2023 SESSION

23-0388
04/05

HOUSE BILL *187-FN*

AN ACT permitting a police chief or other designated law enforcement officer to serve process.

SPONSORS: Rep. Berezhny, Graf. 11; Rep. Cushman, Hills. 28; Rep. Mazur, Hills. 44; Rep. Pilliod, Hills. 44; Rep. Pratt, Hills. 10; Rep. Vose, Hills. 38; Rep. T. Lekas, Hills. 38; Rep. Bickford, Hills. 36; Sen. Murphy, Dist 16; Sen. Gray, Dist 2

COMMITTEE: Judiciary

ANALYSIS

This bill authorizes a local law enforcement officer to serve criminal or civil process and to enforce valid orders issued by any courts.

- -

Explanation: Matter added to current law appears ***bold italics.***
Matter removed from current law appears [bracketed and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
23-0388
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT permitting a police chief or other designated law enforcement officer to serve process.

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

1 Police Officers and Watchmen; Powers and Compensation. Amend RSA 105:3 to read as follows:
105:3 Powers; Compensation. All police officers, by virtue of their appointment, constables and conservators of the peace ***shall have the power and authority to serve criminal process in any case, and civil process in any case, when specifically ordered by any court, and to arrest and apprehend any criminals that they may find in their respective jurisdictions.***
2 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0388
12/8/22

HB 187-FN- FISCAL NOTE
AS INTRODUCED

AN ACT permitting a police chief or other designated law enforcement officer to serve process.

FISCAL IMPACT: [ ] State [X] County [X] Local [ ] None

COUNTY:

Revenue	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill authorizes local law enforcement officers to serve civil process and to enforce civil orders issued by any court.

The New Hampshire Municipal Association states that currently the service of civil process is conducted by county sheriffs, and the rema the bill would not change existing law. The Association assumes there may be some expansion of the types of civil orders allowed to be enfo law enforcement. The bill does not authorize municipal police departments to charge fees for civil services provided by the county sheriffs p 104:31. The Association indicates they may be an indeterminable increase in local expenditures and no impact on local revenue.

The New Hampshire Association of Counties indicates that allowing officers to serve papers could decrease county expen there is no way to estimate how many requests to serve papers may arise or how that work would be divided between local officers, and n there is no way to estimate the fiscal impact.

The Department of Safety states, pursuant to RSA 106-B:3, state police do not serve civil process or enforce civil orders. The Departme proposed amendment would apply to police and the bill would have no impact on the Department.

The Department of Fish and Game assesses this bill would have no impact on the Department's budget. Under RSA 206:26-b, II(a), officers and the executive director are prohibited from serving civil process. The Department states existing law already grants gene

conservation officers to carry out the other duties listed in the bill.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

New Hampshire Municipal Association, New Hampshire Association of Counties, and Departments of Fish and Game and Safety

CONSENT CALENDAR

January 30, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Judiciary to which was referred HB 187-FN,

AN ACT permitting a police chief or other designated law enforcement officer to serve process. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Walter Stapleton

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Judiciary**
Bill Number:	**HB 187-FN**
Title:	**permitting a police chief or other designated law enforcement officer to serve process.**
Date:	**January 30, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

Local law enforcement is already struggling with staffing shortages and are stretched thin to cover their important work of public safety and the interdiction of crime. Burdening them further with process serving only exacerbates that condition and detracts from their important work of law enforcement. We have the Sheriff's Department and other appointed officers for that purpose and it functions well as part of their mission and operations.

Vote 20-0.

