LEGISLATIVE COMMITTEE MINUTES

SB244

Bill as Introduced

2023 SESSION

23-0899
04/05

SENATE BILL ***244-FN***

AN ACT relative to false public alarms.

SPONSORS: Sen. Altschiller, Dist 24; Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. Chandley, Dist 11; Sen. Whitley, Dist 15; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Rep. M. Paige, Rock. 11

COMMITTEE: Judiciary

ANALYSIS

This bill makes an exception to the penalty for false public alarm if the report concerns the presence of an active shooter.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0899
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to false public alarms.

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

1 Breaches of the Peace; False Public Alarms; Report of Active Shooter. Amend RSA 644:3, I and II to read as follows:

I. Any person who directly or indirectly communicates to any governmental agency that commonly deals with emergencies involving danger to life or property a report known by him to be false regarding a fire, explosion, or other catastrophe or emergency, shall be guilty of a misdemeanor; except if the report concerns ***the presence of an active shooter or*** the presence of a biological or chemical substance, the offense shall constitute a class B felony.

II. Any person who directly or indirectly communicates to any school, business, office building, hospital, or similar facility open to the public, a report concerning ***the presence of an active shooter or*** the presence of a biological or chemical substance, knowing such report is false, shall be guilty of a class B felony.

2 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0899
1/3/23

SB 244-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to false public alarms.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

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

METHODOLOGY:

This bill makes an exception to the penalty for false public alarm if the report concerns the presence of an active shooter. This affects penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
Violation and Misdemeanor Level Offense	$119	$122	$122
Routine Criminal Case	$644	$657	$779
Appeals	Varies	Varies	Varies

Judicial Council	FY 2023	FY 2024
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney - Felony	$825/Case	$825/Case

	$105 administrative fee $200 incarceration fee (If applicable)	$105 administrative fee $200 incarceration fee (If applicable)
Contract Attorney – Misdemeanor	$300/Case $70 administrative fee $100 incarceration fee (If applicable)	$300/Case $70 administrative fee $100 incarceration fee (If applicable)
Assigned Counsel - Felony. Travel time to court does not count toward the cap.	$90/Hour up to $5,500	$90/Hour up to $5,500
Assigned Counsel- Misdemeanor. Travel time to court does not count toward the cap.	$90/Hour up to $2,000	$90/Hour up to $2,000
Assigned Counsel - Supreme Court Appeal	$125/Hour up to $10,000	$125/Hour up to $10,000

It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.

Department of Corrections	FY 2023	FY 2024
FY 2022 Average Cost of Incarcerating an Individual	$64,223	$64,223
FY 2022 Annual Marginal Cost of a General Population Inmate	$6,123	$6,123
FY 2022 Average Cost of Supervising an Individual on Parole/Probation	$688	$688

The Department notes any increase in the incarcerated population will have a direct impact on overtime costs given the Department's history of challenges associated with recruitment. In addition, the NH State Prison for Men has a degrading infrastructure which will only be exacerbated if an increase in the incarcerated population were to occur.

NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties

LBA
23-0899
Amended 2/23/23

SB 244-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0581s)

AN ACT relative to false public alarms.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

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

METHODOLOGY:

This bill makes an exception to the penalty for false public alarm if the report concerns the presence of an active shooter or explosive device. This affects penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
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Routine Criminal Case	$644	$657	$779
Appeals	Varies	Varies	Varies

Judicial Council	FY 2023	FY 2024

Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney - Felony	$825/Case $105 administrative fee $200 incarceration fee (If applicable)	$825/Case $105 administrative fee $200 incarceration fee (If applicable)
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It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.

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FY 2022 Average Cost of Incarcerating an Individual	$64,223	$64,223
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The Department notes any increase in the incarcerated population will have a direct impact on overtime costs given the Department's history of challenges associated with recruitment. In addition, the NH State Prison for Men has a degrading infrastructure which will only be exacerbated if an increase in the incarcerated population were to occur.

NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to

prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties

SB 244-FN - AS AMENDED BY THE SENATE

02/22/2023 0581s

2023 SESSION

23-0899
04/05

SENATE BILL ***244-FN***

AN ACT relative to false public alarms.

SPONSORS: Sen. Altschiller, Dist 24; Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. Chandley, Dist 11; Sen. Whitley, Dist 15; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Rep. M. Paige, Rock. 11

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill makes the penalty for false public alarm if the report concerns the presence of an active shooter or presence of a bomb a class B felony.

Explanation: Matter added to current law appears in ***bold italics.***
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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to false public alarms.

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

1 Breaches of the Peace; False Public Alarms; Report of Active Shooter. Amend RSA 644:3, I and II to read as follows:

I. Any person who directly or indirectly communicates to any governmental agency that commonly deals with emergencies involving danger to life or property a report known by him to be false regarding a fire, explosion, or other catastrophe or emergency, shall be guilty of a misdemeanor; except if the report concerns ***the presence of an active shooter, the presence of an explosive device, or*** the presence of a biological or chemical substance, the offense shall constitute a class B felony.

