

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**HB 1108-FN**, relative to the offense of criminal threatening.

**Hearing Date:** March 24, 2026

**Time Opened:** 1:19 p.m.

**Time Closed:** 1:51 p.m.

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

**Members of the Committee Absent:** Senator Carson

**Bill Analysis:** This bill revises the standard for when a person shall not be deemed to have committed the offense of criminal threatening, when responding to certain threats.

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**Sponsors:**

Rep. McFarlane

Rep. Aures

Rep. Popovici-Muller

Rep. Noble

Rep. Drew

Rep. Granger

Sen. Innis

Sen. Murphy

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**Who supports the bill:** Representative Popovivi-Muller, Aubrey Friedman, Penny Dean, Senator Daniel Innis, Cory Stone, Curtis Howland, Timothy Finney, Pamela Harders, and Jay Simkin.

**Who opposes the bill:** 79 individuals signed in opposition to the bill. For a complete list of those who signed in opposition please contact the Senate Judiciary Committee Aide.

**Who is neutral on the bill:** Matt Amatucci (NH State Police)

**Summary of the testimony presented:**

**Representative Daniel Popovici-Muller** spoke in support of the bill. He Stated that it had endured a lengthy legislative process in the House, but that it had been passed after significant alterations were made to address issues in its language. He explained that the bill would change what entails an acceptable display of a firearm when threatened.

- Explained that the current statute defined the display of a firearm as being acceptable when under risk of bodily harm or death, but that this bill would

allow such a display when an individual observes conduct that could be perceived as leading to bodily harm or death. The Representative stated that the rationale behind this change is to allow for gun owners to safely deescalate a situation before it becomes violent.

- Stated that while this is already allowed in the law, there is a gray area that this bill would seek to address.
- Senator Gannon asked whether the language of “could reasonably” made the individual judgment of whether a situation might compel the display of a firearm ultimately subjective. He also asked whether what constitutes a “display” of a firearm was subjective and likewise based upon the circumstances of an incident.
  - Representative Popovici-Muller answered that the display of a firearm did not include the brandishing or pointing of the weapon. He stated that the intention was to allow gun owners to demonstrate that they were capable of defending themselves if the situation were to escalate.
  - The Representative stated that his wife was at Dartmouth college as a graduate student when the 2001 Zantop murders occurred. He explained that the murderers from that case had attempted to enter another home where the owner had displayed his possession of a firearm, warding off the attackers. He stated that the current language of the law might not protect this action, despite it having likely saved the home owner’s life.
- Senator Gannon asked whether drawing a firearm from its holster and holding it by one’s side would constitute the “display” of a firearm under this bill.
  - Representative Popovici-Muller answered that the question might be better answered by a judge; but that he would recommend against the behavior and instead in favor of showing the firearm while in its holster.
- Senator Altschiller asked whether the current Castle Doctrine would protect the property owner in the example previously given.
  - Representative Popovici-Muller stated that he did not believe the Castle Doctrine could be invoked in that case as there was not an immediate known threat to the property owner’s person.
  - The Representative stated that this bill sought to clarify the conditions under which a firearms owner could display a firearm to deescalate a situation.
- Senator Altschiller disagreed with the interpretation of the Castle Doctrine as possessing a gray area, and questioned why the bill extended to all

circumstances rather than to those occurring on a private property. She asked whether the display of a firearm might be an aggressive action itself under the broad language of the bill.

- o Representative Popovici-Muller stated that the intention of the bill was not to address a gray area within the Castle Doctrine, and that its intent was to broader circumstances of self-defense.
- o The Representative argued that the intention of the bill was to allow the display of a firearm as a de-escalatory measure; to calm an otherwise aggressive situation. He stated that this bill would clarify when the display of the firearm was legitimate and when an individual might be liable for brandishing a firearm.
- Senator Abbas stated that his understanding of the law was that the display of a firearm was only seen as reckless conduct when the specific circumstances were taken into account. He asked what was being accomplished by this bill if the law already allows all circumstances to be taken into consideration.
  - o Representative Popovici-Muller explained that the current statute only allowed for the circumstances to protect the display of a firearm when under the threat of serious bodily harm or death, and that this bill would allow such a display after the lawful notice to withdraw from a private property has been given and ignored.
  - o The Representative explained that the intent was to clarify the other situations when a display was allowed and in which such a display would not be considered criminal threatening.

**Aubrey Freedman**, a resident of Bridgewater, spoke in support of the bill.

He stated that this bill would extend both the right to self-defense but also the right to defend your property; arguing that this would serve as a legitimate extension of these rights.

- Stated that he felt deterrence was a great principle and that this bill allowed a firearm owner to use it to deescalate a potentially violent situation.
- Argued that deterrence prevents many crimes that are otherwise not reported in the news.
- Stated that the phrase “unlawful intrusion,” which had been added to the text of the bill, presented a serious situation with a high potential for violence, and that this bill presented a positive solution for deterring that encounter.
- Argued that the display of a firearm would be enough to deter most criminals, and that he also supported the bill as an extension of property rights.

