

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 409-FN, relative to the penalties for the offense of disobeying an officer.

Hearing Date: January 13, 2026

Time Opened: 1:06 p.m.

Time Closed: 1:12 p.m.

Members of the Committee Present: Senators Gannon, Abbas and Reardon

Members of the Committee Absent : Senators Carson and Altschiller

Bill Analysis: This bill amends the penalties for the offense of disobeying an officer.

This bill is a request of the department of safety.

Sponsors:

Sen. Gannon

Sen. Innis

Sen. Lang

Sen. McConkey

Sen. Carson

Sen. Pearl

Rep. Weyler

Rep. Rice

Rep. L. Walsh

Rep. Bernardy

Rep. Rhodes

Who supports the bill: Senator Bill Gannon, Lieutenant Christopher Storm (State Police), Colonel Kevin Jordan (NHFG), Jonathan Melanson (NHPA and Troopers Association), Elizabeth Sargent (NH Association of Chiefs of Police and NH Sheriff's Association), Senator Mark McConkey, Senator Daniel Innis, and Senator Howard Pearl.

Who opposes the bill: NH Council on Developmental Disabilities, Sarah McCarthy, Vanessa Blais, Daniel Richardson, Jack Hurley, Laura Hilbert, Nathaniel Furey, Janine Fabiano, Cindy Raspiller, Ann Podlipny, Maureen Ellermann, Victoria Marie De Barbieri, Jill Weber, Jonathan Crocker, Russell Siggelkoe, Andrew Jones, Gary Devore, Lynn Merlone, Patricia Martin, Elizabeth Molloy, Jane Hershey, Jana Sellarole, Linda Henderson, Marilyn Wilking, Denise Clark, April Ingram, Bonnie Bruno, Peggy Sheets, Deborah Klein Walker, Michaela Janowski, Susan Moore, Kate Tomlinson, Nancy Brennan, and Mary Alice Schatzle.

Who is neutral on the bill: None.

Summary of the testimony presented:

Senator Gannon (SD-23), explained that the bill addressed people not obeying police officers during auto incidents. Said the first part of the bill made disobeying a police officer a misdemeanor elevated to a class B felony for serious behaviors. Noted that incidents of people disobeying police in auto areas had doubled. Explained the second part of the bill elevated the offense to a class A felony if serious bodily injury or death resulted. Invited Lieutenant Storm to clarify and expand on the explanation.

Lieutenant Chris Storm, a member of the NH State Police and head of the Office of Highway Safety, stated the legislation strengthened penalties for individuals who disobey law enforcement or flee during motor vehicle pursuits.

- Explained that RSA 265-4 was updated to classify fleeing under subparagraph 1C as a class B felony and elevated penalties to a class A felony if actions resulted in injury or death. Emphasized the seriousness of the offense and the danger to the public and law enforcement.
- Noted the NH State Police had seen a 123% increase in pursuits since 2017, underscoring the need for stronger deterrence. Stated that pursuits were inherently dangerous for officers and innocent citizens, potentially causing severe crashes, injuries, and fatalities.
- Explained the bill established clear graduated penalties based on severity, changing fleeing from a class A misdemeanor to a class B felony, with serious injury or death as a class A felony. Confirmed the bill maintained license suspension provisions and aimed to prevent repeat offenses.
- Said that the bill sent a strong message that fleeing law enforcement would not be tolerated in New Hampshire. Surrounding states already had similar severe penalties.
- Stated the bill was developed with law enforcement, public safety advocates, and legal experts, addressing a long-standing gap in the law. Concluded that the bill aimed to deter pursuits, protect citizens' lives, and safeguard officers.
- Senator Abbas asked if there was a distinction between fleeing and other acts in pursuit.
 - Lieutenant Chris Storm explained that subparagraph C defined fleeing, including exceeding speed limits, accelerating, and turning off lights. Clarified that disobeying police included several behaviors, but only fleeing created a motor vehicle pursuit.
- Senator Gannon asked if surrounding states had these statutes in place for a while and whether they had seen reductions in pursuits.

- o Lieutenant Chris Storm stated he did not know the exact duration or impact of surrounding states' statutes.
- Senator Gannon asked why pursuit incidents had increased.
 - o Lieutenant Chris Storm stated the spike began during the pandemic and continued to increase, but he did not have a definitive reason.

BMB

Date Hearing Report completed: January 14, 2026