

Sen. Birdsell, Dist 19
Sen. Long, Dist 20
May 30, 2025
2025-2583s
09/08

Floor Amendment to HB 143

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the issuance of no trespass orders on municipal or school district property
4 and relative to expanding the crime of endangering the welfare of a child.

5

6 Amend the bill by replacing section 1 with the following:

7

8 1 Short Title. Sections 1 and 2 of this act may be cited to and known as the "No Trespass
9 Orders on Public Property Act."

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11 Amend the bill by replacing all after section 2 with the following:

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13 3 Endangering the Welfare of a Child; Additional Violative Conduct. Amend RSA 639:3 to read
14 as follows:

15 639:3 Endangering Welfare of Child or Incompetent.

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

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

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

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

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

31 ***IV-a. In the prosecution of any person under this section, engaging in unreasonable***
32 ***conduct that places a child under the age of 18 in danger of substantial risk of serious***

1 *bodily injury or death constitutes endangering the welfare of such child. This paragraph*
2 *shall not apply to reasonably causing or permitting a child to engage in athletic activities*
3 *and other lawful recreational activities regardless of whether that participation creates a*
4 *risk of bodily injury or death.*

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

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

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

20 4 Effective Date.

21 I. Section 3 of this act shall take effect January 1, 2026.

22 II. The remainder of this act shall take effect 60 days after its passage

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AMENDED ANALYSIS

This bill 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.

This bill also expands what constitutes endangering the welfare of a child by adding additional violative conduct.