HB 1026-FN - AS INTRODUCED

2024 SESSION

24-2301
09/08

HOUSE BILL ***1026-FN***

AN ACT relative to resisting arrest.

SPONSORS: Rep. Belcher, Carr. 4; Rep. Coulon, Graf. 5; Rep. T. Mannion, Hills. 1; Rep. Phinney, Straf. 9; Rep. Read, Rock. 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes an affirmative defense to the crime of resisting arrest that the arrest was unlawful or constitutional.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2301
09/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to resisting arrest.

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

1 Criminal Code; Obstructing Governmental Operations; Resisting Arrest or Detention. Amend RSA 642:2 to read as follows:

642:2 Resisting Arrest or Detention. A person is guilty of a misdemeanor when the person knowingly or purposely physically interferes with a person recognized to be a law enforcement official, including a probation or parole officer, seeking to effect an arrest or detention of the person or another [~~regardless of whether there is a legal basis for the arrest~~]. A person is guilty of a class B felony if the act of resisting arrest or detention causes serious bodily injury, as defined in RSA 625:11, VI, to another person. Verbal protestations alone shall not constitute resisting arrest or detention. ***A legal finding that an arrest was unlawful or unconstitutional shall constitute an affirmative defense to any prosecution under this section.***

2 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2301
10/20/23

HB 1026-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to resisting arrest.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund	None			
Expenditures	Indeterminable			
Funding Source	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	Indeterminable			
Local Revenue	$0	$0	$0	$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association