HB 187-FN - AS INTRODUCED

2023 SESSION

23-0388
04/05

HOUSE BILL ***187-FN***

AN ACT permitting a police chief or other designated law enforcement officer to serve process.

SPONSORS: Rep. Berezhny, Graf. 11; Rep. Cushman, Hills. 28; Rep. Mazur, Hills. 44; Rep. Polozov, Merr. 10; Rep. T. Lekas, Hills. 38; Rep. Bernardy, Rock. 36; Sen. Murphy, Dist 16; Sen. Lang, Dist 2

COMMITTEE: Judiciary

ANALYSIS

This bill authorizes a local law enforcement officer to serve criminal or civil process and to enforce civil orders issued by any court.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT permitting a police chief or other designated law enforcement officer to serve process.

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

1 Police Officers and Watchmen; Powers and Compensation. Amend RSA 105:3 to read as follows:

105:3 Powers; Compensation. All police officers are, by virtue of their appointment, constables and conservators of the peace. ***They shall have the authority to serve criminal or civil processes, investigate crimes, enforce civil orders issued by any court, and to pursue and apprehend criminals that they have in their respective jurisdictions.***

2 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0388
12/8/22

HB 187-FN- FISCAL NOTE
AS INTRODUCED

AN ACT permitting a police chief or other designated law enforcement officer to serve process.

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

COUNTY:

Revenue	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill authorizes a local law enforcement officer to serve criminal or civil process and to enforce civil orders issued by any court.

The New Hampshire Municipal Association states currently the service of civil process is conducted by county sheriffs, and the remaining changes in the bill would not change existing law. The Association assumes there may be some expansion of the types of civil orders allowed to be enforced by local law enforcement. The bill does not authorize municipal police departments to charge fees for services provided by the county sheriff's pursuant to RSA 104:31. The Association indicates there may be an indeterminable increase in local expenditures and no impact on local revenue.

The New Hampshire Association of Counties indicates, that allowing municipal officers to serve papers could decrease county expenditures. Because there is no way to estimate how many requests to serve papers may arise or how that work would be divided between county and municipal officers, there is no way to estimate the fiscal impact.

The Department of Safety states, pursuant to RSA 106-B, state police do not serve civil processes or enforce civil orders. The Department indicates the proposed amendment would apply to local police and the bill would have no fiscal impact on the Department.

The Department of Fish and Game assumes this bill would have no fiscal impact on the Department's budget. Under RSA 206:26-b, II(a), conservation officers and the executive director are prohibited from serving civil processes. The Department states existing law already grants general authority for conservation officers to carry out the other duties listed in the bill.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

New Hampshire Municipal Association, New Hampshire Association of Counties, and Departments of Fish and Game and Safety