II. Any person who directly or indirectly communicates to any school, business, office building, hospital, or similar facility open to the public, a report concerning ***the presence of an active shooter, the presence of an explosive device, or*** the presence of a biological or chemical substance, knowing such report is false, shall be guilty of a class B felony.

2 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0899
Amended 2/23/23

SB 244-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0581s)

AN ACT relative to false public alarms.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
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METHODOLOGY:

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Appeals	Varies	Varies	Varies

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Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
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County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

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AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties

SB 244-FN - VERSION ADOPTED BY BOTH BODIES

02/22/2023 0581s

2023 SESSION

23-0899
04/05

SENATE BILL ***244-FN***

AN ACT relative to false public alarms.

SPONSORS: Sen. Altschiller, Dist 24; Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. Chandley, Dist 11; Sen. Whitley, Dist 15; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Rep. M. Paige, Rock. 11

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill makes the penalty for false public alarm if the report concerns the presence of an active shooter or presence of a bomb a class B felony.

Explanation: Matter added to current law appears in ***bold italics.***
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to false public alarms.

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2 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0899
Amended 2/23/23

SB 244-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-0581s)

AN ACT relative to false public alarms.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
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METHODOLOGY:

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FY 2022 Average Cost of Incarcerating an Individual	$64,223	$64,223
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NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties

CHAPTER 104
SB 244-FN - FINAL VERSION

02/22/2023 0581s

2023 SESSION

23-0899
04/05

SENATE BILL ***244-FN***

AN ACT relative to false public alarms.

SPONSORS: Sen. Altschiller, Dist 24; Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. Chandley, Dist 11; Sen. Whitley, Dist 15; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Rep. M. Paige, Rock. 11

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill makes the penalty for false public alarm if the report concerns the presence of an active shooter or presence of an explosive device a class B felony.

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

CHAPTER 104
SB 244-FN - FINAL VERSION

02/22/2023 0581s

23-0899
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to false public alarms.

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

104:1 Breaches of the Peace; False Public Alarms; Report of Active Shooter. Amend RSA 644:3, I and II to read as follows:

I. Any person who directly or indirectly communicates to any governmental agency that commonly deals with emergencies involving danger to life or property a report known by him to be false regarding a fire, explosion, or other catastrophe or emergency, shall be guilty of a misdemeanor; except if the report concerns ***the presence of an active shooter, the presence of an explosive device, or*** the presence of a biological or chemical substance, the offense shall constitute a class B felony.

II. Any person who directly or indirectly communicates to any school, business, office building, hospital, or similar facility open to the public, a report concerning ***the presence of an active shooter, the presence of an explosive device, or*** the presence of a biological or chemical substance, knowing such report is false, shall be guilty of a class B felony.

104:2 Effective Date. This act shall take effect January 1, 2024.

Approved: June 20, 2023
Effective Date: January 01, 2024

Amendments

Sen. Abbas, Dist 22
February 15, 2023
2023-0547s
07/08

Amendment to SB 244-FN

Amend the bill by replacing section 1 with the following:

1 Breaches of the Peace; False Public Alarms; Report of Active Shooter. Amend RSA 644:3, I and II to read as follows:

I. Any person who directly or indirectly communicates to any governmental agency that commonly deals with emergencies involving danger to life or property a report known by him to be false regarding a fire, explosion, or other catastrophe or emergency, shall be guilty of a misdemeanor; except if the report concerns ***the presence of an active shooter, the presence of an explosive device*** ~~***bomb,***~~ or the presence of a biological or chemical substance, the offense shall constitute a class B felony.

II. Any person who directly or indirectly communicates to any school, business, office building, hospital, or similar facility open to the public, a report concerning ***the presence of an active shooter, the presence of a bomb,*** or the presence of a biological or chemical substance, knowing such report is false, shall be guilty of a class B felony.

10 Jan 6

UNAMENDED

2023-0547s

AMENDED ANALYSIS

This bill makes the penalty for false public alarm if the report concerns the presence of an active shooter or presence of a bomb a class B felony.

UNAPPROVED

Senate Judiciary
February 16, 2023
2023-0581s
07/05

Amendment to SB 244-FN

Amend the bill by replacing section 1 with the following:

1 Breaches of the Peace; False Public Alarms; Report of Active Shooter. Amend RSA 644:3, I and II to read as follows:

I. Any person who directly or indirectly communicates to any governmental agency that commonly deals with emergencies involving danger to life or property a report known by him to be false regarding a fire, explosion, or other catastrophe or emergency, shall be guilty of a misdemeanor; except if the report concerns ***the presence of an active shooter, the presence of an explosive device, or*** the presence of a biological or chemical substance, the offense shall constitute a class B felony.

