

HB 1025-FN - AS INTRODUCED

2022 SESSION

22-2304

08/04

HOUSE BILL

***1025-FN***

AN ACT                   relative to impeding, provoking, or harassing law enforcement officers.

SPONSORS:           Rep. Baldasaro, Rock. 5; Rep. Love, Rock. 6; Rep. Sheehan, Hills. 23; Rep. Ulery, Hills. 37; Rep. S. Pearson, Rock. 6; Rep. Post, Hills. 4; Sen. Carson, Dist 14; Sen. Giuda, Dist 2

COMMITTEE:       Criminal Justice and Public Safety

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ANALYSIS

This bill makes it a misdemeanor to impede, provoke, or harass a law enforcement officer.

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                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to impeding, provoking, or harassing law enforcement officers.

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

1            1   New Section; Impeding or Provoking a Law Enforcement Officer.   Amend RSA 642 by  
2   inserting after section 10 the following new section:

3            642:11 Impeding or Provoking a Law Enforcement Officer.

4            I. After receiving a verbal warning from a law enforcement officer not to approach, no person  
5   shall:

6                      (a) Violate such warning and approach;

7                      (b) Remain within 30 feet of a law enforcement officer who is engaged in the lawful  
8   performance of any legal duty with the intent to:

9                      (1) Interrupt, disrupt, hinder, impede, or interfere with the law enforcement officer's  
10   ability to perform such duty; or

11                      (2) Provoke a physical response from the law enforcement officer.

12            II. A person who violates this section shall be guilty of a class A misdemeanor.

13            2 Effective Date. This act shall take effect January 1, 2023.

**HB 1025-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT relative to impeding, provoking, or harassing law enforcement officers.

**FISCAL IMPACT:**    ☒ **State**                      ☒ **County**                      ☐ **Local**                      ☐ **None**

| STATE:                 | Estimated Increase / (Decrease)             |                                    |                                  |                                |
|------------------------|---------------------------------------------|------------------------------------|----------------------------------|--------------------------------|
|                        | FY 2022                                     | FY 2023                            | FY 2024                          | FY 2025                        |
| <b>Appropriation</b>   | \$0                                         | \$0                                | \$0                              | \$0                            |
| <b>Revenue</b>         | \$0                                         | \$0                                | \$0                              | \$0                            |
| <b>Expenditures</b>    | \$0                                         | Indeterminable Increase            | Indeterminable Increase          | Indeterminable Increase        |
| <b>Funding Source:</b> | <input checked="" type="checkbox"/> General | <input type="checkbox"/> Education | <input type="checkbox"/> Highway | <input type="checkbox"/> Other |

**COUNTY:**

|                     |     |                         |                         |                         |
|---------------------|-----|-------------------------|-------------------------|-------------------------|
| <b>Revenue</b>      | \$0 | \$0                     | \$0                     | \$0                     |
| <b>Expenditures</b> | \$0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |

**METHODOLOGY:**

This bill contains a penalty that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                              |                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|----------------------------------------------|
| Judicial Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | FY 2022                                      | FY 2023                                      |
| Public Defender Program                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Has contract with State to provide services. | Has contract with State to provide services. |
| Contract Attorney – Misdemeanor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$300/Case                                   | \$300/Case                                   |
| Assigned Counsel – Misdemeanor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$60/Hour up to \$1,400                      | \$60/Hour up to \$1,400                      |
| It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments. |                                              |                                              |
| NH Association of Counties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | FY 2022                                      | FY 2023                                      |

|                                                             |                |                |
|-------------------------------------------------------------|----------------|----------------|
| County Prosecution Costs                                    | Indeterminable | Indeterminable |
| Estimated Average Daily Cost of Incarcerating an Individual | \$105 to \$125 | \$105 to \$125 |

This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

**AGENCIES CONTACTED:**

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