REGULAR CALENDAR

May 23, 2025

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred SB 14-FN,

AN ACT relative to the penalty for certain fentanyl-related offenses. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Terry Roy

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**Criminal Justice and Public Safety**
Bill Number:	**SB 14-FN**
Title:	**relative to the penalty for certain fentanyl-related offenses.**
Date:	**May 23, 2025**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2025-2372h**

STATEMENT OF INTENT

This bill, as amended combined SB 15 and a bill changing the simple possession of psilocybin from a felony to a misdemeanor. SB 14 and 15 deal with minimum mandatory punishment for possession of 20 grams of fentanyl and again at the 50 gram threshold. For context, 2mg is considered a lethal dose of fentanyl. The minority would have us believe that a person possessing such an amount, 20 grams or more, could be just for their personal use for them and a friend, and therefore not worthy of harsh punishment. 20 grams of fentanyl can kill ten thousand people. 50 grams can kill twenty-five thousand people. That's not just for you and a friend. The minority tells us that minimum mandatory sentences were tried in the 90s and failed. They claim they were targeted at meth and heroin. That is however incorrect. They were targeted at the plague called crack cocaine that was decimating our inner cities and suburbs alike. It was killing Americans by the tens of thousands. The majority asks you to consider this, do you hear or have you heard about crack cocaine being much of a problem anymore? Neither has the majority. The minority claims studies show they don't work. The majority believes what it sees vs biased studies that were created to come to a desired conclusion. Crack cocaine is basically non-existent and that is due to the strong minimum mandatory federal sentencing in the 90s. The dealers who were caught are either just now getting out or are still in. The majority does however believe, that minimum mandatory sentences without any relief mechanism are wrong for New Hampshire and will incarcerate people who may not deserve such a harsh sentence due to various circumstances. For that reason, the bill was rewritten to create a safety valve of judicial discretion. Under this bill, if a defendant is cooperative with law enforcement, not a leader in a drug dealing organization, does not have a recent conviction for the same thing, and the charges do not involve violence, a judge is free to use their discretion. A defendant is also exempt from the minimum mandatory sentences if he or she is under 18 or mentally impaired. It is estimated that over four thousand New Hampshire citizens have died from fentanyl overdose in the last ten years. But for the intervention of first responders and narcan, that number may be doubled. There is no sign of it slowing. Fentanyl, once only available by diversion of legitimate medication and then from Mexico, is now being mass produced in China and shipped in through Mexico and of late across our Northern borders as well. The minority says that we tried minimum mandatory sentences and it failed, but the majority says that is false and furthermore, we have tried the minority's preferred methods for 25 years and it has led to nothing but higher crime and death. During the bail law hearings we heard testimony from a former federal inmate who had been sentenced to 10-20 years for drug dealing. He is now a Manchester resident. He came as a public witness who wanted to address us. His testimony, New Hampshire drug laws are a joke. He urged us to bring back minimum mandatory sentences and tighten our bail laws. When he was a dealer in the 90s, he told us that he would refuse to bring drugs to New Hampshire because of the harsh sentences we were known for. He said he would make people drive down to Massachusetts or New York to get their

drugs from him. This law is firm but fair. It says, the people of New Hampshire have had enough, If you bring enough poison to kill 10,000 of our citizens, you will do 3.5 years in our jail. If you bring enough to kill 25,000 of our citizens, you will spend the next 7 years in our jail. The law is not blind or the punishment automatic. It allows for a judge to look at a defendant and determine that this not the kind of person the legislature meant to incarcerate for this, and provides for a penalty as low as probation as an option. As stated above, the bill also takes a positive step towards the defelonization of simple possession of legitimately small amounts of a drug. These modifications to the Senate bill shows the position of the House can be tough on real criminals and still allow judicial discretion. The bill was vetted by judges and modified with their suggestions to ensure they would have real discretion where it counted. The majority of the Criminal Justice Committee urges you to focus on the 10 to 25 thousand people this amount of fentanyl could kill. The majority points to the significant and real modifications made to the bill that allow judicial discretion via the safety valve provisions. The majority reminds you we have been trying the velvet glove method preferred by the minority for over a decade and it has cost us over 4,000 of our neighbors, many just children. It's time to try something new. It's time for New Hampshire to reclaim its place in New England as the state that dealers fear to tread.

Vote 9-7.

Rep. Terry Roy
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

SB 14-FN, relative to the penalty for certain fentanyl-related offenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. This bill, as amended combined SB 15 and a bill changing the simple possession of psilocybin from a felony to a misdemeanor. SB 14 and 15 deal with minimum mandatory punishment for possession of 20 grams of fentanyl and again at the 50 gram threshold. For context, 2mg is considered a lethal dose of fentanyl. The minority would have us believe that a person possessing such an amount, 20 grams or more, could be just for their personal use for them and a friend, and therefore not worthy of harsh punishment. 20 grams of fentanyl can kill ten thousand people. 50 grams can kill twenty-five thousand people. That's not just for you and a friend. The minority tells us that minimum mandatory sentences were tried in the 90s and failed. They claim they were targeted at meth and heroin. That is however incorrect. They were targeted at the plague called crack cocaine that was decimating our inner cities and suburbs alike. It was killing Americans by the tens of thousands. The majority asks you to consider this, do you hear or have you heard about crack cocaine being much of a problem anymore? Neither has the majority. The minority claims studies show they don't work. The majority believes what it sees vs biased studies that were created to come to a desired conclusion. Crack cocaine is basically non-existent and that is due to the strong minimum mandatory federal sentencing in the 90s. The dealers who were caught are either just now getting out or are still in. The majority does however believe, that minimum mandatory sentences without any relief mechanism are wrong for New Hampshire and will incarcerate people who may not deserve such a harsh sentence due to various circumstances. For that reason, the bill was rewritten to create a safety valve of judicial discretion. Under this bill, if a defendant is cooperative with law enforcement, not a leader in a drug dealing organization, does not have a recent conviction for the same thing, and the charges do not involve violence, a judge is free to use their discretion. A defendant is also exempt from the minimum mandatory sentences if he or she is under 18 or mentally impaired. It is estimated that over four thousand New Hampshire citizens have died from fentanyl overdose in the last ten years. But for the intervention of first responders and narcan, that number may be doubled. There is no sign of it slowing. Fentanyl, once only available by diversion of legitimate medication and then from Mexico, is now being mass produced in China and shipped in through Mexico and of late across our Northern borders as well. The minority says that we tried minimum mandatory sentences and it failed, but the majority says that is false and furthermore, we have tried the minority's preferred methods for 25 years and it has led to nothing but higher crime and death. During the bail law hearings we heard testimony from a former federal inmate who had been sentenced to 10-20 years for drug dealing. He is now a Manchester resident. He came as a public witness who wanted to address us. His testimony, New Hampshire drug laws are a joke. He urged us to bring back minimum mandatory sentences and tighten our bail laws. When he was a dealer in the 90s, he told us that he would refuse to bring drugs to New Hampshire because of the harsh sentences we were known for. He said he would make people drive down to Massachusetts or New York to get their drugs from him. This law is firm but fair. It says, the people of New Hampshire have had enough, If you bring enough poison to kill 10,000 of our citizens, you will do 3.5 years in our jail. If you bring enough to kill 25,000 of our citizens, you will spend the next 7 years in our jail. The law is not blind or the punishment automatic. It allows for a judge to look at a defendant and determine that this not the kind of person the legislature meant to incarcerate for this, and provides for a penalty as low as probation as an option. As stated above, the bill also takes a positive step towards the defelonization of simple possession of legitimately small amounts of a drug. These modifications to the Senate bill shows the position of the House can be tough on real criminals and still allow judicial discretion. The bill was vetted by judges and modified with their suggestions to ensure they would have real discretion where it counted. The majority of the Criminal Justice Committee urges you to focus on the 10 to 25 thousand people this amount of fentanyl could kill. The majority points to the significant and real modifications made to the bill that allow judicial discretion via the safety valve provisions. The majority reminds you we have been trying the velvet glove method preferred by the minority for over a decade and it has cost us over 4,000 of our neighbors, many just children. It's time to try

something new. It's time for New Hampshire to reclaim its place in New England as the state that dealers fear to tread. **Vote 9-7.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

