

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1184-FN, relative to the issuance of no trespass orders on municipal or school district property.

Hearing Date: April 21, 2026

Time Opened: 9:30 a.m. **Time Closed:** 10:11 a.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

Members of the Committee Absent: None

Bill Analysis: This bill:

I. Establishes the process for issuing, extending, and appealing no trespass orders for municipal and school properties.

II. Establishes procedural safeguards for individuals affected by these orders, including the right to a hearing and appeal.

Sponsors:

Rep. Harvey-Bolia

Rep. Freeman

Rep. Pauer

Rep. Peternel

Rep. Sabourin dit
Choiniere

Rep. Thibault

Sen. Gannon

Who supports the bill: 5 people signed in to support the bill. For a complete list of names, please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.gov

Who opposes the bill: 52 people signed in opposed to the bill. For a complete list of names, please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.gov

Who is neutral on the bill: None

Summary of testimony presented:

Representative Juliet Harvey-Bolia, Belknap - District 3

- This bill establishes a process for issuing, extending, and appealing No Trespass Orders (NTO) for municipal and school properties, including procedural safeguards and the right to a hearing and an appeal.

- Last year, the Senate Judiciary Committee passed a stricter version of this bill, which failed during the Committee of Conference process.
- Noted that when someone appears before a land use or planning board, the decision details and appeal process are provided. Similarly, a speeding ticket includes an explanation of the appeal process. However, this is not the case for an NTO.
- Rep. Harvey-Bolia spoke to her handout, which outlines different types of NTOs.
- Verbal NTOs are often vague, leaving individuals uncertain about duration and conditions.
- This bill establishes a written process outlining a clear explanation, duration, and how to request a hearing.
- Opponents of this bill might mention the possibility of requesting a restraining order as a preexisting avenue to use in place of a serious threat.

Senator Rochefort asked about the 72-hour emergency order window on lines 18 and 19 and whether the governing body could realistically convene in time.

Rep. Harvey-Bolia noted that the governing body that she sits on has called an emergency meeting within 48 hours, so it is possible.

Michael Bessette, Assistant Superintendent, SAU 65

- In 2026, a convicted sex offender was repeatedly found on campus, photographing and videotaping students.
- There is no way to know when convicted sex offenders are in the area until they appear on the sex offender registry.
- Crafted a district policy requiring time, place, and manner restrictions for convicted sex offenders to be permitted on their campuses across the seven Kearsarge District towns.
- Requested a narrow carve-out to allow enforcement of the policy he drafted without waiting 60 to 90 days for a hearing with a school board.
- Sent Senator Lang some proposed amendment language he is hoping the committee will consider.

Kellan Barbee, NH Association of Counties

- Opposed to this bill.
- The 72-hour emergency order window, combined with the 24-hour public hearing notice requirement, creates a logistical conflict, particularly over long weekends, causing orders to lapse even when a threat still exists.

- Raises public safety concerns for nursing homes and correctional facilities that rely on consistent authority to manage safety risks.
- Broad application to public property expands to municipal, county, and state property.
- This also uses the term “governing body,” which varies greatly among entities and will create confusion.
- The 3/5th vote requirement would be impossible to meet with only three county commissioners present.
- The bill creates a procedural conflict and heightens the threat to public safety

Senator Perkins-Kwoka asked whether Mr. Barbee is aware of any data or incidents that prompted this bill.

Mr. Barbee said he didn’t have it off the top of his head, no.

Barrett Christina, NH School Board Association

- Opposed to the bill as currently written.
- The 72-timeline is unreasonable, particularly during school vacations or summer months. A possible avenue to fix this might be to add language that says: “at the next regularly scheduled meeting or within 30 days.”
- The 3/5th vote requirement is inconsistent with all other school board votes, which require only a simple majority.
- The 90-day maximum duration is insufficient for egregious situations; recommended 365 days with the ability to request a review after 180 days.
- The 15-day hearing requirement should be extended to the next regular meeting or within 30 days.

Senator Lang asked what the requirement is for a notice of a public school hearing.

Mr. Christina replied that under the Right to Know Law, notice must be posted 24 hours in advance in at least two locations. He noted that while an emergency meeting is possible when the board chair deems it necessary, the quorum requirement is waived, meaning as few as two or three members of a nine-member board could be present to issue an NTO.

Senator Perkins Kwoka asked what would happen without this bill if someone who shouldn't be there were on school grounds. Would this be handled by law enforcement?

Mr. Christina explained that law enforcement cannot always act without an NTO. He cited a custody dispute in which one parent, who had lost custody of the children, went to the school to pick them up and flee with them. In that case, law enforcement informed the principal that they could not intervene until an NTO was violated.

