

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 188-FN, relative to contempt of the general court.

Hearing Date: April 29, 2025

Time Opened: 1:28 p.m.

Time Closed: 1:34 p.m.

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

Members of the Committee Absent : Senator Abbas

Bill Analysis: This bill establishes criminal penalties and civil remedies for contempt of the general court.

Sponsors:

Rep. Packard

Rep. Ammon

Rep. Cambrils

Rep. Moffett

Rep. Mooney

Rep. S. Smith

Rep. Spillane

Rep. Hill

Rep. Lynn

Sen. Lang

Who supports the bill: Four individuals supported HB 188-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the bill: 19 individuals opposed HB 188-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: n/a

Summary of testimony:

Representative Steven Smith

Deputy Speaker of the House

Sullivan – District 3

- HB 188 was drafted by Speaker of the House, Representative Sherman Packard.
- The House has always had subpoena power. Without a defined process, if it had been asserted, and an individual did not comply, the courts would create the penalty and therefore the law.
- HB 188 created a statute relative to contempt of the general court and had been modeled after the federal contempt of congress statute.

- Sen. Altschiller asked if there are examples where HB 188 would have been helpful in questioning or obtaining documents.
 - Rep. Smith said there have been cases where accessing documents has been difficult. Given that the legislature has such a condensed session, and that the actual subpoena procedure was undefined, it isn't leveraged.
- Sen. Altschiller asked if it wasn't leveraged because there was no recourse for the legislature if contempt persisted.
 - Rep. Smith said that was true and added that it was difficult to proceed without codifying what the General Court may do for recourse.
- Sen. Altschiller asked when the last time subpoena power was used.
 - Rep. Smith said he could not recall. There was an occasion several years ago where he was denied access to data from a state agency.
- Sen. Altschiller asked if HB 188 were law, if contempt would be held toward the commissioner of an agency, or somebody else.
 - Rep. Smith said in some agencies it would be the commissioner, however, agencies with special departments may have their director hit with contempt as opposed to the commissioner.

PM

Date Hearing Report completed: May 2, 2025