

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 59-FN, relative to the assault of a firefighter, emergency medical care provider, or law enforcement officer.

Hearing Date: April 3, 2025

Time Opened: 1:45 p.m.

Time Closed: 2:12 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill establishes felony-level offenses for assaults on firefighters, emergency medical care providers, and law enforcement and for assaults specifically targeting law enforcement officers.

Sponsors:

Rep. D. Mannion

Rep. S. Pearson

Rep. Proulx

Rep. Roy

Rep. Seidel

Sen. Abbas

Who supports the bill: 7 individuals signed in support of HB 59-FN. Contact peter.mulvey@gc.nh.gov for further information.

Who opposes the bill: 27 individuals signed in opposition to HB 59-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: N/A

Summary of testimony:

Representative Dennis Mannion

Rockingham – District 25

- HB 59-FN would make it a class-a misdemeanor to knowingly cause serious injury to first responders, law enforcement officers and public safety officials.
- To knowingly inflict of bodily harm would constitute a class-b misdemeanor.
- Currently, notification to the defendant would be required to seek enhanced penalties in the case of assault upon an officer or first responder.
- HB 59 sent a positive message to the State, to judges, and would additionally serve to protect the public and public officials.
- Rep. Mannion reiterated that the policy was not novel but rather separated and enhanced in statute by HB 59-FN.

- Sen. Gannon asked if the term knowingly was present in each paragraph.
 - Rep. Mannion said that was correct and reiterated that the standard was a high bar and added that the term reckless was removed from the bill.

Holly Stevens, esq.

Director of Public Policy, NAMI NH

- Ms. Stevens spoke in opposition to HB 59-FN.
- NAMI NH firmly supported first responders and public safety officials.
- Violence towards first responders was usually committed on the worst day of an individual's life according to Ms. Stevens.
- HB 59-FN would arrest, jail, and subject those in crisis to disproportionate penalties.
- Current law prevented the arrest of an individual suspected of committing a misdemeanor offense unless if committed before officers or subject to other conditions.
- The bill as passed by the house allowed no discretion of the court and permitted a warrantless arrest.
- HB 59-FN would result in more people with mental illness spending time in jail.
- Under HB 592-FN, there was a method to determine dangerousness for violent crimes already.
- Ms. Stevens indicated that she and Ms. Karen Rosenberg created an amendment to replace the term knowingly with purposefully, and to remove provisions regarding findings of dangerousness.
- Ms. Stevens suggested there be a study committee to consider the impact of such a policy. Her suggestion was included in her amended language.
- Sen. Gannon asked if the term knowingly protected individuals with disabilities, given they lacked the capacity to knowingly commit the crime in question.
 - Ms. Stevens said it would protect some, however, it would not impact those in crisis who knowingly caused harm but perhaps did not want to.
 - Ms. Stevens offered a distinction between knowingly and purposefully committing an act.
 - If an individual were in full-blown psychosis, they may knowingly cause harm and not necessarily intend it.
- Sen. Altschiller asked Ms. Stevens if there would be more individuals in jail for mental health crisis if the knowing standard were employed. Sen. Altschiller further asked if jails had the resources for a potential surge of mental health patients.
 - Ms. Stevens said that the county correctional departments had routinely made it clear that they lacked the resources and capacity to assist those in crisis.
 - Ms. Stevens appreciated the removal of the reckless standard by the House of Representatives.
- Sen. Altschiller asked if purposefully was a better standard, and if a study committee would be ultimately preferable.
 - Ms. Stevens replied affirmatively.
- Sen. Altschiller noted that mental health services were at a deficit in the current biennium.
 - Ms. Stevens said she had been in House Finance all week, who had suggested the State sell off mental health facilities and assets and were contemplating significant funding cuts.
- Sen. Gannon asked Ms. Stevens to elaborate on knowingly vs purposely.

- Ms. Stevens said that knowingly meant that an individual was aware of their conduct or that such conduct existed, whereas purposely meant an individual sought a certain outcome or result.

Karen Rosenberg

Policy Director, Disability Rights Center

- HB 59-FN was unnecessary; Assault on anyone was a crime.
- If passed, HB 59-FN may not have the impact of reducing assaults against first responders.
- Aside from being concerned about those with mental illness, there were concerns for individuals with Alzheimer's, Dementia, intellectual disabilities or traumatic brain injuries.
- It was unclear what the severity or breadth of the issue was.
- Individuals should not be incarcerated when they are below the capacity to fully understand what happened, and if incarcerated, would be devoid of productive services to treat their condition.
- Ms. Rosenberg asked for a study committee on the policy if passed, so the public can understand the impact and adequately address other factors if necessary.
- Ms. Rosenberg asked the committee to remove the presumption of dangerousness referred to in HB 59-FN and reiterated that a judge can make that determination.

Betty Gay

Former House Representative

- Rep. Gay supported HB 59-FN and appreciated its language.
- Rep. Gay believed that HB 59-FN would prevent crimes that would have resulted in the death sentence if committed during her childhood.
- Rep. Gay stated that it used to be rare for police to be killed, whereas now it was prolific due to the lack of a death penalty for the crime.
- New Hampshire prisons were very thoughtful in treating mental illness.
- When someone was violent, and mentally ill, they must be restrained.
- The legislature ought to spell out what must happen to violent, mentally ill individuals if incarceration or hospitalization at the ER were discouraged.
- Rep. Gay believed that someone had to restrain and assess mentally ill individuals prior to treating them.
- There must be consequences for those who caused harm.
- Rep. Gay said that the problem was serious as just one instance was too many.
- Rep. Gay lauded other state's efforts to reign in the insanity defense.

Kathryn Horgan

Vice President, Government Affairs, The Dupont Group

- Ms. Horgan took the stand to clarify that none of the County Correctional Facilities in the State of New Hampshire can force or restrain anyone in their facility.

PM
Date Hearing Report completed: April 7, 2025