Sarah Burke Cohen, NH Municipal Association

- Opposed to this bill as it creates a more burdensome process.
- Referenced RSA 635:2, noting that NTOs can already be appealed to the Superior Court and restraining orders are already available.
- The 72-hour window is inadequate; if the governing body cannot convene in time, the order simply lapses regardless of the ongoing threat.
- Raised concern about whether a second 72-hour order could be issued if the governing body fails to act.
- Most municipalities have already delegated authority over their property to employees who hold the trust of the governing body. Requiring the full governing body to vote on an NTO undermines that delegated authority.

Denise Van Zanten, NH Library Association

- Opposes this bill.
- This bill infringes on local control.
- Libraries already have policies in place; staff can issue NTOs and contact the police to respond to emergencies.
- Libraries regularly deal with assault, theft, fighting, and property damage. Those not on the front lines do not fully understand the harm these situations cause to staff and patrons.
- There is no one-size-fits-all solution for libraries.

Senator Long asked whether the city of Manchester has a form to complete with the police department for NTOs.

Ms. Van Zanten confirmed yes and that there is a reinstatement process in place.

Senator Long asked whether this bill would eliminate that form and process with the police department.

Ms. Van Zanten mentioned she was unsure but expressed concerns about decisions made on Fridays. She questioned whether these would be made by her board of trustees or the board of mayor and aldermen.

Senator Lang asked whether her opposition was specifically to the 72-hour window and the governing board requirement.

Ms. Van Zanten stated that libraries deserve local control over their own facilities.

Representative Joseph Barton, Grafton-District 1

- Noted a lack of clear distinction between an NTO and a temporary restraining order.
- NTOs on public property have become a weapon rather than a tool, citing his personal experience of receiving a retaliatory no trespass order after documenting a safety violation at his daughter's school.
- Waited six and a half months for a hearing through the State Board of Education, significantly impacting his daughter's IEP and his ability to participate in her education.

Peter Marr, Manchester Chief of Police, and Captain Bob Gravelle, Manchester Police

- Opposed to the bill as currently written.
- Acknowledged the intent of ensuring fairness and due process but stated the bill creates significant operational challenges.
- This bill appears to be a response to isolated incidents rather than a widespread systemic problem.
- Manchester regularly issues NTOs at City Hall, public libraries, and school property for disruptive or threatening individuals.
- The 72-hour approval requirement is particularly problematic as Manchester's Board of Aldermen meets twice a month, making timely approval after a Friday order nearly impossible, especially on a holiday weekend.
- The 3/5th vote requirement and public meeting notice requirement introduce delay, administrative burden, and potential exposure of sensitive situations in a public forum.
- The term "governing body" is insufficiently defined, leading to inconsistency in application.
- Expressed willingness to work with the committee to develop a framework that works universally for all communities.

Senator Lang asked about the process for issuing an NTO when a situation is described by the librarian and how long the NTO will remain in place.

Captain Gravelle stated that the individual will be removed from the building without being charged at that time.

Senator Lang asked how the duration of the NTO is decided and if this process is the same in other public locations.

Captain Gravelle stated that the NTO duration is decided by the person requesting the issue and confirmed that the process does not differ.

Senator Lang asked how this differs from an NTO on private property.

Captain Gravelle said it is pretty much the same process.

Senator Long asked about the 3/5th vote requirement, noting that if eight members showed up, it would still not be enough, as the bill requires the full body, not just those present.

Chief Marr said that is how he reads it as well.

Senator Lang asked whether the process should differ for public vs. private property, given that citizens have a right to be on public property.

Chief Marr agreed there should be a due process framework but reiterated that 72 hours is too short and expressed willingness to help craft a workable solution.

Senator Gray asked if a due process notice is required on the NTO.

Chief Marr stated that they do not require notice of any due process statement in Manchester.

Eric Pauer, School District Governance Association

- In favor of the bill.
- Stated that private property enforcement is handled as is, and that the 72-hour window, 3/5th vote, and 90-day trespass limit are sufficient guardrails for the bill.
- Right now, NTOs are completely open, and that isn't right.
- Denying somebody the right to public property needs to be beyond a reasonable doubt and shouldn't be forever.
- Temporary and permanent restraining orders are not an effective alternative tool.
- An NTO is not the right tool for sex offenders.
- NTOs are currently being used as a threat throughout the state.
- This bill will notify members of the school board who are issued an NTO.

Senator Long asked whether individuals can still vote in an election if the polls are at a school where an NTO has been issued to that individual.

Mr. Pauer stated that this bill would help clarify the situation and determine whether a valid reason exists for the restriction.

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Date Hearing Report completed: April 24, 2026