May 23, 2025

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred SB 14-FN,

AN ACT relative to the penalty for certain fentanyl-related offenses. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Buzz Scherr

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**Criminal Justice and Public Safety**
Bill Number:	**SB 14-FN**
Title:	**relative to the penalty for certain fentanyl-related offenses.**
Date:	**May 23, 2025**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill and the majority's proposed amendment continue the failed practice of using mandatory minimums to fight the war on drugs. Fentanyl is dangerous and kills people, just as meth and heroin have been doing for decades. The state and federal use of mandatory minimums in the 1990's put in place to deal with the scourge of meth and heroin led to huge increases in incarceration rates for drug offenses. They failed to win the war on drugs, a war we continue to fight today. No evidence exists that New Hampshire judges, most of whom were appointed by Governor Sununu are failing to craft appropriate sentences for those selling drugs, including fentanyl. Yet, mandatory minimums for fentanyl continue to have a superficial political attraction as an easy solution. But, they always fail in practice. We do not need to spend even more money on prisons for a solution that doesn't work.

Rep. Buzz Scherr
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

SB 14-FN, relative to the penalty for certain fentanyl-related offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Buzz Scherr for the **Minority** of Criminal Justice and Public Safety. This bill and the majority's proposed amendment continue the failed practice of using mandatory minimums to fight the war on drugs. Fentanyl is dangerous and kills people, just as meth and heroin have been doing for decades. The state and federal use of mandatory minimums in the 1990's put in place to deal with the scourge of meth and heroin led to huge increases in incarceration rates for drug offenses. They failed to win the war on drugs, a war we continue to fight today. No evidence exists that New Hampshire judges, most of whom were appointed by Governor Sununu are failing to craft appropriate sentences for those selling drugs, including fentanyl. Yet, mandatory minimums for fentanyl continue to have a superficial political attraction as an easy solution. But, they always fail in practice. We do not need to spend even more money on prisons for a solution that doesn't work.

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 14-FN

BILL TITLE: relative to the penalty for certain fentanyl-related offenses.

DATE: May 23, 2025

LOB ROOM: 202-204

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Roy | Seconded by Rep. Rhodes | AM Vote: 9-7

Amendment # 2025-2372h

Moved by Rep. Roy | Seconded by Rep. Rhodes | Vote: 9-7

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Alissandra Murray, Clerk

HOUSE COMMITTEE ON Criminal Justice + Public Safety

Executive Session Bill Motions

Bill Number: SB 14

Bill Title:

Date: 5/23/25

LOB Room:

MOTION: ☑ OTP ☑ Adoption of Amendment #2372 ☐ OTP/A

☐ ITL ☐ Retain (1st year) ☐ Interim Study (2nd year)

Moved by Rep. Roy Seconded by Rep. Rhodes Vote: 9/7

MOTION: ☑ OTP ☑ Adoption of Amendment #2266 ☐ OTP/A

☐ ITL ☐ Retain (1st year) ☐ Interim Study (2nd year)

Moved by Rep. Scherr Seconded by Rep. Meuse Vote: 7/9

MOTION: ☐ OTP ☐ Adoption of Amendment # ☑ OTP/A

☐ ITL ☐ Retain (1st year) ☐ Interim Study (2nd year)

Moved by Rep. Roy Seconded by Rep. Rhodes Vote: 9/7

MOTION: ☐ OTP ☐ Adoption of Amendment # ☐ OTP/A

☐ ITL ☐ Retain (1st year) ☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote:

☐ **Without Recommendation** ☑ **Regular Calendar** *-or-* ☐ **Consent Calendar**

Majority Report Author: Roy

Minority Report Author ***(if any):*** Scherr

Respectfully submitted: _____

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK
2025 SESSION

5/9/2025 9:56:29 AM
Roll Call Committee Registers - 2025 draft Report

Criminal Justice and Public Safety

Bill #: SB14 **Motion:** adoption of amendment **AM #:** 2372h **Exec Session Date:** 5/23/25

Members	YEAS	Nays	NV
Roy, Terry W Chairman	9		
Rhodes, Jennifer M Vice Chairman	1		
Proulx, Mark L	2		
Lascelles, Richard W.	3		
Devoid, Ricky J	4		
~~Morency, Pete~~ DeSimone	5		
Paquette, Kathleen	6		
Sabourin dit Choinière, Matt R	7		
~~Valerino, Brian L~~ Lynn	8		
Harriott-Gathright, Linda C		1	
Meuse, David James		2	
Newman, Ray E		3	
Murphy, Nancy A		4	
Murray, Alissandra Clerk		5	
Newell, Jodi K		6	
Scherr, Buzz		7	
TOTAL VOTE:	9	7	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK
2025 SESSION

5/9/2025 9:56:29 AM
Roll Call Committee Registers - 2025 draft Report

Criminal Justice and Public Safety

Bill #: SB 14 **Motion:** adoption of amendment **AM #:** 2266h **Exec Session Date:** 5/23/25

Members	YEAS	Nays	NV
Roy, Terry W Chairman		9	
Rhodes, Jennifer M Vice Chairman		1	
Proulx, Mark L		2	
Lascelles, Richard W.		3	
Devoid, Ricky J		4	
~~Morency, Pete~~ DeSimone		5	
Paquette, Kathleen		6	
Sabourin dit Choinière, Matt R		7	
~~Valerino, Brian L~~ → Lynn		8	
Harriott-Gathright, Linda C	1		
Meuse, David James	2		
Newman, Ray E	3		
Murphy, Nancy A	4		
Murray, Alissandra Clerk	5		
Newell, Jodi K	6		
Scherr, Buzz	7		
TOTAL VOTE:	7	9	

V

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK
2025 SESSION

5/9/2025 9:56:29 AM
Roll Call Committee Registers - 2025 draft Report

Criminal Justice and Public Safety

Bill #: SB 44 **Motion:** OTP/A **AM #:** 2372h **Exec Session Date:** 5/23/25

Members	YEAS	Nays	NV
Roy, Terry W Chairman	9		
Rhodes, Jennifer M Vice Chairman	1		
Proulx, Mark L	2		
Lascelles, Richard W.	3		
Devoid, Ricky J	4		
~~Morency, Pete~~ DeSimone	5		
Paquette, Kathleen	6		
Sabourin dit Choinière, Matt R	7		
~~Valerino, Brian L~~ Lynn	8		
Harriott-Gathright, Linda C		1	
Meuse, David James		2	
Newman, Ray E		3	
Murphy, Nancy A		4	
Murray, Alissandra Clerk		5	
Newell, Jodi K		6	
Scherr, Buzz		7	
TOTAL VOTE:	9	7	

