

# Senate Children and Family Law Committee

*Declan Donahue 271-3324*

**HB 257-FN**, relative to the crime of endangering the welfare of a child or incompetent.

**Hearing Date:** March 19, 2026

**Time Opened:** 9:42 a.m.

**Time Closed:** 10:20 a.m.

**Members of the Committee Present:** Senators Abbas, Sullivan and Long

**Members of the Committee Absent :** None

**Bill Analysis:** This bill amends the mental state applicable to the crime of endangering the welfare of a child or incompetent.

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**Sponsors:**

Rep. Rollins

Rep. Moffett

Rep. Pauer

Rep. Levesque

Rep. B. Sullivan

Rep. Damon

Sen. Ward

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**Who supports the bill:** Alexander Martin, Nick Georgonlis, Elizabeth Sargent, Senator Ruth Ward

**Who opposes the bill:** Daniel Gilbert, Matthew Bliar, Hon. Daniel Itse, Aaron Pankacik, Curtis Howland, Timothy Finney, Sherly Harianto, JR Hoell, Pamela Harders

**Summary of testimony presented:**

**Senator Pat Long (District 20)**

- Senator Long introduced the bill in lieu of the prime sponsor.

**Alexander Martin (Detective Sargent, N.H. Chiefs of Police)**

- This bill is asking for a small modification to existing statute, as the current state of mind requirement of "purposeful" is difficult to meet, causing the statute to not operate as intended when passed.
- Criminal penalties may be appropriate in some circumstances, and they're having difficulties protecting children due to the "purposeful" burden.

- A change to the "reckless" standard would allow law enforcement to interfere when guardians are deviating from reasonable activity.
- "Reckless" is defined in RSA 636:2 as when someone consciously disregards substantial and unjustified risk, and that disregard constitutes a gross deviation from reasonable activity.

### **Nick Georgonlis (Lieutenant, Manchester P.D. Juvenile Unit)**

- The way this statute is worded is rare, as it contains both the "knowingly" and "purposefully" standards, and the usage of "and" instead of "or" makes cases difficult to prosecute as two mental states must be proven.
- Replacing both with "recklessly" would mandate people have to know the inherent risk to their actions, then disregard that risk.
- Senator Abbas agreed that having two mental states within the element of offense is rare, and asked what the standard was changed to just knowingly.
  - Recklessly fits what is needed for the types of crimes this would pertain to, as knowingly is a higher threshold but would be better than where it currently stands.
  - In the situations he deals with, recklessly would be the most apt.
- Senator Long asked if a seven year old was allowed to play basketball with teenagers, then got hurt, whether that would be reckless.
  - That is not a gross deviation from the conduct of a law abiding citizen, so it would not be.

### **Donald Gilbert**

- There have been an extensive amount of cases in Manchester with botched investigations under this specific statute. In one situation, the prosecution's result came from a failure of how D.C.Y.F. engaged with the Manchester P.D.
- The aspect of "recklessly" in the mental state is very harmful.
- In one case that came from a cultural difference, a woman went out drinking and returned to transitional housing. The child was removed from her permanently. The case was dropped to public intoxication by Manchester P.D. Her incarceration was harmful to both her and her child.
- Dropping purposefully could do some good, but changing to recklessly would be a mischaracter of justice.

### **Victor Orlando**

- Mr. Orlando did not express either support or opposition to the bill.
- He liked the spirit of the bill, but there was an issue brought up by police.
- The execution of the bill and its wording are not perfect.
- If people were angels we wouldn't need laws, and the same could be said for executive branch agencies and police.

- "Reckless" gives the executive branch and police too much authority and relies on their judgment too much. So far, the officers have had a good show of judgment and force, but that could change.
- The standard should be changed to "knowingly."

**Honorable Daniel Itze (Board Member, New Hampshire Firearms Coalition)**

- Is carrying the message of the New Hampshire Firearms coalition, and is a board member at Rebuild New Hampshire.
- This change in law is relatively dangerous as it leaves what is "reckless" undefined.
- Making this change makes it so any activity where you sign a waiver of liability, you are recognizing your own recklessness. Even activities without waivers, like sailing, could be considered dangerous or reckless by other parents. This change must provide guidance as to what is not reckless behavior.
- Senator Sullivan asked what the objection is of the New Hampshire Firearms Coalition.
  - While there is inherent danger to taking a child to a firing range or out hunting, disagreement on whether children should be doing those things could amount to meeting the "reckless" standard.
- Senator Sullivan asked if it could be considered reckless to have a firearm on your person with your child.
  - D.C.Y.F. may see it that way, even if the police do not. Their intervention deals psychological damage to children.

**Aaron Penkacik (Board Member, New Hampshire Firearms Coalition)**

- Good law must be unambiguous and enforceable.
- The McIntyre ski team release for parents has the line "I am aware of the risks and hazard for injury, death and disability, and those increase undertaking ski racing and training even under supervision."
- Would this change in law make the parent signing that release a felon?
- Rock climbing, go-kart racing, and going to a firing range are all activities with some level of risk.
- We allow sixteen year olds to drive, and a car has far more energy in it than any firearm.
- Senator Long asked the name of the form.
  - McIntyre Ski Team.

**Chief Seckling (Alexandria Police, New Hampshire Chiefs of Police Association)**

- The officers from Manchester did a good job defining reckless. Skiing is not reckless, it is not a gross deviation from what a law abiding citizen would do.
- Senator Long asked if recklessly or knowingly is better for this bill.

- o Recklessly covers everything that this bill is trying to achieve.
- Senator Long reiterated that McIntyre is requiring a waiver of liability for reckless behavior, and asked would "recklessly" here bring problems to the parent?
  - o I don't think so. We recognize skiing as being dangerous in statute. That is not a gross deviation from the actions of a law abiding citizen.
- Senator Long asked if it would be the same as the warning on the inside of a football helmet.
  - o Yes, it would be common sense.

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Date Hearing Report completed: March 24, 2026