

HB 143 - AS AMENDED BY THE SENATE

6Mar2025... 0408h
6Mar2025... 0774h
06/05/2025 2608s
06/05/2025 2581s
06/05/2025 2583s
06/05/2025 2510s

2025 SESSION

25-0332
09/11

HOUSE BILL **143**

AN ACT relative to the issuance of no trespass orders on municipal or school district property, the responsibility of local school districts to provide meals to students during school hours, and reimbursing schools for meals provided to students at no cost, and relative to expanding the crime of endangering the welfare of a child.

SPONSORS: Rep. Harvey-Bolia, Belk. 3; Rep. Osborne, Rock. 2; Rep. Pauer, Hills. 36; Rep. Peternel, Carr. 6; Rep. Terry, Belk. 7; Rep. Thibault, Merr. 25; Rep. Creighton, Hills. 30; Sen. McGough, Dist 11

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill:

1. Establishes the process for issuing, extending, and appealing no trespass orders for public properties, including but not limited to municipal and school properties.
2. Establishes procedural safeguards for individuals affected by these orders, including the right to a hearing and appeal.
3. Authorizes school boards to raise eligibility for free meals, requires the department of education to reimburse schools who raise eligibility, and provides an appropriation therefor.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

1 AN ACT relative to the issuance of no trespass orders on municipal or school district property,
2 the responsibility of local school districts to provide meals to students during school
3 hours, and reimbursing schools for meals provided to students at no cost, and
4 relative to expanding the crime of endangering the welfare of a child.

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

5 1 Short Title. Sections 1 and 2 of this act may be cited to and known as the "No Trespass
6 Orders on Public Property Act."

7 2 New Section; Criminal Trespass; Order Against Trespass on Public Property. Amend RSA 635
8 by inserting after section 2 the following new section:

9 635:2-a Order Against Trespass on Public Property.

10 I.(a) A no trespass order (NTO) issued to a person which commands such person to leave or
11 not to enter any municipal or school property, shall not be issued to any person unless approved by
12 unanimous vote of the governing body taken in a duly noticed public meeting unless the person that
13 is the subject of the proposed NTO requests that the question be decided in non-public session.

14 (b) An NTO shall be written and shall include the following information:

15 (1) The date of issuance;

16 (2) The specific public property to which the order applies;

17 (3) A clear explanation of the reason for the NTO;

18 (4) The duration of the NTO, not to exceed 90 days;

19 (5) A statement informing the individual of the right to request a hearing, and if he
20 or she requests a hearing, the right to appear at a hearing to contest the NTO;

21 (6) Instructions on how to request a hearing; and

22 (7) A statement informing the individual of his or her right to ultimately appeal the
23 order to the superior court following the hearing.

24 II.(a) If requested, the governing body responsible for the public property shall hold the
25 hearing required under paragraph I to review the NTO. The individual who has received the NTO
26 shall be notified of his or her right to appear and present his or her case.

27 (b) After the hearing, the governing body shall issue a written decision to the individual,
28 which shall include:

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1 (1) Whether the NTO will be extended for up to 90 days from the date of issuance,
2 remain as originally issued, or rescinded; and

3 (2) The individual shall be informed of his or her right to appeal the decision to the
4 superior court.

5 (c) If an individual receives a subsequent NTO for the same property within 2 years of a
6 previous violation, the governing body may extend the NTO for up to one year.

7 III. If an NTO was originally issued for fewer than 90 days and the responsible governing
8 body wishes to extend it to 90 days, they may only do so by:

9 (a) A vote pursuant to paragraph V taken at a hearing held pursuant to paragraph II.

10 (b) By issuing a supplemental NTO that includes the information required by
11 subparagraph I(a), including the right to an additional hearing.

12 IV. If an NTO is sought to be extended beyond the 90-day period, the responsible governing
13 body shall initiate proceedings to seek a restraining order against the individual. A restraining
14 order shall be pursued in cases where a longer-term prohibition from the property is deemed
15 necessary.

16 V. NTOs shall require approval from the governing body to extended. Approval shall be by a
17 majority of the governing body, unless otherwise specified by local or school regulations. Governing
18 body approval shall not be required for such an order when a court order restraining a person from
19 entering the public property has been issued to the person and remains in effect.