HOUSE COMMITTEE ON Criminal Justice * Public Safety

Executive Session Bill Motions

Bill Number: SB 14

Bill Title:

Date: 5/9/25

LOB Room:

MOTION: ☐ OTP ☑ Adoption of Amendment #1999 ☐ OTP/A withdrawn recessed to 5/16

☐ ITL ☐ Retain (1st year) ☐ Interim Study (2nd year)

Moved by Rep. Roy Seconded by Rep. Rhodes Vote:

MOTION: ☐ OTP ☐ Adoption of Amendment # ☐ OTP/A

☐ ITL ☐ Retain (1st year) ☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote:

MOTION: ☐ OTP ☐ Adoption of Amendment # ☐ OTP/A

☐ ITL ☐ Retain (1st year) ☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote:

MOTION: ☐ OTP ☐ Adoption of Amendment # ☐ OTP/A

☐ ITL ☐ Retain (1st year) ☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote:

☐ **Without Recommendation** ☐ **Regular Calendar** *-or-* ☐ **Consent Calendar**

Majority Report Author: N/A

Minority Report Author ***(if any):*** _____

Respectfully submitted: _____

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 14-FN

BILL TITLE: **relative to the penalty for certain fentanyl-related offenses.**

DATE: **April 9, 2025**

LOB ROOM: **202-204** **Time Public Hearing Called to Order: 10:01 a.m.**

Time Adjourned: 11:36 a.m.

Committee Members: **Reps. Roy, Rhodes, A. Murray, Proulx, Lascelles, Devoid, Morency, Paquette, Sabourin, Valerino, Harriott-Gathright, Meuse, R. Newman, N. Murphy, Newell and Scherr**

Bill Sponsors:

Sen. Gannon	Sen. Lang	Sen. Innis
Sen. Birdsell	Sen. Abbas	Sen. Avard
Sen. Rochefort	Sen. Murphy	Rep. Weyler
Rep. M. Pearson	Rep. Bernardy	

TESTIMONY

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

Introduced by prime sponsor, Senator Bill Gannon

- Mandatory minimums for fentanyl
- this is necessary to address
- Chairman Roy points out that this address very large amounts of fentanyl and unlikely to effect people selling/using drugs for their own personal use
- Rep Scherr points out that the budget proposal massively cuts DoC staff, particularly rehabilitative staff, and is it really appropriate to be instituting mandatory minimums when we are cutting our ability to safely and effectively incarcerate people? Senator Gannon says that that's a different topic but maybe we should be keeping that money in the budget and he will deal with that when it comes to the Senate
- discretionary sentencing can actually lead to more bias in sentencing
- Rep Meuse asks if individuals being arrested with these quantities are really being lightly sentenced by judges? Senator Gannon says this is his initial compromise but he does want to lower these amounts

Daryl Lennon

- Opposes the bill
- appreciates the intention of the bill
- has personally struggled with substance use disorder
- has helped many people through recovery as he goes through his owon
- thinks this amount could actually be personal use, it was for him. The larger the amount, the higher the discount. You do groceries a couple times a month, same with drugs.

- if he had gone to jail for 3 ⅓ years he wouldn't have had the chance to recover
- substance use affected his executive functions and mental health, making it more and more challenging to make the right decision. Criminalizing people for suffering with this condition is not how we solve the opioid problem in this state.
- his issues started when he fell 40' off a roof and was overprescribed pain medication, which then spiraled out of control
- it takes 18-24 months for your brain to detox from these substances and for you to regain your cognitive functions
- Rep Scherr asks what amount would maybe qualify someone as a dealer, Lennon can't really put a number on it. Probably once you get to around 100. Doesn't really support mandatory minimums at all.

Michelle Lennon, Our Choice Recovery

- Opposes the bill
- Did not even realize the extent of her husband's struggles until he made the decision to pursue recovery (married to the previous speaker)
- her husband would not be alive now if narcan wasn't readily available
- Mandatory minimums do nothing but interrupt use and drive overdoses
- addiction is a brain disease, separate from substance use alone
- we don't choose to become addicted to substances, our physiognomy responds in a way we don't control

*John Burns, SOS Recovery

- Opposes the bill
- Executive Director of SOS Recovery
- is currently in recovery and so is his daughter
- we must respond to this crisis with evidence-based strategies
- we learned in the 80s and 90s that over incarceration does more harm than good
- We have a lot more work to do, but NH is making strides and going in the right direction
- Law enforcement lobbied against distributing naloxone in our communities but we've seen that access has had a huge positive impact and a reduction in opioid-related deaths

*Jake Berry, New Futures

- Opposes the bill
- 284 fatal overdoses in 2024 which is 33% less than the year before, 200% less than the highest point in 2017, lowest figure since 2013. More worst to do but progress is being made.
- Average incarceration cost of $185/day

Amanda Azad, ACLU

- Opposes the bill
- Incarceration, especially for these long sentences, only increases the risk of negative outcomes for these individuals

- we should let judges be judges. Judges have a role in the system just like legislators have our own role in the system.
- these individuals will return to their community at one point or the other - will they really be set up to do so effectively?
- mandatory sentences are used to pressure individuals into a plea bargain, whether they're innocent or not

Melissa Davis, NHACDL

- Opposes the bill
- wants to speak to how this law plays out when someone is actually charged
- mandatory minimums are not a deterrent, this is proven
- shifts decision-making power from judges to prosecutors, charge bargaining is still allowed
- The bill itself allows for the penalty to be lifted if the individual cooperates with law enforcement which puts these individuals in a horrible position of either facing a mandatory minimum or facing violence in prison or on the streets for "ratting out" the real dealer
- there's no way to determine if someone is "legally incompetent" as outlined in this bill
- This bill undermines the ability of the court to view each person as an individual human being with individual and personal circumstances that need to be taken into account during sentencing

*Amanda Vachon, Merrimack County Recovery Court

- Opposes the bill
- Traditional deterrence methods have very little impact once someone is dependent on these substances
- if the threat of death doesn't deter you then the threat of a mandatory minimum is not going to deter you
- all counties in NH have access to a treatment court of some kind. These programs require more investment.
- Incarceration does little to stop overdoses or prevent someone from using again once they are out. They are actually at the highest risk of overdose they will be once they leave prison because their tolerance is lower.
- Recovery court for a year costs $13k vs $18k to incarcerate
- Rep Newman asks what effect this legislation would have on recovery courts, Vachon says it could severely limit who is able to come to recovery court
- Rep Lascelles asks if people who utilize these courts are "frequent flyers", Vachon says the individuals sent to them are those considered at the highest risk of overdose as well as the highest risk to reoffend. The sentence is "held over their heads" to ensure they complete the program, and if they don't then the sentence is imposed. They treat "criminal thinking" in the program as well. We should be increasing who can qualify for these services, not limiting them.