II. Any person who directly or indirectly communicates to any school, business, office building, hospital, or similar facility open to the public, a report concerning ***the presence of an active shooter, the presence of an explosive device, or*** the presence of a biological or chemical substance, knowing such report is false, shall be guilty of a class B felony.

2023-0581s

AMENDED ANALYSIS

This bill makes the penalty for false public alarm if the report concerns the presence of an active shooter or presence of a bomb a class B felony.

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Daryl Abbas, Member
Sen Rebecca Whitley, Member
Sen Shannon Chandley, Member

Date: January 26, 2023

HEARINGS

Wednesday	02/01/2023
(Day)	(Date)

Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.	**SB 244-FN**	relative to false public alarms.
1:15 p.m.	**SB 248-FN**	relative to bail for a defendant.
1:30 p.m.	**SB 249-FN**	relative to the release of a defendant pending trial.
1:45 p.m.	**SB 252-FN**	relative to release of a defendant pending trial.
2:00 p.m.	**SB 254-FN**	relative to community-based sentencing alternatives for primary caregivers.
2:15 p.m.	**SB 264-FN**	relative to parentage.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 244-FN

Sen. Altschiller	Sen. Perkins Kwoka	Sen. Rosenwald	Sen. Soucy
Sen. Chandley	Sen. Whitley	Sen. Fenton	Sen. Watters
Sen. Prentiss	Rep. M. Paige		

SB 248-FN

Sen. Abbas	Sen. Gannon	Rep. Lynn	Rep. Roy
Rep. Rhodes			

SB 249-FN

Sen. Abbas	Sen. Birdsell	Sen. Carson	Rep. Roy
Rep. Rhodes	Rep. Lynn		

SB 252-FN

Sen. Soucy	Sen. D'Allesandro	Rep. Proulx	Rep. Goley
Rep. Heath	Rep. Long		

SB 254-FN

Sen. Perkins Kwoka	Sen. Watters	Sen. Whitley	Sen. Fenton
Sen. Rosenwald	Rep. Selig	Rep. Meuse	Rep. Read

SB 264-FN

Sen. Perkins Kwoka	Sen. Soucy	Sen. Rosenwald	Sen. Fenton
Sen. Altschiller	Sen. Watters	Sen. Whitley	Sen. Prentiss
Sen. Chandley	Rep. Simpson	Rep. Grote	

Matthew Schelzi 271-3266

Sharon M. Carson
Chairman

Senate Judiciary Committee

Kevin Condict 271-3469

SB 244-FN, relative to false public alarms.

Hearing Date: February 1, 2023

Time Opened: 1:08 p.m. **Time Closed:** 1:18 p.m.

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent : None

Bill Analysis: This bill makes an exception to the penalty for false public alarm if the report concerns the presence of an active shooter.

Sponsors:

Sen. Altschiller	Sen. Perkins Kwoka	Sen. Rosenwald
Sen. Soucy	Sen. Chandley	Sen. Whitley
Sen. Fenton	Sen. Watters	Sen. Prentiss
Rep. M. Paige		

Who supports the bill: Senator Debra Altschiller (SD-24), E. Sargent, Mark Hall, Senator Cindy Rosenwald (SD-13), Jeanne Torpey, Rep. David Meuse (RO-37), Senator David Watters (SD-4), Senator Rebecca Perkins Kwoka (SD- 21), Andrew Jones, Gary Devore, Nancy Brennan, Claudia Damon, Patricia Martin, Susan Moore, Tom St. Martin, Nancy Bishop, Judith Johnson, Gregory Davis, Alfrieda Englund, A. Thomas, Kim Marie Fudge, Edna Bernier, Ann Rettew, Pamela Schachter, Katherine Leswing, Karolyn Campbell, Senator Donovan Fenton (SD-10), Holly Stevens, Carla Billingham.

Who opposes the bill: Julie Smith.

Summary of testimony presented in support:

Senator Altschiller (SD-24)

- Senator Altschiller introduced Senate Bill 244-FN.
- Senator Altschiller said that two months ago, ten schools in New Hampshire all experienced school shooting hoaxes.
- Senator Altschiller said that 50 mass shootings had already occurred in 2023. She said that gun violence is now the leading cause of death for children in the United States.

- Senator Altschiller said that there have been 6 school shootings in 2023. She said that there were 51 school shootings last year that ended with injury or death.
- Senator Altschiller stated that hoax school shooting threats cost taxpayers a lot of money.
- Senator Altschiller said that this bill is designed to hold those who perpetrate hoaxes accountable.
- Senator Gannon asked if 15-, 16-, and 17-year-olds can be tried as an adult under this bill.
- Attorney Lehman said that yes, juveniles can be charged as adults but usually are not.
- Senator Whitley said that she has experience in the criminal justice system. She said it is very rare for a child to be tried as an adult. She said it usually only happens in cases of extreme violence.
- Senator Abbas asked if a false claim of an active shooter was made, would they be charged under RSA 644:1 under current law?
    - Senator Altschiller said that she is unaware of the enumerated statute.
- Senator Abbas asked if the purpose of the bill was to make this specific type of threat a Class-B felony.
    - Senator Altschiller said yes, the purpose of the bill is to punish the narrow group who perpetrate school shooting hoaxes.

