

Amendment to HB 1709-FN

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

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3 AN ACT prohibiting certain unlawfully present felons from occupying or renting real property.

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

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7 1 New Section; Prohibited Occupancy or Tenancy of Real Property by Certain Illegal Aliens.

8 Amend RSA 540 by inserting after section 30 the following new section:

9 540:31 Prohibited Occupancy or Tenancy of Real Property by Certain Illegal Aliens.

10 I. An individual commits an offense if such individual is an occupant or tenant of real
11 property who:

12 (a) Is an alien illegally present in the United States;

13 (b) Has previously been convicted of a felony in the United States and deported or left
14 the United States after such conviction; and

15 (c) The status of such individual is confirmed by the Department of Homeland Security
16 pursuant to 8 United States Code, section 1252c.

17 II. Any individual who violates paragraph I shall be guilty of a class A misdemeanor.

18 III. A sheriff shall, to the extent possible and their ability to safely do so, arrest any
19 individual discovered during service of the writ of possession under RSA 540:14 to be in violation of
20 paragraph I or otherwise subject to arrest under 8 United States Code, section 1252c.

21 IV. If any provision of this section or the application thereof to any person or circumstances
22 is held invalid, such invalidity shall not affect other provisions or applications of the section which
23 can be given effect without the invalid provision or application, and to this end the provisions of this
24 section are declared to be severable.

25 2 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill prohibits certain unlawfully present aliens with prior felony convictions from occupying or renting real property and authorizes sheriffs to arrest such individuals during service of a writ of possession.