2023 SESSION

23-0532
04/10

HOUSE BILL 290-FN

AN ACT relative to service of writs and precepts by a constable.

SPONSORS: Rep. Jary, Rock. 40

COMMITTEE: Judiciary

ANALYSIS

This bill removes the dollar amount limit on civil writs and precepts which may be served by a constable.

- -

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struck through.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0532
04/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to service of writs and precepts by a constable.

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

1 Sheriffs and Constables; Constables. Amend RSA 104:5 to read as follows:
2 104:5 Constables. Constables shall serve and return all writs and other civil process to them directed [wherein the direc
amount demanded in damages does not exceed $75, and no others], and shall have similar powers and be subject to subje
similar liabilities in relation thereto as sheriffs.
3 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0532
12/22/22

HB 290-FN-FISCAL NOTE
AS INTRODUCED

AN ACT relative to service of writs and precepts by a constable.

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

	Estimated Increase / (Decrease)			
COUNTY:	FY 2023	FY 2024	FY 2025	FY 2026

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

METHODOLOGY:

This bill removes the dollar amount limit on civil writs and precepts which may be served by a constable. The New Hampshire Association of Counties indicates the bill would have an indeterminable fiscal impact on county expenditures. The Association anticipates the bill would increase the number of writs and other civil precepts constables serve and return, but the volume of writs and other civil precepts with demands of less than $75 is not known. The Association is working to gather additional information for this bill.

AGENCIES CONTACTED:

New Hampshire Association of Counties

CONSENT CALENDAR

January 30, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Judiciary to which was referred HB 290-FN,

AN ACT relative to service of writs and precepts by a constable. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Scott Wallace

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Judiciary**
Bill Number:	**HB 290-FN**
Title:	**relative to service of writs and precepts by a constable.**
Date:	**January 30, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill seeks to amend RSA 104:9 relative to service of writs and other civil precepts by constables over $75.00. While on the surface this may seem like a simple enough change to the civil process service, research on the measure revealed to the committee that the result of implementing this change to the statute would require police officers to serve civil process in any amount at the behest of private litigants. This stems from the fact that the current statute says constables "shall" serve civil process under $75 and the fact that RSA 105:3 provides that all police officers are, by virtue of their status, constables. As a result of that unintended consequence, the committee had no choice but to determine that the bill is Inexpedient to Legislate.

Vote 20-0.

Rep. Scott Wallace
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 290-FN, relative to service of writs and precepts by a constable. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott Wallace for Judiciary. This bill seeks to amend RSA 104:9 relative to service of writs and other civil precepts by constables over $75.00. While on the surface this may seem like a simple enough change to the civil process service, research on the measure revealed to the committee that the result of implementing this change to the statute would require police officers to serve civil process in any amount at the behest of private litigants. This stems from the fact that the current statute says constables "shall" serve civil process under $75 and the fact that RSA 105:3 provides that all police officers are, by virtue of their status, constables. As a result of that unintended consequence, the committee had no choice but to determine that the bill is Inexpedient to Legislate. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 290-FN

BILL TITLE: **relative to service of writs and precepts by a constable.**

DATE: **January 18, 2023**

LOB ROOM: **206-208** **Time Public Hearing Called to Order:** **10:30am**

Time Adjourned: **10:32am**

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

Bill Sponsors:
Rep. Janvrin

TESTIMONY

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

Rep. Joe Alexander
- Bill removes dollar limit on civil writs which may be served by constable.

Respectfully submitted,

Rep. Katelyn Kuttab, Clerk

House Remote Testify

Judiciary Committee Testify List for Bill HB290 on 2023-01-18

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

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	S
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1

There is no basis for a limitation.

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 290-FN

BILL TITLE: relative to service of writs and precepts by a constable.

DATE: January 30, 2023

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Wallace Seconded by Rep. Tripp 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 #: HB290 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	—	—