

# Senate Judiciary Committee

*Pete Mulvey 271-4063*

**SB 139-FN**, creating a private right of action in civil rights cases.

**Hearing Date:** February 18, 2025

**Time Opened:** 3:38 p.m.

**Time Closed:** 3:58 p.m.

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

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

**Bill Analysis:** This bill creates a private right of action in civil rights cases.

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**Sponsors:**

Sen. Fenton

Sen. Altschiller

Rep. Berch

Rep. Wheeler

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**Who supports the bill:** 128 signed in support. Contact Pete Mulvey for further details ([peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov)).

**Who opposes the bill:** 10 signed in opposition. Contact Pete Mulvey for further details ([peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov)).

**Who is neutral on the bill:** Sean Lock.

**Summary of testimony:**

**Senator Donovan Fenton**

**Senate District 10**

- Senate Bill 139 improved civil rights and civil rights action for granite stater.
- Senator Fenton clarified that only the N.H Attorney General could initiate civil rights action.
- There had been a significant increase in civil rights complaints since 2014.
- SB 139 ensured that individuals experiencing discrimination or harassment had their own recourse rather than solely state intervention.
- Divisive messages, vandalism and public disruptions were increasingly common.
- SB 139 also strengthened the Attorney General's role regarding such matters.
- The dual State-Criminal/Private-Civil approach allowed for greater enforcement.
- Sen. Altschiller asked about the amendment provided to the committee.
  - Sen. Fenton said it was a request of the AG, to notify them of any actions taken.
- Sen. Altschiller asked for confirmation that the proposal did not supplant the Attorney General's role, but enhanced it.

- Sen. Fenton confirmed Sen. Altschiller's characterization and concurred.
- Sen. Altschiller asked Sen. Fenton to clarify if civil rights complaints had increased 425%.
  - Sen. Fenton said that was correct

**Rep. Jonah Wheeler**

**Hillsborough - District 33**

- Rep. Wheeler spoke in support.
- SB 139 created a private right of action for an individual to move forward with a civil rights case without going to the attorney general.
- Civil rights issues had increased rapidly in New Hampshire.
- The legislation was copied in the house chamber and would be taken up soon.

**Michael Atkins**

**Attorney, Shaheen and Gordon Peterborough**

- Mr. Atkins was the legal redress chair for the greater Nashua NAACP.
- The purpose of SB 139 was to provide a private cause of action for victims of unlawful conduct already prescribed in RSA 354-B.
- There had been a 465% increase in civil rights complaints per attorney general since 2017.
- The Attorney General's office had expanded the civil rights unit fourfold in November 2023.
- SB 139 allowed any citizen in New Hampshire to petition the court and not have to go to the Attorney General for redress.
- The Attorney General could continue to be involved, however.
- Surrounding New England states with similar legislation provided a private right of action – N.H did not.
- Sen. Gannon asked if the nature of complaints were more generalized, or particular, namely antisemitic.
  - Mr. Atkins said there had been acts of vandalism involving Nazi symbolism, antisemitic ideas, in addition to racial incidents on the seacoast.
- Sen. Reardon asked about the statute's remedies, specifically section IV.
  - Mr. Atkins said they would still retain all their other rights

**Sean Locke**

**Senior Assistant Attorney General - N.H Department of Justice**

- Mr. Locke supported the amendment, but did not offer a position on the underlying bill.
- The Civil rights act was first passed in 1999
- The act authorized the Attorney General to bring actions to protect civil rights, and assigned penalties of \$5,000 per violation, enabled pursuit of protective orders, and criminal charges.
- The goal of the statute was to facilitate public protection through civil procedures to shield victims and their communities
- Mr. Locke said the mechanism was more analogous to civil torts claims – the redress was damages – which did not prevent future harm to the public.
- Since the unit's conception there had been an increase in complaints.
- Mr. Locke clarified that the figures discussed earlier comprised the total rise of complaints, not just civil rights complaints.
- Mr. Locke indicated that the Attorney General received approximately 250 referrals from the public and law enforcement, yet only 25 of which were considered civil rights violations.

- The Attorney General were the only authority able to bring cases relative to property damage or acts of violence relative to civil rights.
- Mr. Locke suggested that the amendment provided took a step further to ensure that the Attorney General had the ability to intervene with full public protection if prompted.
- The Department of Justice held concerns on the cost potential for SB 139.
- The Department would see more referrals as private rights get filed and would have to screen those referrals even without counsel involved.
- Mr. Locke emphasized that despite the increase in complaints, the attorney general's office worked diligently and was not overwhelmed.

PM

Date Hearing Report completed: February 27, 2025