KC
Date Hearing Report completed: February 6, 2023

Speakers

Senate Judiciary Committee
SIGN-IN SHEET

Date: Wednesday February 1st, 2023 **Time:** 1:00 p.m.

SB 244-FN AN ACT relative to false public alarms.

Name/Representing *(please print neatly)*

Senator Debra Altschiller	Support ☒	Neutral ☐	Oppose ☐	Speaking?	Yes ☒	No ☐
E Sargent, NH Assoc of Chiefs of Police	Support ☒	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☒
Mark Hall · NHSP	Support ☑	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐

Senate Remote Testify

Judiciary Committee Testify List for Bill SB244 on 2023-02-01

Support: 26 Oppose: 1

Name	Title	Representing	Position
Rosenwald, Cindy	An Elected Official	SD 13	Support
Smith, Julie	A Member of the Public	Myself	Oppose
Torpey, Jeanne	A Member of the Public	Myself	Support
Meuse, David	An Elected Official	Rockingham 37	Support
Watters, Senator David	An Elected Official	Myself	Support
Perkins Kwoka, Senator Rebecca	An Elected Official	Myself	Support
Jones, Andrew	A Member of the Public	Myself	Support
Devore, Gary	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Damon, Claudia	A Member of the Public	Myself	Support
Martin, Patricia	A Member of the Public	Myself	Support
Moore, Susan	A Member of the Public	Myself	Support
St.Martin, Tom	A Member of the Public	Myself	Support
Bishop, Nancy	A Member of the Public	Myself	Support
Johnson, Judith	A Member of the Public	Myself	Support
Davis, Gregory	A Member of the Public	Myself	Support
Englund, Alfrieda	An Elected Official	Myself	Support
Thomas, A	A Member of the Public	Myself	Support
Judge, Kim Marie	A Member of the Public	Myself	Support
Bernier, Edna	A Member of the Public	Myself	Support
Rettew, Ann	A Member of the Public	Myself	Support
Schachter, Pamela	A Member of the Public	Myself	Support
Leswing, Katherine	A Member of the Public	Myself	Support
Campbell, Karolyn	A Member of the Public	Myself	Support
Fenton (SD 10), Senator Donovan	An Elected Official	Myself	Support
Stevens, Holly	A Lobbyist	NAMI New Hampshire	Support
Billingham, Carla	A Member of the Public	Myself	Support

Testimony

February 1, 2023
Testimony supporting SB 244; relative to false public alarms
Senator Debra Altschiller, District 24

Thank you Chairwoman Carson and Honorable Committee members.

My name is Debra Altschiller, I represent Senate District 24 which includes the towns of Exeter, Greenland, Hampton, Hampton Falls, North Hampton, Rye & Stratham. I'm here to introduce Senate Bill 244, relative to false public alarms.

In the beginning of this current school year, CNN published an article about the fallout from active shooter hoaxes beginning with a school in Arkansas, and multiple schools in Florida. Students, teachers, and parents are all traumatized by this experience. (a: see attached)

Then it was our turn. Less than two months ago 10 schools that experienced false alarms of an active shooter. Students in Exeter, Concord, Claremont, Dover, Franklin, Laconia, Lebanon, Littleton, Portsmouth and Whitefield experienced the terror of wondering "are we next?" Teachers and Administrators hearts stopped beating for a moment when they realized they had to transition out of their teaching mode to protecting lives mode.

After the chaotic response to the mass murder of children and teachers in Uvalde Texas, parents across the nation started looking for information about how their local law enforcement departments planned to respond to a similar situation in their communities. I've attached an article from my district about how we are preparing for the day it happens here. (b: see attached)

There have already been 50 mass shootings this year and gun violence is now the number one cause of death for American children. (see attached) The threat of being a victim of a mass shooting is very real, we know it and students know it. (c: see attached)
Education week tracks school shootings and according to their data There have been 6 school shootings this year that resulted in injuries or deaths. There have been 150 such shootings since 2018. There were 51 school shootings with injuries or deaths last year, the most in a single year since Education Week began tracking such incidents in 2018. There were 35 in 2021, 10 in 2020, and 24 each in 2019 and 2018. (d)

When a report of an active shooter comes in response has to be as if it is real and we are now responding to deal with this direct threat. This appropriate response doesn't come without cost.

In addition to causing stress and fear for the public, hoax threats also cost taxpayers a lot of money in police response, mental health counseling and lost classroom time. Senate Bill 244 seeks to acknowledge the seriousness of making an intentional false report by including it as class B felony. A prosecution and conviction of a Class B felony will face a potential **incarceration of 3 and ½ years to a maximum sentence of 7 years**. These charges also can result in fines of $4,000 and up to 5 years of probation.