- NH is posed to graduate their 1000th individual from the program this year

Major Bill Bright, NH State Police

- Supports the bill
- oversees state investigative services unit
- Any amount of fentanyl can be lethal to those who come into contact with it, even if the individual possessing it may have a high personal tolerance
- This is just another tool for the overall problem to be tackled - we need the recovery services as well, but not just those alone. This legislation on its own is not the full solution.
- this bill is meant to be a deterrent and is meant to drive people towards cooperating with law enforcement so they can target the supply chain
- To target individuals at the higher level we need to start somewhere
- Chairman Roy asks if individuals cooperate are they often placed into a violent scenario, Major Bright says that is not his experience - they have many tactics to keep an informant's identity private and ensure their safety
- Rep Newell points out that an individual who has this fentanyl for personal use would be the one least likely to have information available in order to plea down in return for cooperation, Major Bright says they have to have bought it from
- Rep Proulx
- Rep Sabourin dit Choiniere asks what are tools are there in the toolbox to respond to this crisis, Major Bright says there are many and they vary greatly

Respectfully submitted,

Rep. Alissandra Murray, Clerk

SIGN UP SHEET

Register Your Opinion If Not Testifying

Committee: Criminal Justice and Public Safety

Date: 4.9.25

Bill #: SB 14-FN

****Please Print All Information****

Name	Address	Phone	Representing	Pro	Con
Elizabeth Sargent			NH Assoc of Chiefs of Police	X	
Bill Bright			NH State Police	X	
Melissa Davis			NHACDL		X
Office of Governor Kelly A. Ayotte - John Callaghan				Y	

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill SB14 on 2025-04-09

Support: 9 Oppose: 108 Neutral: 0 Total to Testify: 0

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Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Rochefort, Senator David	Senate District 1, NH kathryn.cummings@gc.nh.gov	An Elected Official	Senate District 1	Support	No	No	4/1/2025 11:09 AM
Pierce, Daisy	Gilford, NH daisy@navigatingrecovery.org	A Member of the Public	Myself	Oppose	No	No	4/3/2025 5:10 PM
Carey, Megan	Portsmouth, NH Megan.r.carey@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 9:49 AM
Keane, Mary Jane	Rye Beach, NH mjkeane55@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 10:02 AM
Walker, Deborah	Meredith, NH Deb.publichealth@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 10:05 AM
Rodenhauser Stewart, Cynthia	MANCHESTER, NH CBRStewart418@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/5/2025 10:26 AM
Gatcomb, Trevor	Durham, NH trevorgatcomb@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 10:35 AM
Stewart, Fisk	Nashua, NH llamainsanity@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 10:37 AM
Moccia, Lianne	Lebanon, NH lianne.moccia@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 10:47 AM
Gaylord, Heather	Concord, NH Heatherygaylord@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 11:10 AM
Bachert, Ashley	Manchester, NH ashbachert248@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 11:49 AM
Dickey, Martha	Tilton, NH paulsgal95@icloud.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 12:51 PM
Caudill-Slosberg, Margaret	Hanover, NH margaretcs08@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 2:04 PM

Verschueren, James	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 8:26 PM
Palmer, Dylan	Wolfeboro, NH dpalmer1301@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 9:24 PM
Smith, Jennifer	Pembroke, NH jaycmd7699@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/5/2025 9:30 PM
HOLT-Shannon, Michele	Dover, NH holtshannonfamily@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 7:43 AM
Tucker, Pat	Franklin, NH ptucker1510@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 7:49 AM
Sage, Elyssa	Penacook, NH lys.clairmont@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 10:19 AM
Cote, Lois	Manchester, NH, NH coldaf763@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 10:58 AM
Henninger, Heidi	Dover, NH heidi.henninger@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 12:40 PM
Murray, Brenda	Durham, NH murraybp1@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 12:40 PM
Berrio, Simon	Dalton, NH simon03598@gmail.com	A Member of the Public	Myself	Support	No	No	4/6/2025 1:22 PM
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/6/2025 3:22 PM
Leger, Ann	Dover, NH annleger1970@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 3:29 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 3:29 PM
Mandile, Taylor	Pembroke, NH taymandile@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 4:31 PM
Spence, Richard	Dovdr, NH rtssds2@gmail.com	An Elected Official	Myself	Oppose	No	No	4/6/2025 4:53 PM
Insolia, Janet	Dover, NH jinsolia@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/6/2025 4:58 PM
Parkinson, Pamela	Dover, NH pparknson@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 5:14 PM
Therrien, Kim	Lee, NH Kt81710@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 5:16 PM

Spence, Susan	Dovdr, NH susandspence@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 5:28 PM
Alley, Danielle	Dover, NH dca03820@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 6:34 PM
Gelinas, Emma	Dover, NH gelinase98@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 6:52 PM
Dunker, Susan	Madbury, NH sedunker15@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 7:36 PM
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 8:15 PM
Demeule, Patricia	North Hampton, NH Pacd1960@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 8:22 PM
Lord, Juanita	Dover, NH jlord0903@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 8:26 PM
Ireland, Donna	Newbury, NH direland552@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/6/2025 11:27 PM
Wade, Kimbly	Gilford, NH Kimblywade@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 1:06 AM
Hoops, Abigail	Somersworth, NH alhr75@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 7:02 AM
Dickerman, Gary	Dover, NH Gary.dickerman@live.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 7:14 AM
Belmont, Jonathan	Bedford, NH jonathanbel380@gmail.com	A Member of the Public	Myself	Support	No	No	4/7/2025 8:31 AM
Crouse, Barbara	Concord, NH wuzbabs@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 9:52 AM
Whitaker, Cynthia	Weare, NH whitakerc@gnmhc.org	A Member of the Public	Myself	Oppose	No	No	4/7/2025 9:56 AM
alley, gertrude	Dover, NH trudyalley@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 10:08 AM
Hennessey, Janis	Dover, NH janis.hennessey@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/7/2025 10:16 AM
Chiocchio, Stacey	Grantham, NH sccbiking@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/7/2025 10:20 AM
Bolker, Jessica	Dover, NH jabolker@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 10:21 AM

Smith, Jan	Durham, NH jesmith8825@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 10:34 AM
Large-Reusch, Shanna	Concord, NH slarge@riverbendcmhc.org	A Member of the Public	Myself	Oppose	No	No	4/7/2025 10:56 AM
Dubois, Jillian	Concord, NH jillianadubois@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 11:06 AM
Havens, Janelle	Manchester, NH jhavens7621@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 11:54 AM
Smith, Heather	Troy, NH dmt.heather.ma@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 12:11 PM
Widger, B	Manch, NH b.uuidger@gmail.com	A Member of the Public	Myself and my husband	Oppose	No	No	4/7/2025 12:21 PM
Baringer, Kevin	Newmarket, NH kbaringer@yahoo.com	A Member of the Public	Myself	Support	No	No	4/7/2025 12:24 PM
Smith, Deryn	LEBANON, NH deryn.p.smith@hitchcock.org	A Member of the Public	Myself	Oppose	No	No	4/7/2025 12:31 PM
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 12:41 PM
Milliken, Edward	Newmarket, NH milliken.edward@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 1:04 PM
Hanisco, Christine	Concord, NH chrissy.hanisco@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 1:24 PM
Kolb, Shannon	Mont Vernon, NH shaz.kolb@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 1:25 PM
Sims, Julie	Guild, NH Jpmom39@gmail.com	A Member of the Public	Myself	Support	No	No	4/7/2025 1:51 PM
Sims, Roy	Guild, NH Jpmom39@gmail.com	A Member of the Public	Myself	Support	No	No	4/7/2025 1:51 PM
Harding, Laurie	Lebanon, NH lharding0625@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 2:05 PM
Carter, Terry	Dover, NH tecarter91@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 2:51 PM
Carter, Kirk	Dover, NH hayseed_dire9e@icloud.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 3:55 PM
Parent, Katie	Plaistow, NH katieparent01@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 4:01 PM

