

Amendment to HB 1184-FN

1 Amend the bill by replacing section 2 with the following:

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3 2 New Section; Criminal Trespass; Order Against Trespass on Public Property. Amend RSA 635  
4 by inserting after section 2 the following new section:

5 635:2-a Order Against Trespass on Public Property.

6 I.(a) A governing body responsible for public property, or a person designated by the  
7 governing body, may issue an emergency no trespass order (NTO) directing a person to leave or not  
8 enter specified public property when immediate action is reasonably necessary to protect public  
9 safety, prevent substantial disruption of governmental operations, or prevent damage to public  
10 property.

11 (b) An emergency NTO issued under this paragraph shall:

12 (1) Be in writing;

13 (2) State the date and time of issuance;

14 (3) Identify the specific public property to which the order applies;

15 (4) Provide a brief statement of the factual basis for the emergency issuance;

16 (5) State the expiration date and time of the NTO; and

17 (6) State that the person may request a hearing on the NTO.

18 (c) An emergency NTO shall be effective immediately but shall expire automatically no  
19 later than 45 days after issuance, unless approved pursuant to paragraph II.

20 II.(a) If the governing body seeks to continue an NTO beyond the initial NTO period, the  
21 governing body shall approve the NTO by at least a majority vote taken by roll call vote at a duly  
22 noticed public meeting, or at a non-public session if permitted under RSA 91-A and requested by the  
23 individual subject to the NTO.

24 (b) Any NTO issued or approved under this section shall include:

25 (1) The date of issuance;

26 (2) The specific public property to which the order applies;

27 (3) A clear explanation of the reason for the NTO;

28 (4) The duration of the NTO;

29 (5) A statement informing the individual of the right to request a hearing to contest  
30 the NTO;

31 (6) Instructions on how to request a hearing; and

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1                   (7) A statement informing the individual of the right to appeal an adverse decision to  
2 the superior court.

3                   III.(a) An individual issued an NTO shall have the right to a hearing upon written request.  
4 The request shall be made no later than 10 days from the date of issuance or governing body  
5 approval of the NTO.

6                   (b) The governing body shall hold the hearing at the next regularly scheduled meeting.

7                   (c) If a hearing is not held within the timeframe required under this paragraph, the  
8 NTO shall be automatically vacated, unless the delay is attributable to the individual requesting the  
9 hearing.

10                  IV. Following the hearing, the governing body shall issue a written decision, which shall  
11 state whether the NTO is:

12                   (1) Rescinded;

13                   (2) Modified; or

14                   (3) Continued for a defined period.

15                  V. An individual subject to an NTO may appeal a final decision of the governing body to the  
16 superior court. Any appeal shall be filed within 30 days of the written decision.

17                  VI. All NTOs issued under this section shall expire by operation of law upon reaching their  
18 authorized duration and shall not be renewed except in compliance with this section.