International false reports of active shooters do real harm and should be treated with the seriousness they deserve. I strongly urge the committee to **recommend SB 244 ought to pass and hold people who willfully traumatize our communities and exhaust our resources be held accountable.**

Thank you.

a. https://www.cnn.com/2022/09/17/us/false-active-shooter-reports-swatting-danger/index.html

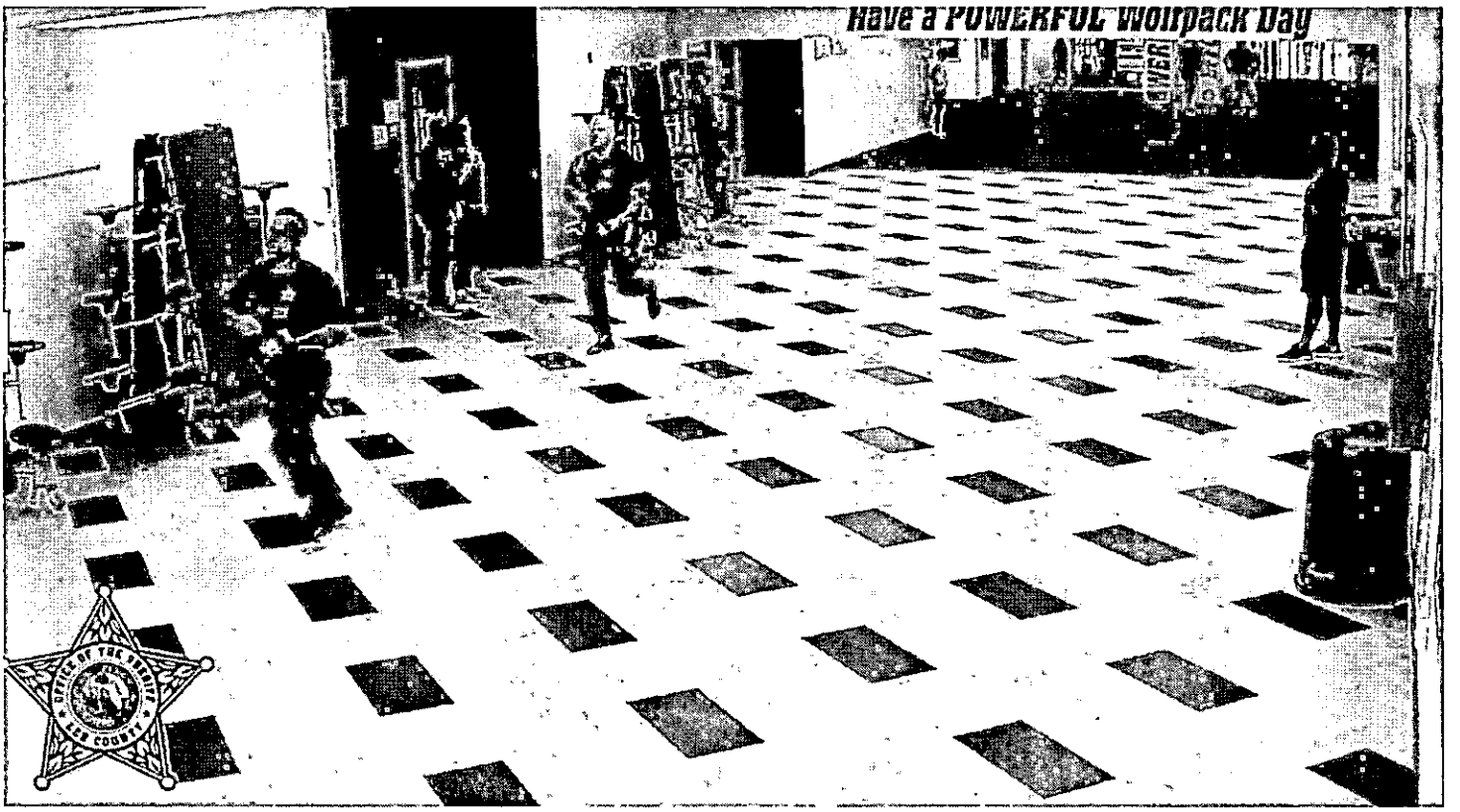
b. https://www.seacoastonline.com/story/news/education/2022/09/08/exeter-hampton-portsmouth-rye-dover-seabrook-schools-police-train-active-shooter-threats/7998624001/

c. https://www.kff.org/global-health-policy/issue-brief/child-and-teen-firearm-mortality-in-the-u-s-and-peer-countries/#:~:text=Firearms%20recently%20became%20the%20number,those%20caused%20by%20other%20injuries.

d. https://www.edweek.org/leadership/school-shootings-this-year-how-many-and-where/2023/01

'It needs to stop.' Active shooter hoaxes at schools are having serious consequences

By Alaa Elassar, CNN
Updated 10:35 AM EDT, Sat September 17, 2022



Carmine Marceno/Lee County Sheriff Dept.

