public accountability and not allow for in-person confrontation and debate to take place. It also sets a dangerous precedent moving forward that will continue to hinder the ability of citizens to engage with their government in a public way.
- RSA 91-A:1 states that *"Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people."* — while this bill would leave this provision in place, it eliminates the reference to the paragraph which previously held that *"Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1"*.

YEA ITL

SB 563, relative to federal immigration enforcement.

Judiciary: OTP 3-2

SB 563

ANTI-LIBERTY: This bill requires cities and towns to comply with ICE (U.S. Immigration and Customs Enforcement) detainer requests that hold individuals for whom there is no criminal warrant reviewed by a judge.

- An ICE detainer request is not a warrant. They are issued by an official from the executive branch without any judicial review to determine if probable cause exists to hold the individual named in the request. As events in the last several years have revealed, unfettered power in the hands of federal agencies can and will be abused if not held at least partially in check by a moderately independent judicial branch.
- The lack of oversight in ICE detainers increases the risk of errors. U.S. Army veteran and U.S. citizen Rennison Castillo was held for seven months by ICE before they realized their error (www.foxnews.com/world/rennison-castillo-gets-apology-and-400000-after-government-wrongly-tries-to-deport-him).
- The Frequently Asked Questions published by ICE (www.ice.gov/identify-and-arrest/detainers/ice-detainers-frequently-asked-questions) state that if a local law enforcement agency believes the individual to be a U.S. citizen, that they should notify the ICE Law Enforcement Support Center by phone. At this point, local law enforcement has kidnapped a U.S. citizen who has no criminal warrant, and the remedy is to make a phone call?

NAY OTP

SB 570, establishing a misdemeanor for first-offense controlled drug possession.

Judiciary: ITL 3-2

SB 570

PRO-LIBERTY: This bill amends the penalty for obtaining, purchasing, transporting, possessing, or having under a person's control a controlled drug to a class A misdemeanor, and amends the penalty for a subsequent offense to a class B felony.

- Whether harsh drug laws for first time offenses are actually effective, this much is certain — that they have either contributed to the drug problem that we have, or they have been powerless to prevent it. In either case these harsh penalties should not exist.

NAY ITL