20 VI. Any NTOs that are in effect for more than 90 days on the effective date of this section
21 shall be rescinded automatically. Any individual subject to such an NTO shall be notified of the
22 rescindment in writing.

23 VII. Any individual issued an NTO has the right to appeal the decision to the superior court,
24 as specified in subparagraph II(b)(2). Any appeal shall be filed within 30 days of the written notice
25 of the decision.

26 3 New Paragraphs; Food and Nutrition Programs. Amend RSA 189:11-a by inserting after
27 paragraph VIII the following new paragraphs:

28 IX. Each school board may vote to raise eligibility for free meals to 200 percent of the federal
29 poverty level. Meals served to students who meet the federal income eligibility guidelines shall
30 continue to be reimbursed in accordance with federal law and regulations. Meals not reimbursed in
31 accordance with federal law and regulations shall be reimbursed by the state of New Hampshire at a
32 rate that covers 50 percent of the difference between the federal rate for a free meal and a reduced-
33 price meal, or the difference between a free meal and a paid meal. The remainder of the costs shall
34 be covered by the local district.

35 X.(a) The department of education shall adopt rules under RSA 541-A requiring school
36 districts that opt into the optional program pursuant to paragraph IX to offer both online and
37 physical applications for free school meals.

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1 (b) The department of education shall provide administrative or technical assistance to
2 school districts establishing an online application for free or reduced-price school meals, and whose
3 school meal programs are approved to operate through the United States Department of Agriculture.

4 (c) School districts eligible for administrative or technical assistance or funding under
5 this section shall be those approved to operate federal school meal programs through the United
6 States Department of Agriculture and accepted by the department of education to participate in this
7 expansion of free and reduced lunch benefits.

8 4 Appropriation; Department of Education; Food and Nutrition Program.

9 I. The amount of \$107,000 is appropriated to the department of education for the biennium
10 ending June 30, 2026, for administrative costs related to providing administrative or technical
11 assistance to school districts establishing an online application for free or reduced-price school
12 meals. The governor is authorized to draw a warrant for said sums out of any money in the treasury
13 not otherwise appropriated.

14 II. The amount of \$250,000 is appropriated to the department of education for the biennium
15 ending June 30, 2026, for disbursement to school districts to be reimbursed at a 50 percent rate
16 pursuant to RSA 189:11-a, X(a) and to purchase software related to the establishment of an online
17 application for free or reduced-price school meals. The governor is authorized to draw a warrant for
18 said sums out of any money in the treasury not otherwise appropriated.

19 5 Endangering the Welfare of a Child; Additional Violative Conduct. Amend RSA 639:3 to read
20 as follows:

21 639:3 Endangering Welfare of Child or Incompetent.

22 I. A person is guilty of endangering the welfare of a child or incompetent if he knowingly
23 endangers the welfare of a child under 18 years of age or of an incompetent person by ~~purpose~~
24 violating a duty of care, protection or support he owes to such child or incompetent, or by inducing
25 such child or incompetent to engage in conduct that endangers his health or safety.

26 II. In the prosecution of any person under this section, the tattooing or branding by any
27 person of a child under the age of 18 constitutes endangering the welfare of such child.

28 II-a. In the prosecution of any person under this section, the placement of a child for
29 adoption or the attempt to place a child for adoption in violation of RSA 170-B:33 constitutes
30 endangering the welfare of such child.

31 III. In the prosecution of any person under this section, the solicitation by any person of a
32 child under the age of 16 to engage in sexual activity as defined by RSA 649-A:2, III for the purpose
33 of creating a visual representation as defined in RSA 649-A:2, IV, or to engage in sexual penetration
34 as defined by RSA 632-A:1, V, constitutes endangering the welfare of such child.

35 IV. A person who pursuant to the tenets of a recognized religion fails to conform to an
36 otherwise existing duty of care or protection is not guilty of an offense under this section.