Officers were on the scene at South Fort Myers High School in Florida on Friday responding to a report of an active shooter. It was determined to be a hoax call.

(CNN) — It was a peaceful Friday morning for Murrisha Leon, who was asleep when she received a call from a fellow parent warning her of an active shooter at their children's high school in Arkansas.

Immediately, Leon's heart sank as images of worst-case scenarios flooded her mind. She might lose one of her kids today, she told herself.

"I jumped up in a panic and instantly threw up," Leon told CNN. "I believed it and feared for my children's lives. I called them, and when they didn't answer the first time, I started crying."

Leon's son, 14, and daughter, 16, both attend Watson Chapel High School, which was put on lockdown immediately after the school received news of a possible active shooter on campus – another in a series of reported threats at US schools this week.

Leon soon received a text from her son, saying, "Mama please come get me, they say three people got shot in the bathroom and I'm

scared."

After an agonizing 30 minutes of waiting at the school, Leon – along with hundreds of other panicked teachers, students and parents – discovered that it was a false alarm.

A series of prank text messages were sent to police, alerting them of an armed person on campus and saying shots had been fired, the Pine Bluff Police Department wrote on Facebook. A sweep of both middle and high school campuses confirmed the report was a hoax.

False reports like this are a growing problem in the United States, and have even caught the attention of the FBI.

"When I found out it was because of a prank text I was extremely upset," Leon said. "It was not a game for us and it was not a game for our children, who were in that building terrified that they were going to be killed."

False reports are 'putting people in danger'

As students throughout the district were being released to parents, many still in tears, a similar panic was unfolding elsewhere.

5 things

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At least two other US school districts had hoax calls on Friday, following a number of false reports claiming active shooters earlier this week.

The Lee County Sheriff's Office in Florida received a report Friday afternoon of a possible threat to schools in the district, the office said. Out of an abundance of caution, several schools in the district were placed on lockdown, with "special attention" paid to South Fort Myers High School, the department said.

"All resources were allocated and deployed to the school. Shortly after, it was determined to be a hoax call," the sheriff's office said.



RELATED ARTICLE
School shootings in the US reached a 20-year high in 2021, federal data shows

The Hollywood Police Department in Florida also received a call Friday afternoon regarding a "possible threat" at McArthur High School, the department said. It later confirmed that no threat was found on the campus.

Incidents like these, where prank calls are made to authorities to lure them to a location under the false pretense that a crime has been committed or is in progress, are sometimes called "swatting," and usually results in a forceful response from local police or SWAT teams.

Authorities are taking note of its frequency, and warning the public of its dangers.

"The FBI is aware of the numerous swatting incidents wherein a report of an active shooter at a school is made," the FBI said in a statement Thursday after a high school in Houston, Texas, was evacuated due to a false report of "10 people shot" earlier in the week.

"The FBI takes swatting very seriously because it puts innocent people at risk."

Swatting has led to tragedy before. In 2017, 28-year-old Andrew Finch was accidentally killed by police in his Kansas home after a prankster reported a hostage situation at the address. Tyler Raj Barriss, the man who made the report, was charged with involuntary manslaughter and ultimately sentenced to 20 years in prison.

"It's not a joke and it's not harmless," CNN chief law enforcement and intelligence analyst John Miller said. "Out of all the types of swatting, this creates the most danger. When police show up for what they think is an active shooter, they come in strong, heavy, armed, and fast. It raises the level of hazard for everyone involved and is putting people in danger."



RELATED ARTICLE
Swatting is a dangerous prank with potentially deadly consequences. Here's what you need to know

False reports also exhaust limited police resources, which are better served focusing on real crimes, Miller said.

"It puts a lot of police resources towards an incident that's not really unfolding, because it creates this sense of severe and urgent danger that could result in many fatalities," he said. "It also takes police resources away from incidents that really are happening. Low priority calls can be quite serious and you're delaying response times and not allowing help to get to people who really need it."

While investigations into hoax calls like the ones that occurred Friday are "extremely, extremely time consuming and challenging" due to callers hiding behind layers of concealment, encrypted platforms and the dark web, Miller said, it's critical for local police to take them seriously.

"It's still worth it to pursue these cases because when they end in arrests, it really knocks out the idea it can be done without consequence," he added.

'You can't imagine the stress and hurt you put on families'

Nothing was funny about the parents who stood outside Watson Chapel High School on Friday crying out their children's names, Leon said.

It wasn't funny inside the school either, where Jacorrian Spears said students and staff were texting friends and family to say "I love you" one last time.

Spears, an AP US history teacher, recalls the moment his fourth period class was interrupted by the school secretary screaming into the intercom, "code black, code black, code black," with "distress in her voice."



RELATED ARTICLE
Parkland suicide deaths highlight long-term psychological impacts of mass shootings

Immediately, Spears locked his classroom door and blockaded the room with a bookshelf before taking cover with frightened students. Nearly an hour later, everyone was released.

