

# Senate Judiciary Committee

*Pete Mulvey 271-4063*

**HB 143**, relative to the issuance of no trespass orders on municipal or school district property.

**Hearing Date:** May 15, 2025

**Time Opened:** 3:52 p.m.

**Time Closed:** 4:14 p.m.

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

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

**Bill Analysis:** This law establishes the process for issuing, extending, and appealing no trespass orders for public properties, including but not limited to municipal and school properties.

This bill further establishes procedural safeguards for individuals affected by these orders, including the right to a hearing and appeal.

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**Sponsors:**

Rep. Harvey-Bolia

Rep. Osborne

Rep. Pauer

Rep. Peternel

Rep. Terry

Rep. Thibault

Rep. Creighton

Sen. McGough

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**Who supports the bill:** Rep. Juliet Harvey-Bolia, Rep. Yury Polozov, Rep. Kristin Noble, Eric Pauer, Jonathan Hall, Diane Arsenault, and Anthony Foote.

**Who opposes the bill:** Barrett M. Christina, Sarah Burke Cohen, Molly DiPadova, Susan Dunker, Meg Murphy, Stephanie Osborne, Peter Prinie, William Copeland Jr., Daniel Bergeron, Linda Barnes, Denise Van Zanten, Elizabeth Sargent and Deaglan McEachern.

**Who is neutral on the bill:** N/A

**Summary of testimony:**

**Representative Juliet Harvey Bolia**

**Belknap – District 3**

- The bill sought to solve the issue of lacking due process for those subjected to No Trespass Orders (NTOs) for school property.

- Massachusetts's Civil Liberties Union has maintained that due process is required for NTOs, as well have Vermont School Boards.
- Parents and legal guardians had a right to attend meetings relative to their child's education. NTOs which prevented attendance at conferences and such encroached upon that right.
- NTOs should not impede transporting children to and from school either, according to Rep. Harvey Bolia.
- Rep. Harvey Bolia referred to the case of Jeffrey Pendelton, a homeless man jailed for 30 days given a NTO relative to a library, which never got resolved in court before his death while incarcerated.
- In 2022, a local man got into an exchange at the transfer station, which resulted in him being trespassed, which was still in effect. He has never had a hearing or due process.
- Bow parents were subject to NTOs without the option or offer for hearing.
- The bill passed nearly unanimously on the House floor.

**Eric Pauer**

**Brookline, New Hampshire**

- Mr. Pauer supported the bill.
- Many no trespass orders were used during the pandemic over failure to comply will public health guidelines.
- Lack of due process denied individuals their rights.
- There was no framework for NTOs, enabling legal liability for municipalities.
- Those subject to no trespass orders were uncomfortable coming forward to talk about it.
- One of Mr. Pauer's neighbors has been banned from the transfer station via a NTO for over 30 months for what he described as a dubious incident in the year 2022.
- Denial of access to a property ought to be held and decided by a supermajority of the governing body to reflect the concept of beyond a reasonable doubt.
- Mr. Pauer asked that the bill be found OTP.

**Sarah Burke Cohen**

**New Hampshire Municipal Association**

- Ms. Cohen and the NHMA opposed HB 143.
- HB 143 may create safety concerns for municipalities and their employees.

- If a NTO is issued, there are logistical issues with appeals. Individuals must be served, typically by police, which became problematic for transients. Strict time lines made that problem worse.
- Many municipalities meet every 30 days, therefore, getting everyone together in between would be logistically challenging.
- Appeal of a NTO was already an option, if an individual is arrested for a violation.
- NTO hearings would need police presence given that disruptive individuals are usually subject to NTOs.
- Ms. Cohen said the municipal association would not oppose the bill being worked on further.
- Sen. McConkey suggested that it would cost municipalities money to have police present at select board meetings relative to issuance of a NTO.
  - Ms. Cohen concurred.
- Sen. Reardon believed that NTOs were not one size fits all. Some individuals were ‘frequent flyers’ with underlying issues, which may not benefit from a publicly exposed hearing. Sen. Reardon asked if a multi-tiered system was necessary to consider the egregiousness of the conditions which resulted or may result in an order.
  - Ms. Cohen reiterated that the NHMA did not oppose further work and emphasized that they could not support the bill in its current state.

**Elizabeth Sargent**

**Sheehan Phinney Capitol Group**

- Ms. Sargent spoke on behalf of the New Hampshire Association of Chiefs of Police.
- Ms. Sargent and the Association of Chiefs of Police opposed the bill, and suggested working on the bill further collaboratively.
- The bill raised a number of significant questions and concerns for law enforcement, such as compliance issues or enforcement questions.
- Whether or not a NTO shall be active amid an appeal or until a decision is reached is unclear.