

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 RSA 354-B:1 is repealed and reenacted to read as  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 by hostility, including but not limited to animus, bias, or  
7 prejudice, toward the race, color, religion, national origin, ancestry, sexual orientation, sex, gender  
8 identity, or disability of the person, group, or organization directly or indirectly targeted by the  
9 unlawful act, or the affiliation or association of the person, group, or organization directly or  
10 indirectly targeted by the unlawful act with a person or people of a certain race, color, religion,  
11 national origin, ancestry, sexual orientation, sex, gender identity, or disability, knowingly commits  
12 one of the following unlawful acts shall be subject to civil liability under RSA 354-B:2 and to the  
13 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, and does in fact  
21 convey to the person, group, or organization directly or indirectly targeted by the communication, the  
22 real possibility that such harm or damage will 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.

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AMENDED ANALYSIS

This bill changes the standard for civil rights enforcement.