Sullivan, Eric	Lee, NH etspainter@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 4:09 PM
Rothenberg, Yulia	Dover, NH yuliarothko@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 4:27 PM
Tirrell, Sara	Plymouth, NH stirrell@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 4:43 PM
Hallock, Linda	Cornish, NH LINDASH@MAIL.COM	A Member of the Public	Myself	Oppose	No	No	4/7/2025 5:02 PM
Walsh, Lilli M	Hampstead, NH lilli.walsh@gc.nh.gov	An Elected Official	Myself	Support	No	No	4/7/2025 5:08 PM
Ann Cote, Lois	Manchester, NH coldaf763@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 5:32 PM
Powers, Bridget	Plymouth, NH bridgetpowers7@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 5:35 PM
Quiroga, Lara	Manchester, NH lara.k.quiroga@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 5:43 PM
Frank, Linda	Franconia, NH worlduniqu@aol.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 6:34 PM
Rostanzo, Lois	Hillsborough, NH lvmrm@hotmail.com	A Member of the Public	Myself	Oppose	No	Yes	4/7/2025 7:41 PM
Gardner, James	Keene, NH yourgardner@dcnh.day	A Member of the Public	Myself	Oppose	No	No	4/7/2025 8:19 PM
Nicastro, Angela	Strafford, NH angelalnicastro@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 8:59 PM
Hincks, Juli	Concord, NH jhincks@mac.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 9:42 PM
Lynn, Susan	Sunapee, NH sl1034@aol.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 9:52 PM
Lynn, Morton	Sunapee, NH sl1034@aol.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 9:53 PM
CANN, EMILY	SANBORNTON, NH Emily_cann@hotmail.com	A Member of the Public	Myself	Oppose	No	No	4/7/2025 10:15 PM
Baringer, Jane	Somersworth, NH JANEBARINGER@YAHOO.COM	A Member of the Public	Myself	Oppose	No	No	4/7/2025 11:35 PM
Schuler, Hilary	Enfield, NH hhubbar1@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 5:53 AM

Calabro, Siena	Keene, NH siena@mds-nh.org	A Member of the Public	Myself	Oppose	No	No	4/8/2025 7:36 AM
Moskwa, Sayre	Concord, NH smoskwa22@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 9:03 AM
Lane, Betty	Dover, NH bquality@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/8/2025 9:28 AM
Cuoco, Lisa	Lebanon, NH lisa.r.cuoco@hitchcock.org	A Member of the Public	Myself	Oppose	No	No	4/8/2025 9:38 AM
Goldstein, Linda	Bethlehem, NH gldsnk@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 9:54 AM
Evankow, Abby	Gorham, NH abbyaustin89@gmail.com	An Elected Official	Myself	Oppose	No	No	4/8/2025 10:13 AM
Wright, Jessica	Nashua, NH JessAJean@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 11:06 AM
Fay, Maura	EXETER, NH maurafay@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 11:46 AM
Hart, Laureen	Belmont, NH hlaurie58@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 12:58 PM
McMonagle, Regina	Bow, NH reginamcm@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/8/2025 1:24 PM
Cain, Sarah	Manchester, NH sarahcain73@msn.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 2:23 PM
Howlett, Kristina	Center Barnstead, NH khowlett@metrocast.net	A Member of the Public	Myself	Oppose	No	No	4/8/2025 2:59 PM
Tovar, Ashton	Manchester, NH ashiemb13@gmail.com	A Member of the Public	Myself	Support	No	No	4/8/2025 4:05 PM
Hatcher, Debora	Dover, NH deb-hatcher@outlook.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 4:28 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 4:46 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast	A Member of the Public	Myself	Support	No	No	4/8/2025 4:54 PM
Griffin, Stefanie	Durham, NH stefbrett@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 4:55 PM
Burcalow, Sarah	Dover, NH sarah.burcalow@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 6:07 PM

Henderson, Gayle	Durham, NH gayle@frosthub.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 7:36 PM
GRAVES-MOODY, WYNNE	LEE, NH wynnegm@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/8/2025 7:52 PM
Eiseman, Anne	Durhamn, NH aeiseman62@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 7:58 PM
Griffin, James	Durham, NH griffinjim@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/8/2025 8:26 PM
Darling, Rebecca	Warner, NH rdarling@mcttelecom.com	A Member of the Public	Myself	Oppose	No	No	4/9/2025 6:53 AM
Labbe, Marissa	Manchester, NH mlabbe@pcs-nh.org	A Member of the Public	Myself	Oppose	No	No	4/9/2025 9:18 AM
Burns, John	Newmarket, NH John@sosrco.org	A Member of the Public	Myself	Oppose	No	No	4/9/2025 9:44 AM
Aumock, Cailynn	Concord, NH aumockcai@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/9/2025 9:48 AM
Ojendyk, Christine	Hopkinton, NH cojend@tds.net	A Member of the Public	Myself	Oppose	No	No	4/9/2025 10:28 AM
Dubois, Brandon	Concord, NH tu13es@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/9/2025 12:58 PM
McCarthy, Sarah	Manchester, NH swoodman013@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/9/2025 1:13 PM
Berry, Anna	Manchester, NH annahaighberry@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/9/2025 1:31 PM
McMonagle, Caitlin	Chichester, NH caitlin.rose@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/9/2025 9:35 PM
Freedman, Aubrey	Bridgewater, NH aubreyyfreedman@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/9/2025 10:53 PM

Fisk Stewart

Mandatory minimum sentencing prevents people from getting the help they need, they should be getting treatment not being locked up. The only thing locking them up for longer will do is increase their chance of reoffending

Heather Gaylord

Treatment not criminalization, we must employ a disease model that focuses on recovery. Increase drug court options and help people become meaningful contributors to self and other. Put tax dollars where they belong - community treatment.

There is no evidence that mandatory minimum sentencing reduces addiction or the selling of illegal drugs.

James Verschueren

Mandatory sentencing laws have long since proved themselves more harmful than beneficial. Let's leave sentencing to those who know the facts of the case at the time of sentencing. This is neither an efficient nor an effective way to operate criminal justice. ITL!

Pat Tucker

I am against this bill as I am a alcohol and drug counselor and do not believe that incarceration helps people that are involved in selling drugs. Most people that sell drugs, do it to support their own addiction. We need more treatment and aftercare to help people. Incarceration only makes people more dependent on drugs as they have nothing to do but sit in jail and talk to others that have the same problem. We need treatment in jails. We have a captive audience and should be giving them treatment and education all the time they are incarcerated.

Taylor Mandile

I would rather a policy mandate rehabilitation or medically assisted treatment than a prison sentence. The way I see it, New Hampshire should align with its commitment to support members of the public with substance use disorder by prioritizing treatment over punishment.

