

Amendment to HB 1184-FN

1 Amend RSA 635:2-a as inserted by section 2 of the bill by replacing it with the following:

2
3 635:2-a Order Against Trespass on Public Property.

4 I.(a) A governing body responsible for public property, or a person designated by the
5 governing body, may issue an emergency no trespass order (NTO) directing a person to leave or not
6 enter specified public property when immediate action is reasonably necessary to protect public
7 safety, prevent substantial disruption of governmental operations, or prevent damage to public
8 property.

9 (b) An emergency NTO issued under this paragraph shall:

- 10 (1) Be in writing;
11 (2) State the date and time of issuance;
12 (3) Identify the specific public property to which the order applies;
13 (4) Provide a brief statement of the factual basis for the emergency issuance; and
14 (5) State that the order is temporary specifying the expiration date and time, and is
15 subject to governing body review.

16 (c) An emergency NTO shall be effective immediately but shall expire automatically no
17 later than 72 hours after issuance, unless approved pursuant to paragraph II.

18 II.(a) If the governing body seeks to continue an NTO beyond the emergency period, the
19 governing body shall approve the NTO by a 3/5 vote taken at a duly noticed public meeting, or at a
20 non-public session if permitted under RSA 91-A and requested by the individual subject to the NTO.

21 (b) Approval under this paragraph shall authorize the NTO for a period not to exceed 90
22 days from the original date of issuance, unless earlier rescinded.

23 (c) Failure to approve the NTO within the emergency period shall result in the
24 automatic expiration of the order.

25 (d) Any NTO issued or approved under this section shall include:

- 26 (1) The date of issuance;
27 (2) The specific public property to which the order applies;
28 (3) A clear explanation of the reason for the NTO;
29 (4) The duration of the NTO;
30 (5) A statement informing the individual of the right to request a hearing to contest
31 the NTO;
32 (6) Instructions on how to request a hearing; and

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1 (7) A statement informing the individual of the right to appeal an adverse decision to
2 the superior court.

3 IV.(a) An individual issued an NTO shall have the right to a hearing upon written request.
4 The request shall be made no later than 10 days from the date of issuance or governing body
5 approval of the NTO.

6 (b) The governing body shall hold the hearing as soon as reasonably possible, but no
7 later than 15 calendar days after receipt of the written request.

8 (c) If a hearing is not held within the timeframe required under this paragraph, the
9 NTO shall be automatically vacated, unless the delay is attributable to the individual requesting the
10 hearing.

11 V.(a) Following the hearing, the governing body shall issue a written decision, which shall
12 state whether the NTO is:

13 (1) Rescinded;

14 (2) Modified; or

15 (3) Continued for a defined period.

16 (b) Any NTO continued following a hearing shall expire no later than 90 days from the
17 original date of issuance, unless earlier rescinded.

18 VI. No administrative NTO issued under this section shall remain in effect beyond 90 days.
19 If the governing body determines that exclusion beyond 90 days is necessary, it shall seek a court-
20 issued restraining order or other judicial relief.

21 VII. An individual subject to an NTO may appeal a final decision of the governing body to
22 the superior court. Any appeal shall be filed within 30 days of the written decision.

23 VIII. All NTOs issued under this section shall expire by operation of law upon reaching their
24 authorized duration and shall not be renewed except in compliance with this section.