- Senator Altschiller asked how an individual might display under this law.
  - Mr. Freedman answered that any way of demonstrating the presence of the firearm without brandishing it would be ideal. He stated that the goal was to make sure that the individual could see the weapon.
    - Senator Altschiller asked where the line was between “display” and “brandishing.”
      - Mr. Freedman answered that moving the weapon around or pointing it at an individual could constitute brandishing.
- Senator Abbas asked whether un-holstering the firearm went beyond displaying the weapon, and could be constituted as an aggressive action.
  - Mr. Freedman stated that it might be necessary to ensure that the firearm could be seen by the aggressor, which would deescalate the situation.

**Representative Timothy Horrigan** spoke in opposition to the bill. He explained that similar bills had been proposed in the past, and had failed. He questioned why New Hampshire would attempt to change its firearms laws if it is already the safest state in the nation.

- Argued that the language present within the bill was overly broad, and that it was evidenced by a section in the bill seeking to address the potential ramifications upon the right to openly carry a firearm.
- Stated that there could be ramifications in the case that an individual was openly carrying a firearm upon another’s property.
- Argued that this bill would make an already difficult area of the law even more difficult. He asked that the committee find it inexpedient to legislate.

**Penny Dean**, a private attorney, spoke in support of the bill. She argued that it was desperately needed as a practical measure.

- Explained that innocent individuals are frequently prosecuted; citing the Ward Bird case. This individual had been charged with criminal threatening.
- Stated that there are many areas within the state without cellphone reception, and self-defense is sometimes the best option for remaining safe. She cited the

example of a woman who had been threatened by two brothers and had called the police; who arrived more than two hours later.

- Explained that this bill would provide a better affirmative defense for individuals compelled to defend themselves with a firearm.
- Recommended that the senators present look into the Tueller Drill. The officer that had created this drill had written an article called “How Close is Too Close?” which proved that within 21 feet, a man with a knife could consistently be able to stab a victim before they could draw a firearm in defense.
- Stated that this would fulfill the original intention of the law, being that an individual has the right to assert their right to self-defense when they are in circumstances where it might be required. She argued that the Castle Doctrine did not support this scenario.
- Stated that it was necessary that an individual be able to draw the firearm from its holster to demonstrate its presence and to serve as an effective deterrent.
- Stated this would allow law abiding citizens the right to defend themselves; hopefully without having to defend themselves again in a courtroom.
- Senator Abbas asked about the example of the Ward Bird case, and stated that a previous law had addressed this case.
  - Ms. Dean answered that the bill had not addressed the case completely, and that the language of that bill had not been strong enough.
  - Ms. Dean stated that there was a lingering larger issue of when you are able to defend yourself and show a firearm when another individual is upon your property.

**Officer Matt Amatucci**, a Captain with the New Hampshire State Police, explained that this bill could create situations where non-deadly force scenarios became deadly-force scenarios.

- Posed the question of what happened in the case that a firearm was displayed and the other individual was not deterred.
- Questioned what would occur in the scenario that an individual committing a trespass or theft felt threatened by imminent harm and whether this bill would allow them to then display a firearm.
- Senator Abbas asked in what scenarios an officer might draw a firearm from their holster and display its presence.

- o Officer Amatucci responded that previous testimony had spoken of action versus reaction; and argued that the display of a firearm could escalate rather than deescalate a situation.
- o The officer explained that police officers conduct an assessment of a situation upon answering a given call. If an officer assesses that an individual is not listening to an officer's commands or not able to comply with commands, and suspects the presence of a weapon, they might find it necessary to draw their firearm.
- o The officer stated that scenarios like unlawful intrusion were not inherently deadly-force scenarios, and that the introduction of a weapon would make them deadly-force scenarios.
- Senator Abbas stated that this would add theft to a scenario where a victim might display a firearm. He asked if an officer would remove a firearm in the case that they were responding to a theft.
  - o The officer responded that they would not.
- Senator Gannon cited the previous testimony, posing a hypothetical situation where an individual felt that they might not be able to physically match a potential aggressor, felt threatened, and displayed a firearm to demonstrate that deterrence.
  - o The officer responded that it was necessary to vocally articulate that you are in fear for your own safety for the imminent use of deadly force. He questioned what would occur in the situation that an individual displayed a firearm and the aggressor decided to approach regardless. He stated that these were the types of questions that the courts could hear under this bill.
  - o The officer stated that this bill could have broad and unintended consequences. He questioned where the line was in this statute given its broad nature; asking what would happen if an individual saw a child stealing their bicycle or if there was an unknown medical condition to consider.