Emma Gelinas

SB 14 is a harmful bill that prioritizes punishment above care. Quantitative and qualitative research evidence the ineffectiveness of incarceration, necessitating an alternative approach centered on compassion and harm reduction. Harsher sentencing creates a paradoxical effect, resulting in reduced deterrence, heightened exposure to institutional traumas, and multiplied barriers for individuals criminalized by unjust drug policies. I urge the Committee to challenge the falsity of "tough-on-crime" policies, which are frequently touted as effective. Prioritize care, not harm.

Donna Ireland

I oppose this bill. I believe that every trial should be based on the merits of the situation and specifics of the cases. Blanket minimum sentences don't allow that.

Jonathan Belmont

Hello,

I work in the counseling field and am currently a mental health counselor in training. In my personal life I have seen the devastating effects of narcotics including fentanyl. People close to me have died or had the lives negatively affected in a way that leads to long-term hardship for themselves and for others. In order to protect our community, I support this bill. fentanyl is a lethal substance and can kill a person even in small quantities. People possessing this narcotic are endangering their life and the lives of everyone in our community. These people need to be placed into a different modality of treatment and rehabilitation that will improve their life and the lives of others.

Regards,
Jonathan Belmont

Cynthia Whitaker

Committee Members,

I am writing in opposition to SB14 because of the clear evidence the mandatory minimum sentences don't address the root causes of substance misuse but rather harm families, individuals, and communities. Mandatory minimums:

Fail to prevent future substance misuse and related arrests
Create barriers to treatment and recovery
Burden taxpayers with high incarceration costs
Exacerbate cycles of poverty and criminalization

There is a better path forward - research shows that every $1 invested in substance use treatment saves $4 in health care costs and $7 in law enforcement and other criminal justice costs. Our policies should continue to focus on addressing the root causes of substance misuse and developing effective, compassionate solutions that build resilient communities through evidence-based treatment, prevention programs, and support for all Granite Staters.

Thank you for your consideration

Heather Smith

I respectfully urge you to oppose HB 14, which proposes mandatory minimum sentencing for certain fentanyl-related offenses. While fentanyl is undeniably a critical public health concern, mandatory minimum sentences are not the solution. Instead, they risk exacerbating the issues by funneling individuals into an overburdened criminal justice system rather than addressing the root causes of substance misuse.

Research shows that every dollar invested in substance use treatment saves $4 in healthcare costs and $7 in law enforcement and other criminal justice expenses. These findings highlight that our focus should be on prevention, treatment, and rehabilitation—solutions that offer long-term benefits to individuals, families, and our communities as a whole.

Rather than relying on punitive measures, we must invest in evidence-based programs that treat substance misuse as a public health issue, not a criminal one. By addressing the underlying causes of addiction and offering compassionate, effective support, we can build stronger, more resilient communities for all Granite Staters.

Thank you for considering this perspective.

B Widger

This bill denies the realities of biology to legalize discrimination.
https://www.scientificamerican.com/article/sex-redefined-the-idea-of-2-sexes-is-overly-simplistic1/

Linda Frank

There have been many studies to show that incarceration does not resolve problems with drugs. We need treatment programs. I would hope we have learned this from the problems including deaths we have seen from opioids in this state.

It is much cheaper in the long term to treat drug users than to incarcerate them. It is a far more permanent solution than recidivism

Lois Rostanzo

I believe the penalties for dealing fentanyl are strict enough already.

Siena Calabro

I do not agree with minimum sentencing requirements for fentanyl-related offenses. I believe sentencing should be on a case-by-case basis determined by a judge. We do not need a blanket policy that applies to everyone, as every situation is different and unique.
Thank you, Siena Calabro, Keene, NH

Betty Lane

This bill would weaken a judge's ability to take into account a person's circumstances and weaken their chances of being able to get treatment.

Maura Fay

Mandatory minimum sentences are not effective at deterring the crime targeted, and further victimize marginalized people as they are sentenced unfairly to long terms that remove them from their families and communities. We have decades of evidence that mandatory minimum sentences do intense harm and do not solve the problem at hand.

Debora Hatcher

I am an independent voter and I am concerned about how this bill, and SB15, approach crimes involving addiction. Mandatory minimum sentencing will not solve our state's addiction crisis. It will worsen it by removing individuals from their families, jobs and access to treatment. Simply punishing people suffering from addiction is ineffective and inhumane. Especially since your proposed budget includes drastic cuts to our correctional system.

Anne Eiseman

I do not support mandatory minimum sentences.

SOS RECOVERY COMMUNITY ORGANIZATION

To: Honorable Members, House Criminal Justice and Public Safety Committee

From: John Burns, Executive Director, SOS Recovery Community Organization

Date: 4/9/2025

RE: SB14 and SB15

Good Morning Honorable Representatives,

My name is John Burns, and I am the Executive Director of SOS Recovery Community Organization. I am here to testify in opposition to both SB14 and SB15. We learned a lot from mandatory minimums in the 80's and 90's and what we found was widespread harm as a result.

Evidence is plentiful and has demonstrated why mandatory minimums have failed over the last 50 years and why they continue to fail.[i] Very few get well in prison. We have started to make progress on overdose deaths here in NH as the numbers shift in a positive direction. We still have a lot of work to do to continue. Since 2014 I've come here and testified in relation to bills such as this. Many of you have heard how Naloxone distribution and saturation in the community is often cited as one of the leading reasons that we have seen overdose deaths decline. I would remind this committee that back in 2014 there were many of the same parties promoting mandatory minimums that also fought vigorously claiming that Narcan would not be beneficial, they cited inaccurate stigmatizing stories of

Narcan parties and told the legislature it was enabling and also opposed legislation for good Samaritan laws to call in an overdose. It was the Chiefs Association, prosecutors and law enforcement who came before policy makers stating they wouldn't support distribution of Naloxone despite the research and evidence that showed it to be effective. Now, without evidence, and only armed with anecdotal and inflammatory stories to incite fear those proposing and promoting mandatory minimums are at it again. Most any law enforcement or first responder today has forgotten that opposition and agree that Naloxone is a critical tool in the tool belt. Time and experience help us all learn and we've had both time and experience to learn that mandatory minimums are also a failed approach. Although well intentioned, these are failing approaches that will lead to reversing the progress we made. Let me remind this committee that the legislature just sent a budget bill to the Senate that will cut somewhere near 99 positions in the Department of Corrections and most of those cuts are in programs staff that are involved in re-entry and support services for those with substance use disorder. Does it make sense to pass laws that will incarcerate more people who will have less services while there are deep cuts being made both inside the walls and outside the walls in social services? We are placing the vulnerable who need support not punishment behind bars with less services and where they are at the highest risk of overdose when they return? Please, make it make sense, if our goal is to reduce the drug crisis and overdose deaths?

Despite all the rhetoric and commentary that suggests those who will be targeted are scary cartel leaders or even mid to high level drug runners, the stories are false. The death resulting laws in NH do not require a sale and 20g of Fentanyl is often purchased by those who use drugs who happen to have the car and the license in that community as most drug use is a community activity. Often little profit is made by those individuals and it's pooled funds that are being used to then come back and perhaps pinch off a little for their own personal use which is in desperate need of access to services.