From his window, Spears saw a stream of parents running to unite with their children.

"Teachers were trying to piece together what happened and students were just ready to go home," Spears said. "When we found out it was a prank, I guess I was kind of relieved but it still was terrible."

In addition to sparking fear and panic, Spears said the incident re-traumatized many of his students, who witnessed one of their classmates die in a 2021 shooting at the middle school, which is on the same campus as the high school.

"The students said they had flashbacks of the shooting that happened to them in junior high," Spears said. "Those kids are now 11th graders and they still wear RIP hoodies and shirts of their classmate. They've told me before how it still kind of haunts them and today didn't make it any better. "

The 15-year-old boy who died in the 2021 shooting was Leon's daughter's best friend. "She relives that memory everyday," Leon said. "Today brought everything back."

Leon is now focused on helping her children move past yet another traumatizing event.

"It's very stressful being a parent today," Leon said. "I'm afraid every time they walk out the door. Even before today, I stressed about my children going to school."

"In this day and time, things like this really happen," she added. "You can't imagine the stress and hurt you put on families when you do things like this. This is something most parents worry about everyday when we send our children to school. It needs to stop."

CNN's Jamiel Lynch, Melissa Alonso, Josh Campbell and Sara Sidner contributed to this report.

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In Bill Folder

Seacoastonline

EDUCATION

'We don't wait': Seacoast police train for active school shooter threats

Angeljean Chiaramida news@seacoastonline.com

Published 5:00 a.m. ET Sept. 8, 2022 | **Updated 8:45 p.m. ET Oct. 27, 2022**

Uvalde, Texas; Parkland, Florida; Sandy Hook, Connecticut; Columbine, Colorado, all communities where children and educators lost their lives to school shooters, striking terror in the hearts of parents everywhere.

As unthinkable as a school shooting is, from Portsmouth to Dover, Hampton to Exeter, police in the Seacoast area have been planning and training for incidents they pray will never occur.

Following the confusion at Uvalde, Texas on May 24, when officers waited more than an hour before engaging the active shooter, police in the Seacoast say they received calls from parents concerning local response procedures.

Across the local area, law enforcement leaders say they believe an active shooter incident demands an instant response to engage and stop those intent on inflicting harm.

"The bottom line is we don't wait; we go in immediately and stop the shooter," said Rye Police Chief Kevin Walsh. "We learned that from what happened in Columbine (in 1999). We don't wait to set up a perimeter. If we have to break our way in, we break our way in."

"That is the methodology," confirmed Portsmouth Police Capt. Mike Maloney. "The definition of an active shooter is a homicide in progress. Is there anything you need to respond to quicker? The answer is no."

The current policy, according to Hampton Police Chief David Hobbs and Seabrook Chief Brett Walker, is to move immediately and do whatever is necessary "to keep our citizens safe," sentiments echoed by all law enforcement in the region.

In communities with private schools as well as public, they also fall under that response umbrella.

Fire aftermath: Cinnamon Rainbows, North Beach Bar and Secret Spot 'in limbo'

out. In July, for example, Hampton public and private school officials, as well as police and fire met to go over the recommendations, Costa said.

This year, as in previous years, the state made available funds to enhance local security. SAU 21, 90, 16 and 52 applied for portions of those funds, requesting hundreds of thousands of dollars between them for use with school security upgrades.

According to the Department of Safety, more than $10 million in funding is available in this round, to augment the $30-plus million previously available.

The state Safety and Education departments also released a "Back to School Safety" video last week to districts to enhance familiarity with emergency operations plans.

Complete Document

Can Be Viewed

In Bill Folder

Child and Teen Firearm Mortality in the U.S. and Peer Countries

Matt McGough (https://www.kff.org/person/matt-mcgough/) (https://twitter.com/mcgough_matthew) ,

Krutika Amin (https://www.kff.org/person/krutika-amin/) (https://twitter.com/KrutikaAmin) ,

Nirmita Panchal (https://www.kff.org/person/nirmita-panchal/) , and

Cynthia Cox (https://www.kff.org/person/cynthia-cox/) (https://twitter.com/cynthiaccox)

Published: Jul 08, 2022

Firearms recently became the number one cause (https://www.nejm.org/doi/full/10.1056/nejmc2201761) of death for children in the United States, surpassing motor vehicle deaths and those caused by other injuries.

We examine how gun violence and other types of firearm deaths among children and teens in the United States compares to rates in similarly large and wealthy countries. We select comparable large and wealthy countries by identifying Organization for Economic Co-operation and Development (OECD) member nations with above median GDP and above median GDP per capita in at least one year from 2010-2020. Using the Centers for Disease Control and Prevention (CDC) Wonder database and the Institute for Health Metrics and Evaluation (IHME) Global Burden of Disease (GBD) study data, we compare fatality rates and disability estimates for people ages 1 through 19. (Since estimates were not available for children ages 1-17 alone, young adults ages 18 and 19 are grouped with children for the purposes of this brief).