1 ***IV-a. In the prosecution of any person under this section, engaging in unreasonable***
2 ***conduct that places a child under the age of 18 in danger of substantial risk of serious***
3 ***bodily injury or death constitutes endangering the welfare of such child. This paragraph***
4 ***shall not apply to reasonably causing or permitting a child to engage in athletic activities***
5 ***and other lawful recreational activities regardless of whether that participation creates a***
6 ***risk of bodily injury or death.***

7 ***IV-b. In the prosecution of any person under this section, engaging in unreasonable***
8 ***conduct that results in serious bodily injury or death to a child under the age of 18***
9 ***constitutes endangering the welfare of such child. This paragraph shall not apply to***
10 ***reasonably causing or permitting a child to engage in athletic activities and other lawful***
11 ***recreational activities regardless of whether that participation results in serious bodily***
12 ***injury or death.***

13 V. A person who endangers the welfare of a child or incompetent by violating paragraph ***IV-***
14 ***b of this section shall be guilty of a class A felony. A person who endangers the welfare of a***
15 ***child or incompetent by violating paragraph III or IV-a of this section, or who engages in a***
16 ***pattern of violating paragraph I of this section, is guilty of a class B felony. All other violations***
17 ***of this section are misdemeanors. For the purposes of this section, "pattern" means***
18 ***committing more than one act under paragraph I over a period of 2 months or more and***
19 ***within a period of 5 years.***

20 VI. No person acting in accordance with the provisions of RSA 132-A shall be guilty of an
21 offense under this section.

22 6 New Paragraph; Endangering Welfare of a Child; Responsive Generative Communication.
23 Amend RSA 639:3 by inserting after paragraph III the following new paragraph:

24 III-a.(a) In the prosecution of any person under this section, an owner or operator of a
25 computer online service, internet service, or bulletin board service, including a provider of an
26 artificial intelligence (AI) chat program, large language model artificial intelligence bot, chat bot,
27 character AI, or other computer application whose sole purpose is to provide responsive open-ended
28 generative communication through the use of artificial intelligence, constitutes endangering the
29 welfare of a child if the communication is made with the intent to facilitate, encourage, offer, solicit,
30 or recommend that the child imminently engage in:

31 (1) Sexually explicit conduct.

32 (2) The production or participation in the production of a visual depiction of such
33 conduct.

34 (3) The illegal use or drugs or alcohol.

35 (4) Acts of self-harm or suicide.

36 (5) Any crime of violence against another person.

37 (b) This paragraph shall not apply to:

1 (1) A provider of a telecommunications service or an information service, as defined
2 in 47 U.S.C. section 153, for the provision of content created by or supplied on behalf of another
3 person; or

4 (2) Any product, service, website, or application that provides an AI chat program or
5 character that is integral or incidental to a video game, television, streaming, movie, or other similar
6 interactive experience.

7 7 New Section; Private Right of Action; Responsive Generative Communication with Children.
8 Amend RSA 507 by inserting after section 8-j the following new section:

9 507:8-k Private Right of Action for Solicitation of Children Through Responsive Generative
10 Communication.

11 I. Any owner or operator of a computer online service, internet service, or bulletin board
12 service, including a provider of an artificial intelligence (AI) chat program, large language model
13 artificial intelligence bot, chat bot, character AI, or other computer application whose sole purpose is
14 to provide responsive open-ended generative communication through the use of artificial intelligence,
15 shall be liable to a child, parent of such child, or next friend of such child, for any communication
16 made with the intent to facilitate, encourage, offer, solicit, or recommend that the child imminently
17 engage in:

18 (1) Sexually explicit conduct.

19 (2) The production or participation in the production of a visual depiction of such
20 conduct.

21 (3) The illegal use of drugs or alcohol.

22 (4) Acts of self-harm or suicide.

23 (5) Any crime of violence against another person.

24 II. The owner or operator of such service shall be liable to the child, the child's parent, or the
25 child's next friend for damages proximately caused thereby, but in no instance liable for an amount
26 less than liquidated damages in the amount of \$1,000 per violation.

27 III. In addition to any damages set forth in this section, the owner or operator of a computer
28 service described in this chapter shall be liable for the attorney's fees of any plaintiff prevailing in an
29 action brought pursuant to this section.

30 IV. This section shall not apply to:

31 (1) A provider of a telecommunications service or an information service, as defined
32 in 47 U.S.C. section 153, for the provision of content created by or supplied on behalf of another
33 person; or

34 (2) Any product, service, website, or application that provides an AI chat program or
35 character that is integral or incidental to a video game, television, streaming, movie, or other similar
36 interactive experience.

37 8 Effective Date.

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- 1 I. Sections 1 and 2 of this act shall take effect 60 days after its passage.
- 2 II. Section 5- 7 of this act shall take effect January 1, 2026.
- 3 III. The remainder of this act shall take effect July 1, 2025