I would challenge those who promote these policies to provide data that demonstrates these laws act as a deterrent. The reality is these laws shift power away from the trusted judges that are appointed in NH over to the prosecutors while promoting mass incarceration at a time when services within those prisons are declining. The cost of this is exorbitant in comparison to funding access to recovery support services, harm reduction programs and treatment. If we are to callously remove the human side of the negative impact could we at least look at the return on investment and the cost of these policies?

I would ask this committee, if the goal is to reduce overdose death and improve wellness in our communities to reject this legislation and find it inexpedient. I would ask that we end policies that perpetuate racial disparities, hinder rehabilitation, and strain resources, these policies have had significant negative consequences for individuals, families, and

communities. Those individuals and families are those I work with each day. They have names we know and aren't numbers and faces we remember when we lose them and we need to honor them by doing the right thing.

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[1] National Research Council. (2014). The Growth of Incarceration in the United States: Exploring Causes and Consequences. Committee on Causes and Consequences of High Rates of Incarceration, J. Travis, B. Western, and S. Redburn, Editors. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. The National Academies Press. https://doi.org/10.17226/18613.

newfutures
SOLVING PROBLEMS THROUGH POLICY CHANGE

100 N Main Street
Suite 400
Concord, NH 03301

April 9, 2025

The Honorable Terry Roy, Chair
House Criminal Justice and Public Safety Committee
Legislative Office Building, Room 202
33 North State Street
Concord, NH 03301

Re: New Futures' testimony in opposition to Senate Bill 14-FN, relative to the penalty for certain fentanyl-related offenses, and SB 15-FN, relative to establishing a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting

Dear Chairman Roy and Honorable Members of the Committee:

New Futures appreciates the opportunity to submit testimony in opposition to both SB 14 (relative to the penalty for certain fentanyl-related offenses) and SB 15 (relative to establishing a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting). New Futures is a nonpartisan, nonprofit organization that works to solve New Hampshire's problems through policy change. In this role, we work extensively with policy makers, service providers and families afflicted by substance misuse and mental illness to prevent, address and reduce behavioral health issues in our state.

New Futures stands in strong opposition to both SB 14 and SB 15, as they would restrict access to critical substance use treatment for individuals and families in need, and would ultimately undermine New Hampshire's efforts to overcome the ongoing addiction crisis.

Over recent years, New Hampshire has come a long way in recognizing Substance Use Disorder as a chronic medical disease to be treated, not a crime to be punished. We have revised state policies, systems and statutes in an effort to keep individuals battling addiction out of the criminal justice system, and we have worked tirelessly to develop a treatment network capable of meeting the needs of our state and its residents.

Data shows our efforts are paying off. According to the N.H. Department of Justice, New Hampshire is projected to record 284 fatal overdoses for 2024 – nearly 150 fewer than the year prior and 200 less than the high point of 2017. In 2022 – the most recent federal data available – New Hampshire's fatal overdose rate of 36 per 100,000 ranked 20th in the country – down from 3rd in 2016, according to the U.S. Centers for Disease Control and Prevention[1].

Certainly, there remains much work left to do, and every life lost to overdose is one too many. But, to enact mandatory minimum sentences, even for fentanyl sales or possession as proposed in SB 14 or in the case of death as proposed in SB 15, would do little to further prevent drug deaths, and would only exacerbate the challenges and costs facing our state. Nationwide data shows that mandatory minimums like those proposed in these two bills do little to deter drug activity and reduce rates of drug use, overdose deaths, or drug arrests[2]. Instead, these policies

[1] U.S. Centers for Disease Control and Prevention, Drug Overdose Mortality By State, accessed January 9, 2025
[2] Pew Charitable Trusts, More Imprisonment Does Not Reduce State Drug Problems, March 8, 2018

frequently lead to higher rates of incarceration, at a higher cost to taxpayers, all while widening racial disparities within our criminal justice system[3].

New Futures appreciates the efforts of the Senate to amend SB 14 to raise the quantity of drugs addressed under these statutes. Still, even as amended, we believe these two bills would apply not only to cartels and other large-scale dealers, but would capture many individual users, who often purchase drugs as a group, deeper in our criminal justice system. Subjecting these people to mandatory minimum sentences would remove them from their communities, restrict access to needed treatment, and force our prisons and jails to provide behavioral health services that are most effective when delivered outside the walls. In short, these bills, would undermine the progress we have made and weaken our efforts to overcome the addiction crisis, all at a greater cost to taxpayers.

For these reasons, we ask that you oppose SB 14 and SB 15 and vote both Inexpedient to Legislate. We look forward to working together to find other, more effective ways to prevent overdose deaths and bring this crisis to an end.

Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

Jake Berry
Vice President of Policy
New Futures

[3] Center for Justice Innovation, When Incarceration is Automatic: Mandatory Minimums and Race, December 2022

April 9, 2025

The Honorable Bill Gannon, Chair
NH Senate Judiciary Committee
SB 14 & SB 15
Committee Hearing, April 9, 2025
Legislative Office Building

Chairman Gannon and Honorable Members of the Committee,

My name is Amanda Vachon, and I am the Coordinator for the Merrimack County Recovery Court. This program is a nationally recognized, evidence-based, specialty court that combines the accountability of the legal system with treatment for individuals with severe substance use disorder. I have had the pleasure of testifying on several bills related to the work I do with the Recovery Court and appreciate the opportunity to come before you today on SB 14 & SB 15.

I would like to start by recognizing the intent of this legislation and I am grateful we have lawmakers on both sides of the aisle who care about the safety of our communities and want to be effective in both treating addiction and stemming the flow of fentanyl into our state. In reviewing the intent of the bill, it was obvious that sponsors want to see justice for families who have lost loved ones and target individuals who are selling the substance in our communities. However, as previous testimony has outlined, there is robust research, scholarly articles, and the like that clearly show the lack of effectiveness of mandatory minimums. The average NH citizen could simply Google this topic and find a treasure trove of information to that effect.

The research is clear that despite mandatory minimum laws, deterrence is not increased. This may be due to the nature of the disease because once a person becomes dependent, traditional deterrence efforts have little impact. I am not here to advocate for no criminal justice response to illegal drugs, their procurement, or the consequences of their use. I am simply asking this committee to consider the outcome and impact of the legislation. We absolutely need to prosecute drug entrepreneurs and to mitigate the fentanyl coming into the state, but we need to be sure that we do not inadvertently sweep those with addiction up in our pursuit. Addiction is a disease that includes cognitive distortions and physical dependency. When we use a broad brush to respond, we will almost certainly overly punish people whose choices are motivated by a disease. When we pass legislation like this, despite overwhelming evidence that suggests that mandatory minimums do not result in the outcomes desired, then we are signaling to our communities that those with addiction are not as valued. This is of particular relevance now as the state navigates the trauma a result of systemic abuse at our Youth Detention Centers. Where there is trauma, there is almost certainly addiction.