We find that the United States is alone among peer nations in the number of child firearm deaths. In no other similarly large or wealthy country are firearm deaths in the top 4 causes of mortality let alone the number 1 cause of death among children.

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Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # SB 244

Hearing date: 2/1/23

Executive Session date: 2/16/23

Motion of: OTP/A **Vote:** 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	☐	☐	☑	☐
Sen. Gannon, V-Chair	☐	☐	☑	☐
Sen. Abbas	☐	☐	☑	☐
Sen. Whitley	☑	☐	☑	☐
Sen. Chandley	☐	☑	☑	☐

Motion of: 0547s/Committee Amend **Vote:** 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	☐	☐	☑	☐
Sen. Gannon, V-Chair	☑	☐	☑	☐
Sen. Abbas	☐	☐	☑	☐
Sen. Whitley	☐	☐	☑	☐
Sen. Chandley	☐	☑	☑	☐

Motion of: Consent **Vote:** 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	☐	☐	☑	☐
Sen. Gannon, V-Chair	☐	☐	☑	☐
Sen. Abbas	☐	☐	☑	☐
Sen. Whitley	☐	☑	☑	☐
Sen. Chandley	☑	☐	☑	☐

Reported out by: Sen Chandley

Notes:

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, February 16, 2023

THE COMMITTEE ON Judiciary

to which was referred **SB 244-FN**

AN ACT relative to false public alarms.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0581s

Senator Shannon Chandley
For the Committee

Currently, most false reports of catastrophes or emergencies to governmental agencies constitute misdemeanors. SB 244-FN would make an exception to the penalty for false public alarm if the report concerns the presence of an active shooter; such action would now be a class B felony. The Committee Amendment adds the false reporting of an explosive device as a class B felony, as well. This bill is designed to hold those who perpetrate hoaxes accountable.

Matthew Schelzi 271-3266

FOR THE CONSENT CALENDAR

JUDICIARY

SB 244-FN, relative to false public alarms.
Ought to Pass with Amendment, Vote 5-0.
Senator Shannon Chandley for the committee.

Currently, most false reports of catastrophes or emergencies to governmental agencies constitute misdemeanors. SB 244-FN would make an exception to the penalty for false public alarm if the report concerns the presence of an active shooter; such action would now be a class B felony. The Committee Amendment adds the false reporting of an explosive device as a class B felony, as well. This bill is designed to hold those who perpetrate hoaxes accountable.

General Court of New Hampshire - Bill Status System

Docket of SB244

Docket Abbreviations

Bill Title: relative to false public alarms.

Official Docket of **SB244.**:

Date	Body	Description
1/24/2023	S	**Introduced** 01/19/2023 and Referred to Judiciary; **SJ 5**
1/26/2023	S	**Hearing:** 02/01/2023, Room 100, SH, 01:00 pm; **SC 8**
2/16/2023	S	Committee Report: Ought to Pass with Amendment **#2023-0581s**, 02/22/2023; Vote 5-0; CC; **SC 11**
2/22/2023	S	Committee Amendment **#2023-0581s**, AA, VV; 02/22/2023; **SJ 8**
2/22/2023	S	**Ought to Pass with Amendment** 2023-0581s, MA, VV; OT3rdg; 02/22/2023; **SJ 8**
3/20/2023	H	Introduced (in recess of) 03/16/2023 and referred to Criminal Justice and Public Safety
3/21/2023	H	Public Hearing: 03/29/2023 10:30 am LOB 202-204
3/21/2023	H	==RECESSED== Executive Session: 03/30/2023 09:00 am LOB 202-204
4/11/2023	H	==CONTINUED== Executive Session: 04/05/2023 11:00 am LOB 202-204
4/11/2023	H	Executive Session: 04/19/2023 09:30 am LOB 202-204
4/26/2023	H	Committee Report: Ought to Pass 04/19/2023 **(Vote 20-0; CC)**
5/4/2023	H	**Ought to Pass**: MA VV 05/04/2023 **HJ 13** P. 4
6/13/2023	H	Enrolled (in recess of) 06/08/2023 **HJ 15**
6/13/2023	S	Enrolled Adopted, VV, (In recess 06/08/2023); **SJ 19**
6/21/2023	S	Signed by the Governor on 06/20/2023; Chapter 0104; Effective 01/01/2024

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 244-FN **Senate Committee:** JUD

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee
X All Calendar Notices
X Hearing Sign-up sheet(s)
X Prepared testimony, presentations, & other submissions handed in at the public hearing
X Hearing Report
X Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

X - amendment # 0547s X - amendment # 0581s
___ - amendment # _____ ___ - amendment # _____

X Executive Session Sheet
X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____
___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
___ Enrolled Bill Amendment(s)
___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

X as amended by the senate ___ as amended by the house
X final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Matthew Schelzi 8-29-23
Committee Aide **Date**

Senate Clerk's Office AK