

Amendment to HB 143

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Short Title. This act may be cited to and known as the "No Trespass Orders on Public
4 Property Act."

5 2 New Section; Criminal Trespass; Order Against Trespass on Public Property. Amend RSA 635
6 by inserting after section 2 the following new section:

7 635:2-a Order Against Trespass on Public Property.

8 I.(a) Any no trespass order (NTO) issued to a person which commands such person to leave
9 or not to enter any public property, including, but not limited to, any municipal or school property,
10 shall be written and shall include the following information:

11 (1) The date of issuance;

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

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

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

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

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

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

20 (b) An individual issued an NTO shall have the right to a hearing to contest the NTO
21 upon written request. Any request for a hearing shall be in writing and requested no later than 20
22 days from the issuance of the NTO. The hearing shall be scheduled as soon as reasonably possible,
23 but no later than 20 calendar days from the date of the written request. If a hearing date is not held
24 within 20 calendar days of the written request, the NTO shall be automatically vacated, and if the
25 governing body wishes to reissue the NTO, a supplemental NTO shall be delivered to the person and
26 include the date of the scheduled hearing.

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

30 (b) After the hearing, the governing body shall issue a written decision to the individual,
31 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 be issued or extended. Approval
17 shall be by a supermajority of a minimum of 2/3 of the governing body, unless otherwise specified by
18 local or school regulations. Governing body approval shall not be required for such an order when a
19 court order restraining a person from entering the public property has been issued to the person and
20 remains in effect.

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

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

27 3 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This law establishes the process for issuing, extending, and appealing no trespass orders for public properties, including but not limited to municipal and school properties. This bill further establishes procedural safeguards for individuals affected by these orders, including the right to a hearing and appeal.