HB 1443 - AS AMENDED BY THE HOUSE

15Mar2018... 0478h

2018 SESSION

18-2146
04/01

HOUSE BILL ***1443***

AN ACT relative to a jury's determination as to the applicability of a law.

SPONSORS: Rep. Marple, Merr. 24; Rep. Itse, Rock. 10; Rep. Burt, Hills. 39; Rep. Hoell, Merr. 23; Rep. Renzullo, Hills. 37; Rep. Spillane, Rock. 2; Rep. Prout, Hills. 37; Sen. Reagan, Dist 17

COMMITTEE: Judiciary

ANALYSIS

This bill requires the court to instruct jurors that the jury determines the applicability of the law to the facts of the case.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to a jury's determination as to the applicability of a law.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Findings. The legislature finds that the New Hampshire Constitution, Part 1, Article 21 identifies trial by jury to be an inestimable privilege indicating its importance in the application of law and justice. Furthermore, Part 1, Article 12 identifies a role of the people in approving law; the only location for this consent is the jury.

2 Jury Instruction. RSA 519:23-a is repealed and reenacted to read as follows:

519:23-a Jury Instruction. In all criminal proceedings the court shall inform the jury of its right to judge the facts and the application of the law in relation to the facts in controversy. At the request of the defendant or the defendant's attorney, the court shall instruct the jury as follows: If you have a reasonable doubt as to whether the state has proved any one or more of the elements of the crime charged, you must find the defendant not guilty. However if you find that the state has proved all the elements of the offense charged beyond a reasonable doubt, you should find the defendant guilty, unless your right of conscience dictates that the facts of the case reveal that a guilty verdict will yield an unjust result; accordingly you shall find the defendant not guilty.

3 Effective Date. This act shall take effect January 1, 2019.