

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**HB 1279**, relative to the use of physical force in defense of a person.

**Hearing Date:** April 9, 2026

**Time Opened:** 1:11 p.m.

**Time Closed:** 1:30 p.m.

**Members of the Committee Present:** Senators Gannon, Altschiller and Reardon

**Members of the Committee Absent:** Senators Carson and Abbas

**Bill Analysis:** This bill modifies the standard for when force can be used against someone likely to use unlawful force in the commission of a felony.

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**Sponsors:**

Rep. Polozov

Rep. Aures

Rep. Avellani

Rep. Giasson

Rep. McFarlane

Rep. Sabourin dit

Choiniere

Rep. Sirois

Rep. Thibault

Rep. Roy

Sen. Sullivan

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**Who supports the bill:** 9 Individuals signed in support of the bill. For a complete list of those who signed in support please contact the Judiciary Committee Aide.

**Who opposes the bill:** 47 Individuals signed in support of the bill. For a complete list of those who signed in support please contact the Judiciary Committee Aide.

**Who is neutral on the bill:** None.

**Summary of the testimony presented:**

**Representative Yuri Polozov** introduced the bill and stated that the bill is the result of a multi-year effort by the Hooksett delegation, including work that began prior to his time in the legislature.

- He explained that the bill amends RSA 627:4, II(d) by adding two specific elements. First, it adds “third person” to clarify that individuals may use force in defense of others within a dwelling. Second, it adds “vehicle” to expand the locations where a person may use force in defense against the commission of a felony.

- He stated that the purpose of the bill is to provide clarity and ensure the statute aligns with the broader intent of self-defense law. He explained that other sections of RSA 627:4 already include protection of third persons, but that this specific subsection does not, creating inconsistency.
- He also noted that other subsections allow protection “anywhere a person has a right to be,” and argued that vehicles should logically be included given their importance in daily life.
- Senator Reardon asked about the term “unlawful force” and whether the bill should include limits to ensure proportionality, expressing concern that individuals could respond with excessive force.
  - Representative Polozov responded that “unlawful force” refers to force used in the commission of a felony and distinguished it from lawful force such as that used by law enforcement. A senator followed up by questioning whether force should be proportional to the threat and whether the bill should clarify those limits. Representative Polozov acknowledged the concern and indicated that he had not fully analyzed that aspect of the language.
- Senator Reardon asked whether the bill would allow deadly force in response to any felony, including theft of a motor vehicle, noting that certain property crimes qualify as felonies.
  - Representative Polozov responded that the description aligns with the bill’s intent in situations where a person reasonably believes a felony is being committed against them in a vehicle. A senator followed up expressing concern that this could justify deadly force in situations that do not involve imminent danger to life.
  - Representative Polozov responded that the statute already permits deadly force in certain felony circumstances and that the bill is intended to extend similar protections to vehicles and third persons. He suggested that if the committee is concerned about the vehicle language, it could remove that portion while still adopting the third-person clarification.
- Senator Altschiller asked what specific events or circumstances prompted the bill.
  - Representative Polozov responded that the bill stems from years of effort and concerns about inconsistent court interpretations, particularly where protection of third persons is not explicitly included in certain subsections. He stated that this inconsistency could result in individuals being unable to defend others unless additional elements, such as imminent threat to life, are proven in court.

**Representative Linda McGrath** testified in support of the bill and stated that while concerns about scope are understandable, the intent is not to allow indiscriminate use of deadly force in minor situations such as simple theft.

- She stated that the focus is on unpredictable situations where a crime could escalate and individuals should not be deterred from defending themselves or others due to unclear legal standards.
- She emphasized that defensive actions cannot always be quantified, particularly when harm is prevented, and expressed support for individuals being able to carry firearms and defend themselves and others without fear of legal ambiguity.

**Representative Buzz Sherr** testified in opposition to the bill and expressed concern about the breadth of the language, particularly the addition of “vehicle.” He stated that this could lead to escalation in situations such as road rage incidents, where individuals might respond to relatively minor confrontations with deadly force.

- He provided a hypothetical scenario in which a person damages a vehicle during a confrontation and the driver responds with a firearm, arguing that this would be an unintended and dangerous expansion of the law.
- He stated that existing provisions in RSA 627:4 already allow for use of non-deadly force and, in more serious cases such as kidnapping or forcible sexual offenses, allow deadly force.
- He argued that the bill is unnecessary and that its vehicle provision could create harmful outcomes. He stated that he does not oppose adding “third person” in the context of a dwelling but recommended removing the “vehicle” language.