

Floor Amendment to SB 464-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 Civil Rights Act; Civil Rights Enforcement. RSA 354-B:1 is repealed and reenacted to read as
4 follows:

5 354-B:1 Civil Rights Enforcement.

6 I.(a) Any person who, motivated in whole or in part by hostility, including but not limited to
7 animus, bias, or prejudice, toward the race, color, religion, national origin, ancestry, sexual
8 orientation, sex, gender identity, or disability of the person, group, or organization directly or
9 indirectly targeted by the unlawful act, or the affiliation or association of the person, group, or
10 organization directly or indirectly targeted by the unlawful act with a person or people of a certain
11 race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability,
12 knowingly commits one of the following unlawful acts shall be subject to civil liability under RSA
13 354-B:2 and to the remedies provided in RSA 354-B:3 and RSA 354-B:4:

- 14 (1) Using unprivileged force against another;
- 15 (2) Committing an act of violence against another;
- 16 (3) Causing damage to or trespassing on the property of another; or
- 17 (4) Threatening to commit any of the acts listed above.

18 (b) In this section, “threatening to commit” means the communication, by physical
19 conduct or by declaration, of an intent to inflict harm or damage to person or property that, taken in
20 the context of surrounding circumstances, would convey to a reasonable person that the actor has
21 the apparent ability to carry out the threat and the real possibility that such harm or damage may
22 occur.

23 II. Nothing in this chapter shall be construed to prohibit any conduct or speech that is
24 protected under the United States Constitution or the New Hampshire constitution.

25 III. It shall be unlawful for any person to interfere or attempt to interfere with the rights
26 secured by this chapter.

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AMENDED ANALYSIS

This bill changes the standard for civil rights enforcement.