Rep. Walter Stapleton
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 187-FN, permitting a police chief or other designated law enforcement officer to serve process. **INEXPEDIENT TO LEGISLATE.**

Rep. Walter Stapleton for Judiciary. Local law enforcement is already struggling with staffing shortages and are stretched thin to cover their important work of public safety and the interdiction of crime. Burdening them further with process serving only exacerbates that condition and detracts from their important work of law enforcement. We have the Sheriff's Department and other appointed officers for that purpose and it functions well as part of their mission and operations. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 187-FN

BILL TITLE: **permitting a police chief or other designated law enforcement officer to serve process.**

DATE: **January 18, 2023**

LOB ROOM: **206 - 208** **Time Public Hearing Called to Order:** **1:05 pm**

Time Adjourned: **1:25 pm**

Committee Members: Reps. Lynn, Wallace, Kuttab, Alexander, Jr. Andrus, Testerman, Stapleton, Tripp, Greeson, K.Perez, M.Smith, Horrigan, DiLorenzo, M.Paige, Devine, Lanza Manos and Turer

Bill Sponsors:

Rep. Berezhny	**Rep. Cushman**	**Rep. Mazur**
Rep. Polozov	**Rep. T. Lekas**	**Rep. Bernardy**
Sen. Murphy	**Sen. Lang**	

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep.Berezhny- Prime Sponsor

- Charge fee structure move Sheriff
- Simply delegate task - eliminating long drive, high fees.
- Objections - Don't have resources.
- Local Police can't afford, local police should focus on crime. Hasn't been updated.
- Amendment - Local police to accept fees, 104-6 - not withstanding to the discussion.
- Who would this be up to? Chief, sending deputy or sheriff
- Many police chiefs against this.

William Wright, Sheriff, Belk. County and *Sheriff David Croft- Merr. County

- Sheriff Croft submitted written testimony
- Both are opposed to bill
- Past practices - RSA 104 (5) RSA 104 (6) 104 (10)
- Should this bill be? Where do they turn in paperwork? Who gets paperwork? Who gets fees? Not able to staff. 240 police departments throughout county. Sheriff, local PD, City council Sheriff county since 1800
- RSA 4 - writs and precepts one of the jobs, problem with recruitment - police departments
- Police chiefs concerned due to not having a lot of staff, not being able to do civil process.

Anson Smith

- Supports bill
- Filed, stating about warrants not getting served -Civil

Rep. Greeson

- Question: Asked about tracking documents?

Respectfully submitted,

Rep. Katelyn Kuttab, Clerk

House Remote Testify

Judiciary Committee Testify List for Bill HB187 on 2023-01-18

Support: 3 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane
Lang, Senator Tim	Sanbornton, NH kathryn.cummings@leg.state.nh.us	An Elected Official	District 2	Support	No	No
Murphy, Keith	Manchester, NH Keith.Murphy@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No
Trottier, Douglas	Belmont, NH doug.wmstc@metrocast.net	An Elected Official	Belknap District 8	Oppose	No	No

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 187-FN

BILL TITLE: permitting a police chief or other designated law enforcement officer to serve process.

DATE: January 30, 2023

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Stapleton Seconded by Rep. Andrus Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Katelyn Kuttab, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:53:34 AM
Roll Call Committee Registers Report

2023 SESSION

Judiciary

Bill #: HB187-FN Motion: ITL AM #: — Exec Session Date: 30Jan23

Members	YEAS	Nays	NV
Lynn, Bob J. Chairman	✓		
Wallace, Scott Vice Chairman	✓		
Alexander, Joe H.	✓		
Andrus, Louise	✓		
Testerman, Dave	✓		
Stapleton, Walter A.	✓		
Tripp, Richard P.	✓		
Greeson, Jeffrey	✓		
Kuttab, Katelyn Clerk	✓		
~~Perez, Kristine~~ Seidel, Sheila	✓		
Smith, Marjorie K.	✓		
Horrigan, Timothy O.	✓		
DiLorenzo, Charlotte I.	✓		
~~Kenney, Cam E.~~ Schultz, Kristina	✓		
~~Paige, Mark~~ Rung, Rosemarie	✓		
McBeath, Rebecca Susan	✓		
Devine, Shelley	✓		
Lanza, Judi	✓		
Manos, Zoe R	✓		
Turer, Eric S	✓		
TOTAL VOTE:	20	—	—