In contrast, our state has done an incredible job of mitigating the impacts of fentanyl. Our overdose rate dropped by over 40% in 2024, largely attributed to prevention, treatment, and the use of Narcan. Our state has invested in the treatment court model and now all counties in NH have access to a specialty court such as Adult Treatment Court, Family Treatment Court, and Mental Health Courts. Most recently, Veteran's Courts are getting off the ground in an effort to provide support and resources to our veteran population who may be suffering from mental health disorders and addiction as a result of their service. These courts are not an avoidance of punishment. They are a product of many years of collaboration between stakeholders to include Judges, Prosecutors, Defense Attorneys, Police, Corrections, and Treatment who have come together to provide long-term accountability with treatment. Sentences are crafted through negotiation between parties or by judicial order and often include lengthy suspended NH State Prison sentences should the defendant not successfully complete the program. This means that the

Court recognizes the inherent risk associated with these programs and understands that not all defendants will make it through. This could be for many reasons, but the underlying safety net of a suspended sentence allows for strict punishment through incarceration when success is unattainable.

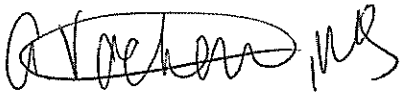
It's also important to note that our treatment courts also treat criminal thinking through intensive curriculum. We know that people with addiction will develop a physical dependency on substances and will also experience increasing tolerance to the drug. This means that they would need to use higher and higher amounts of the drug to obtain the same impact. This is important in the context of this legislation due to the likely behaviors of someone who is both dependent and has a high tolerance for fentanyl. This person is much more likely to begin having large quantities of the drug on hand or to travel to locations to obtain large quantities in order to avoid detection through frequent trips. It's also not unusual, as others have testified, to see people with addiction sell to friends, family, or acquaintances in large part to satisfy their own addiction. My concern, as someone who has worked in this field for 15 years, is that citizens struggling with addiction will get overly punished through the use of mandatory minimums. In contrast, participation in treatment courts will force a defendant to examine their own criminal thinking and how those thought patterns negatively impact themselves, their families, and the community. This is much more likely to change behavior than sitting in prison where continued criminal thinking and behaviors may be all that protects them from injury or death behind the walls. This legislation is likely to prevent eligible defendants from accessing these programs.

Lastly, I think members of this committee are conscious of and prioritize fiscal responsibility. The cost in NH to incarcerate an adult is nearly $80,000 per year with a marginal cost of nearly $9,000. If we pass this legislation, we most certainly will have an increase in our corrections cost while we are facing staffing issues at all correctional facilities in the state. The cost to put a defendant through a Recovery Court Program currently stands at around $13,000 a year. I acknowledge that our specialty court program is not the answer for all defendants and punishment and deterrence are equally important to rehabilitation. However, the math is pretty clear that focusing on treatment is both fiscally responsible and more effective for defendants who are identified as having a severe substance use disorder.

I will admit that I am not an expert on the law enforcement concerns or factors related to stopping the flow of fentanyl into this state, but I do believe there are other ways to increase mitigation without binding the hands of the Judiciary or Prosecution in adjudicating cases. I would like to see stakeholders come together again to discuss meaningful steps towards deterrence, punishment, and rehabilitation so that legislation can be crafted to meet the intent desired by SB 14 & SB 15. This is an important and serious issue, and I applaud legislators for trying to address it. I am also a proud NH citizen who has always been impressed by our state's ability to put politics aside when faced with issues impacting all of us. We can craft legislation to provide justice for families who lost a loved one and decrease the presence of fentanyl in our communities. I urge you to recognize that this legislation does not accomplish that goal.

Thank you for your time.

Respectfully,



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https://gspp.berkeley.edu/assets/uploads/research/pdf/draft_%28classification_modeling%29_04142015.pdf

https://www.sentencingproject.org/fact-sheet/how-mandatory-minimums-perpetuate-mass-incarceration-and-what-to-do-about-it/

https://famm.org/wp-content/uploads/2021/04/The-Case-against-Mandatory-Minimum-Sentences.pdf

https://gc.nh.gov/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

https://www.ojp.gov/ncjrs/virtual-library/abstracts/general-effect-mandatory-minimum-prison-terms

SB 14-FN - AS AMENDED BY THE SENATE

01/30/2025 0140s

2025 SESSION

25-0228
09/02

SENATE BILL ***14-FN***

AN ACT relative to the penalty for certain fentanyl-related offenses.

SPONSORS: Sen. Gannon, Dist 23; Sen. Lang, Dist 2; Sen. Innis, Dist 7; Sen. Birdsell, Dist 19; Sen. Abbas, Dist 22; Sen. Avard, Dist 12; Sen. Rochefort, Dist 1; Sen. Murphy, Dist 16; Rep. Weyler, Rock. 14; Rep. M. Pearson, Rock. 34; Rep. Bernardy, Rock. 36

COMMITTEE: Judiciary

ANALYSIS

This bill adds mandatory minimum sentences for certain fentanyl-related offenses.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the penalty for certain fentanyl-related offenses.

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

1 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(a) to read as follows:

(a) In the case of a violation involving any of the following, a person shall be sentenced to a maximum term of imprisonment of not more than 30 years, a fine of not more than $500,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of life imprisonment, a fine of not more than $500,000, or both:

(1) Five ounces or more of a mixture or substance containing any of the following, including any adulterants or dilutants:

(A) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; or

(B) Cocaine other than crack cocaine, its salts, optical and geometric isomers, and salts of isomers; or

(C) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

(2) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more including any adulterants or dilutants, or phencyclidine (PCP), or its analog, in a quantity of 10 grams or more including any adulterants or dilutants.

(3) Heroin or its analog, crack cocaine, or a fentanyl class drug in a quantity of 5 grams or more, including any adulterants or dilutants.

(A) A fentanyl class drug in a quantity of 20 grams or more, including any adulterants or dilutants, shall carry a minimum term of imprisonment of not less than 3 years and 6 months incarceration. A fentanyl class drug in a quantity of 50 grams or more, including any adulterants or dilutants, shall carry a minimum term of imprisonment of not less than 7 years incarceration. If a defendant charged under this subparagraph cooperates with a law enforcement investigation which results in an arrest or conviction, the defendant shall not be subject to the minimum term of imprisonment outlined in this subparagraph. The court may not defer, combine, or run concurrently with any other sentence the mandatory minimum unless:

(i) The offender was less than 18 years of age at the time of the commission of the offense for which the offender is to be sentenced;

(ii) The offender's mental capacity, at the time of the commission of the offense for which the offender is to be sentenced, was significantly impaired to the

extent that the defendant was deemed incompetent. However, a voluntarily induced intoxicated or drugged condition may not be considered an impairment for the purposes of this subparagraph; or

(iii) The offender was an accomplice, the conduct constituting the offense was principally the conduct of another, and the offender's participation was relatively minor.

(4) Methamphetamine or its analog, in a quantity of 5 ounces or more, including adulterants or dilutants.

2 Effective Date. This act shall take effect January 1, 2026.

LBA
25-0228
12/3/24

SB 14-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the penalty for certain fentanyl-related offenses.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	**FY 2026**	**FY 2027**	**FY 2028**
Revenue	$0	$0	$0	$0
Revenue Fund	None			
Expenditures*	Indeterminable			
Funding Source	General Fund			
Appropriations*	$0	$0	$0	$0
Funding Source	None			

***Expenditure = Cost of bill** ***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2025	**FY 2026**	**FY 2027**	**FY 2028**
County Revenue	$0	$0	$0	$0
County Expenditures	Indeterminable			
Local Revenue	$0	$0	$0	$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

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